

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

NOTICE OF FINAL RULEMAKING

The Alcoholic Beverage Control Board ("Board"), pursuant to the authority set forth in D.C. Official Code § 25-351(a) (2001) and Section 303 of Title 23 of the District of Columbia Municipal Regulations ("DCMR"), 51 DCR 4309 (April 30, 2004), hereby gives notice of the adoption of the following final rules that replace existing subsection 304.4 of Title 23 DCMR and impose a limit of ten (10) on the number of retailer's licenses Class CN, CT, CX, DN, DT, or DX issued in the Adams Morgan Moratorium Zone. The final rules also prohibit the holder of a retailer's license Class CR or Class DR located within the Adams Morgan Moratorium Zone from changing its license class to any non-restaurant license class except when the number of retailer's licenses Class CN, CT, CX, DN, DT, or DX in the Adams Morgan Moratorium Zone is fewer than ten (10). The final rules were adopted by the Board on August 15, 2007. The text of the final rules is substantively identical to the text of the notice of emergency and proposed rulemaking published in the D.C. Register on March 16, 2007 at 54 DCR 2380.

On July 18, 2006, the Board received a request from Advisory Neighborhood Commission ("ANC") 1C to amend the existing Adams Morgan Moratorium Zone to: (1) impose a numerical cap of ten (10) on the number of Class CT and DT (Tavern) retailer's licenses permitted within the Adams Morgan Moratorium Zone at any one time; and (2) prohibit any additional conversions of Class CR and Class DR (Restaurant) retailer's licenses to CT and DT (Tavern) retailer's licenses within the Adams Morgan Moratorium Zone. The request of ANC 1C was filed after the lapse of the necessary two-year period to amend an existing moratorium, as set forth in D.C. Official Code § 25-351(f) (2001). In response to ANC 1C's petition request, the Board adopted emergency rules on August 2, 2006 to place a moratorium on the filing of any additional change of license class applications by holders of Class CR and Class DR retailer's licenses in the Adams Morgan Moratorium Zone pending the Board's holding of a public hearing, pursuant to D.C. Official Code § 25-354 (2001), on October 11, 2006. At the October 11, 2006 public hearing, the Board decided to keep the record open until October 25, 2006 for the submission of written comments on ANC 1C's request to amend the existing Adams Morgan Moratorium Zone.

During the hearing process, the Board received timely detailed testimony and comments from ANC 1C, the Kalorama Citizens Association ("KCA"), the Reed Cooke Neighborhood Association ("RCNA"), the Metropolitan Police Department ("MPD"), and nearby Adams Morgan residents and business owners. The Board found this testimony to warrant adopting ANC 1C's request to impose a limit of ten (10) on the number of Class CT or DT retailer's licenses permitted at any one time within the Adams Morgan Moratorium Zone based upon the appropriateness standards set forth in D.C. Official Code §§ 25-313(b)(2), 25-313(b)(3), and 25-314(c) (2001). Based upon comments received from the KCA and Board concerns that ANC 1C's proposal would still allow Class CR and Class DR (restaurants) to apply for Class CN or Class DN

(Nightclub) or Class CX or Class DX (Club or Multipurpose Facility) licenses, which would circumvent the intent of ANC 1C's proposal, the Board is also including Class CN, CX, DN, and DX retailer's license categories in the numerical limit of ten (10). The Board also found the testimony to warrant granting ANC 1C's request to prohibit the holders of retailer's licenses Class CR or Class DR located within the Adams Morgan Moratorium Zone from changing their license class to Class CT or Class DT (Tavern). Based upon the above, the Board is also prohibiting the holder of a retailer's license Class CR or Class DR from changing its license class to CN, CX, DN, or DX in the Adams Morgan Moratorium Zone except when the total number of retailer's licenses in all of these categories is fewer than ten (10).

In reaching its decision, the Board gave great weight to the written recommendations of ANC 1C as required by section 13(d)(3) of the Advisory Neighborhood Councils Act of 1975, effective October 10, 1975, D.C. Law 1-21, D.C. Official Code § 1-309.10(d)(3) (2001), as amended, and D.C. Official Code § 25-609 (2001). In reviewing the request of ANC 1C to amend the Adams Morgan Moratorium Zone, the Board finds based upon the appropriateness standards set forth in D.C. Official Code §§ 25-313(b)(2) and 25-313(b)(3) (2001), that the testimony and evidence put forward by ANC 1C, MPD, the KCA, RCNA, and various individual residents located in or in proximity to the Adams Morgan Moratorium Zone reveals that significant problems with peace, order, and quiet, particularly with respect to late night noise, litter, rowdy behavior, and vehicular and pedestrian safety, as well as parking problems, continue to occur despite the presence of an existing moratorium in Adams Morgan. For example, both ANC 1C and the KCA displayed detailed videotapes that demonstrated acute problems with late night noise, public vomiting, and violent and rowdy behavior caused by patrons of ABC establishments in the Adams Morgan Moratorium Zone. The KCA videotape also established significant vehicular and pedestrian safety problems in the Adams Morgan Moratorium Zone. The testimony of MPD Inspector Patrick Burke, which the Board found very persuasive, indicated that the amount of alcohol served in the Adams Morgan Moratorium Zone can be directly attributed to a disproportionate number of calls for service for disorderly conduct, simple assaults, assaults, and other criminal activity even with MPD officers present. As a result, Inspector Burke strongly supported ANC 1C's request to amend the Adams Morgan Moratorium Zone. Written testimony submitted to the Board also established that the late night activity of ABC establishments, including taverns, is generating a substantial adverse impact on Adams Morgan residents located either within or in close proximity to the Adams Morgan Moratorium Zone. The Board did not find that the ABC establishments in the Adams Morgan Moratorium Zone are adversely affecting real property values in the surrounding area.

Currently, there are ten (10) Class CT or DT retailer's licenses in the Adams Morgan Moratorium Zone. The Board gave serious consideration to the request of both the KCA and RCNA to impose a limit of six (6) Class CT, CN, CX, DT, DN, or DX retailer's licenses in the Adams Morgan Moratorium Zone. However, the Board ultimately decided to impose a limit of ten (10) for these retailer's license categories as it found reasonable the rationale of ANC 1C that the cap limit should reflect the existing number of these licenses currently in existence within the Adams Morgan Moratorium Zone.

ANC 1C's July 18, 2006 moratorium petition also requests that the Board disapprove any additional class change conversion requests filed by the holders of Class CR and Class DR licenses that are currently pending with the Board. Consistent with the Board's decision in its August 2, 2006 Notice of Emergency Rulemaking, the Board is not applying the class change restrictions contained in this rulemaking to the seven (7) pending change of license class applications that were filed with the Board prior to August 2, 2006. These seven (7) pending applications will go through the Board's usual administrative process and will receive careful scrutiny at protest hearings already scheduled or to be scheduled.

The statements set forth above reflect the written reasons for the Board's decision as required by subsection 303.1 of Title 23 DCMR (2004).

Pursuant to D.C. Official Code § 25-211(b)(2) (2001), the proposed rules were transmitted to the Council of the District of Columbia ("Council"), for a ninety (90) day period of review on April 27, 2007. These proposed rules were approved by Council Resolution 17-266, the Adams Morgan Liquor License Moratorium Amendment Approval Resolution of 2007, adopted by the Council at its July 10, 2007 legislative meeting. These final rules will become effective five (5) days after being published in the D.C. Register.

Title 23 DCMR, Chapter 3 (Limitations on Licenses), is amended by replacing the existing subsection 304.4 to read as follows:

304.4 The number of Retailer's licenses Class CN, CT, CX, DN, DT, or DX located within the Adams Morgan Moratorium Zone shall not exceed ten (10). The holder of a Retailer's license Class CR or DR located within the Adams Morgan Moratorium Zone shall be prohibited from changing its license class except when the number of Retailer's licenses Class CN, CT, CX, DN, DT, or DX in the Adams Morgan Moratorium Zone is fewer than ten (10). Nothing in this subsection shall prohibit the Board from approving a change of license class application that was filed with the Board by the holder of a retailer's license Class CR or DR located within the Adams Morgan Moratorium Zone prior to August 2, 2006.

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

NOTICE OF FINAL RULEMAKING

The Alcoholic Beverage Control Board ("Board"), pursuant to the authority set forth in D.C. Official Code § 25-351(a) (2006 Supp.) and Section 303 of Title 23 of the District of Columbia Municipal Regulations ("DCMR"), 51 DCR 4309 (April 30, 2004), hereby gives notice of the adoption of the following final rules that create a new section 310 of Title 23 DCMR and impose a three (3) year moratorium on the sale of single containers of beer, malt liquor, ale, as well as spirits (liquor) sold in half-pints or smaller by the holders of retailer's licenses class A and B located on both sides of the street on H Street, N.E., between and including the 700 block of H Street, N.E., and the 1400 block of H Street, N.E., which shall be known as the H Street Moratorium Zone. The final rules were adopted by the Board on August 15, 2007. The text of the final rules is substantively identical to the text of the notice of proposed rulemaking published in the D.C. Register on June 29, 2007 at 54 DCR 6448.

On September 20, 2006, the Board received a written request from Advisory Neighborhood Commission ("ANC") 6A (hereinafter, "ANC 6A Moratorium Petition") to issue regulations declaring a moratorium on the sale of single containers of alcohol by current and future class A and B retail license holders in the portion of the District of Columbia centered at Me & My Supermarket, located at 1111 H Street, N.E., effective to those license holders along the H Street, N.E., corridor. The Board conducted a public hearing, pursuant to D.C. Official Code § 25-354 (2006 Supp.), on January 17, 2007, to consider ANC 6A's petition request. The Board received a significant amount of detailed testimony and written comments from ANC 6A, the Office of the Deputy Mayor for Planning and Economic Development ("DMPED"), the Metropolitan Police Department ("MPD"), including comments from Mayor Adrian M. Fenty and Ward Six Councilmember Tommy Wells, Laurie Collins, President, Mount Pleasant Neighborhood Alliance ("MPNA"), Paul Pascal, on behalf of the D.C. Association of Beverage Alcohol Wholesalers, Gary Cha, on behalf of the Korean American Grocers Association ("KAGRO"), numerous District of Columbia residents, and business owners. The Board found the testimony provided by ANC 6A, MPD, DMPED, and a number of nearby residents to warrant the issuance of a moratorium on the sale of single containers of alcoholic beverages, including beer, malt liquor, ale, as well as spirits (liquor) sold in half-pints or smaller, by holders of retailer's licenses class A and B located on both sides of the street on H Street, N.E., between and including the 700 block of H Street, N.E., and the 1400 block of H Street, N.E., based upon the appropriateness standards set forth in D.C. Official Code § 25-313(b) (2006 Supp.).

In reaching its decision, the Board gave great weight to the written recommendations of ANC 6A as required by section 13(d)(3) of the Advisory Neighborhood Councils Act of 1975, effective October 10, 1975, D.C. Law 1-21, D.C. Official Code § 1-309.10(d)(3) (2006 Repl.), as amended, and D.C. Official Code § 25-609 (2001). At a regularly

scheduled public meeting on May 12, 2005, ANC 6A voted to support a moratorium on the sale of single containers of alcoholic beverages by the holders of retailer's licenses class A and B on the portion of H Street, N.E., that is centered at Me & My Supermarket located at 1111 H Street, N.E. The Board found merit in ANC 6A's reasoning for requesting a moratorium on the sale of singles, which included improving the quality of life of ANC 6A residents by reducing the negative impact on the community caused by the sale of singles, such as litter, public drunkenness, and loitering, and encouraging and contributing to the economic revitalization of the H Street, N.E., corridor. In considering the appropriateness of the request, the Board found the testimony and comments submitted by ANC 6A, MPD, and individuals citizens of the surrounding neighborhood to reveal that chronic problems with peace, order, and quiet, more pointedly with respect to litter, loitering, public drunkenness, public urination, and criminal activity persist throughout the H Street, N.E., corridor because of the sales of single containers of alcoholic beverages. The Board notes that based upon testimony of community residents regarding the types of containers found littered in the neighborhood, and the written comments of Councilmember Wells, the moratorium is specifically limiting the sale of: (1) individual containers of beer, malt liquor, or ale; and, (2) liquor sold in half-pints or smaller.

The ANC 6A Moratorium Petition noted that criminal activity, such as the public consumption of alcoholic beverages, public urination, public intoxication, and other disorderly conduct occur as a result of the sale of single containers of alcoholic beverages. The ANC 6A Moratorium Petition cited the successful enactment of a similar ban on single sales in the Mount Pleasant neighborhood, which over the course of four (4) years has resulted in a forty-one percent (41%) reduction in total calls for MPD service, and a fifty-one percent (51%) reduction in disorderly calls allowing MPD officers to focus on more serious crimes in the neighborhood. These statistics were affirmed by testimony received from Laurie Collins, President, on behalf of MPNA – the community association that initiated the Mount Pleasant ban on single sales – who also noted that there is noticeably less public urination, less littering of empty bottles and cans on the street, and less public drinking since off-premises retailers in the Mount Pleasant neighborhood were prohibited from selling single containers of alcohol. The testimony and comments provided by MPD revealed that between January 1, 2006 and December 10, 2006, between the 800 and 1400 block of H Street, N.E., there were three hundred and thirty (330) calls for service for quality of life crimes, which consist of urinating in public, drinking in public, public intoxication, and general disorderly conduct, requiring two hundred and ninety-seven (297) MPD man hours to handle all of the calls. Additionally, during that same time period, there were two hundred and forty-five (245) quality of life arrests made, which required four hundred and ninety (490) MPD hours of work to process all of the arrests. Based on his professional experience and familiarity with the H Street, N.E., corridor, Sergeant James Rogers indicated that the quality of life crimes along the H Street, N.E., corridor are directly related to the sale of single containers of alcoholic beverages because of the easy access individuals have to the alcohol and that the enactment of a moratorium will allow MPD officers to spend more time on the streets.

The Board found based upon the testimony and evidence submitted by Commissioner Mary Beatty, Commissioner Raphael Marshall, and residents of the neighborhood that prohibiting the sale of single containers of alcoholic beverages will have a positive impact not only on the littering and loitering that is occurring along the H Street, N.E., corridor, but also on improving existing problems with pedestrian safety in this area. The testimony of residents David Burnheart and Malcolm Ross revealed that individual beer cans, malt liquor cans, and half pints of alcohol are littered throughout the neighborhood causing both an eyesore and a daily cleaning burden for community residents. Also, the Board found the testimony and pictorial evidence submitted by Commissioners Beatty and Marshall to reveal that the H Street, N.E., corridor has become a destination for alcohol as people are often seen getting off buses and out of cars going into licensed establishments and then using the curbsides as open-air bars, drinking alcoholic beverages from brown paper bags. The testimony and comments further revealed to the Board that the loiterers engaging in public drinking then have a negative impact on pedestrian safety as community residents are afraid to walk along the H Street, N.E., corridor for fear of encountering inebriated individuals.

In rendering its decision, the Board agreed with ANC 6A that the crime, littering, loitering, and public intoxication associated with the sale of single containers of alcoholic beverages is a major impediment to the economic revitalization of the H Street, N.E., corridor because each of those factors contributes to the perception that the area is unsafe, ultimately discouraging community residents from patronizing retail businesses along the corridor. The Board's assessment was also based upon the written comments of Mayor Fenty and Councilmember Wells, who each expressed support for the moratorium as an effective mechanism to improve the general quality of life along the H Street, N.E., corridor and to hasten the revitalization of the neighborhood by reducing the loitering, public drunkenness, littering, and crime. The testimony and evidence provided by Derrick Lanardo Woody, a coordinator with DMPED, confirmed that the government of the District of Columbia has committed millions of dollars towards improving the infrastructure along the H Street, N.E., corridor; however, the moratorium will attract quicker those commercial and residential developers that have expressed skepticism about investing in the area because of the pervasive loitering and public intoxication problems along the corridor. The Board notes that it received testimony and comments in opposition to the moratorium from Paul Pascal, on behalf of the D.C. Association of Beverage Alcohol Wholesalers, Gary Cha, on behalf of KAGRO, neighborhood residents Bobby Pittman and Hannah Goldstein, and Lincoln Jerome Hodges, manager of Family Liquors, located at 710 H Street, N.E. However, the Board found the arguments put forth by those in opposition to the moratorium to be less convincing in the face of a more wide-spread consensus as presented by ANC 6A, MPD, government leaders, and neighborhood residents that a moratorium on the sale of single containers of alcoholic beverages is vital to improving the current overall condition of the H Street, N.E., corridor.

The statements set forth above reflect the written reasons for the Board's decision as required by section 303.1 of Title 23 DCMR.

Pursuant to D.C. Official Code § 25-211(b)(2) (2006 Supp.), the proposed rules were transmitted to the Council of the District of Columbia ("Council"), for a ninety (90) day period of review on June 19, 2007. These proposed rules were approved by Council Resolution 17-336, the H Street Moratorium Emergency Approval Resolution of 2007, adopted by the Council at its July 10, 2007 legislative meeting. These final rules will become effective five (5) days after being published in the D.C. Register.

Title 23 DCMR, Chapter 3 (Limitations on Licenses), is amended by inserting a new Section 310 to read as follows:

310 H STREET MORATORIUM ZONE

- 310.1 The H Street Moratorium Zone shall consist of both sides of the street on H Street, N.E., between and including the 700 block of H Street, N.E., and the 1400 block of H Street, N.E.
- 310.2 Within the H Street Moratorium Zone, a licensee under an off-premises retailer's license, class A or B, shall not sell, give, offer, expose for sale, or deliver either: (1) an individual container of beer, malt liquor, or ale; or, (2) spirits (liquor) in sizes of half-pint or smaller.
- 310.3 Within the H Street Moratorium Zone, a licensee under an off-premises retailer's license, class A or B, shall not divide a manufacturer's package of more than one container of beer, malt liquor, or ale, to sell an individual container of the package.
- 310.4 This section shall apply to new or transferred class A or B retailer's licenses issued during the moratorium period within the H Street Moratorium Zone.
- 310.5 The section shall expire three (3) years after the date of publication of the notice of final rulemaking.

DEPARTMENT OF HEALTH**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth under § 302 (14) of the District of Columbia Health Occupations Revision Act of 1985 (Act), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Title 17 (Business, Occupations & Professions) (May 1990) of the District of Columbia Municipal Regulations (DCMR). The purpose of the amendment is to update licensure and practice regulations for the profession of Marriage and Family Therapy and address the "grandfathering" of those marriage and family therapists not currently licensed and by establishing rules for supervising those in training to become licensed therapists.

This rulemaking was previously published on April 20, 2007 at 54 DCR 3533. No written comments were received during the thirty (30) day comment period from the public in connection with this notice. After publication the Board of Marriage and Family Therapy made additional amendments to the regulations which included technical corrections, amendments to clarify that the waiver of examination and education requirements set forth in § 7706.1 applied to all individuals licensed in an allied health profession as opposed to only individuals licensed in the District of Columbia, and to clarify that online degree programs will not be accepted by the Board for licensure.

This proposed rulemaking was thereafter published on June 29, 2007 at 54 DCR 6468 for an additional public comment period. No written comments were received during the thirty (30) day comment period from the public in connection with this notice. No changes have been made to the final rulemaking from the proposed rulemaking notice published on June 29, 2007.

These regulations will become effective upon publication of this notice in the D.C. Register.

Chapter 77 (Marriage and Family Therapy) of Title 17 DCMR (Business, Occupations & Professions) (May 1990) is amended as follows:

Section headings for Chapter 77 are amended to read as follows:

- 7700 GENERAL PROVISIONS
- 7701 TERM OF LICENSE
- 7702 EDUCATIONAL REQUIREMENTS
- 7703 EXPERIENTIAL REQUIREMENTS
- 7704 APPLICANTS EDUCATED IN FOREIGN COUNTRIES

- 7705 NATIONAL EXAMINATION
- 7706 WAIVER OF EXAMINATION AND EDUCATION REQUIREMENTS
- 7707 CONTINUING EDUCATION REQUIREMENTS
- 7708 APPROVED CONTINUING EDUCATION PROGRAMS AND
ACTIVITIES
- 7709 UNAPPROVED CONTINUING EDUCATION PROGRAMS AND
ACTIVITIES
- 7710 CONTINUING EDUCATION CREDITS
- 7711 LICENSURE BY ENDORSEMENT
- 7712 PRACTICE OF MARRIAGE AND FAMILY THERAPY BY
STUDENTS, GRADUATES AND FIRST TIME APPLICANTS
- 7713 STANDARDS OF CONDUCT
- 7799 DEFINITIONS

Amend section 7702 to read as follows:

7702 EDUCATIONAL REQUIREMENTS

- 7702.1 An applicant shall furnish proof satisfactory to the Board in accordance with § 831(a) of the Act, (D.C. Official Code § 3-1208.31(a) (2004 Supp.)) that the applicant:
- (a) Has successfully completed a master's degree or a doctoral degree in marriage and family therapy from a recognized educational institution;
or
 - (b) Possesses a graduate degree in an allied field as defined in section 7799, from a recognized educational institution and has successfully completed graduate level course work which is equivalent to a master's degree in marriage and family therapy, as determined by the Board.
- 7702.2 For the purposes of section 7702.1, qualifying degrees shall consist of at least sixty (60) semester hours or ninety (90) quarter credits in marriage and family therapy from a program accredited by the Commission on

Accreditation for Marriage and Family Therapy Education (COAMFTE) and shall not include on line degree programs.

7702.3

A qualifying graduate degree shall include a total of at least thirty-nine (39) semester hours in the following areas:

- (a) A minimum of three (3) semester hours in family systems theories and their application in working with a wide variety of family structures, which shall include:
 - (1) Studies of families in transition, nontraditional families and blended families; and
 - (2) A diverse range of marriage and family issues presented in a clinical setting;
- (b) A minimum of six (6) semester hours of marriage and family studies, which shall include:
 - (1) Theoretical foundations, history, philosophy, etiology and contemporary conceptual directions of marriage and family therapy or marriage and family counseling; and
 - (2) Preventative approaches, including premarital counseling, parent skill training and relationship enhancement, for working with couples, families, individuals, subsystems and other systems;
- (c) A minimum of nine (9) semester hours of marriage and family therapy, which shall include:
 - (1) The practice of marriage and family therapy related to theory, and a comprehensive survey and substantive understanding of the major models of marriage and family therapy or marriage and family counseling; and
 - (2) Interviewing and assessment skills for working with couples, families, individuals, subsystems and other systems, and skills in the appropriate implementation of systematic interventions across a variety of marriage and family issues presented in a clinical setting, including socioeconomic, abuse and addiction issues;
- (d) A minimum of nine (9) semester hours of human development, which shall include:

- (1) Individual development and transitions across the life span;
 - (2) Family, marital and couple life cycle development and family relationships, family of origin and intergenerational influences, cultural influences, ethnicity, race, socioeconomic status, religious beliefs, gender, sexual orientation, social and equity issues, and disability;
 - (3) Human sexual development, function and dysfunction, impacts on individuals, couples, and families, and strategies for intervention and resolution; and
 - (4) Issues of violence, abuse, and substance use in a relational context, and strategies for intervention and resolution;
- (e) A minimum of six (6) semester hours of psychological and mental health competency which shall include:
- (1) Psychopathology, including etiology, assessment, evaluation, and treatment of mental disorders, use of the current diagnostic and statistical manual of mental disorders, differential diagnosis, and multiaxial diagnosis;
 - (2) Standard mental health diagnostic assessment methods and instruments, including standardized tests; and
 - (3) Psychotropic medications and the role of referral to and cooperation with other mental health practitioners in treatment planning, and case management skills for working with individuals, couples, and families;
- (f) A minimum of three (3) semester hours of professional ethics and identity, which shall include:
- (1) Professional identity, including professional socialization, professional organizations, training standards, credentialing bodies, licensure, certification, practice settings, and collaboration with other disciplines;
 - (2) Ethical and legal issues related to the practice of marriage and family therapy, legal responsibilities of marriage and family therapy and marriage and family counseling practice and research, business aspects, reimbursement, record keeping, family law, confidentiality issues, and the relevant code of ethics, including the code of ethics specified by the Board; and

- (3) The interface between therapist responsibility and the professional, social, and political context of treatment; and
- (g) A minimum of three (3) semester hours of research, which shall include:
 - (1) Research in marriage and family therapy or marriage and family counseling and its application to working with couples and families; and
 - (2) Research methodology, quantitative and qualitative methods, statistics, data analysis, ethics, and legal considerations of conducting research, and evaluation of research.

Amend section 7703 to read as follows:

7703 EXPERIENTIAL REQUIREMENTS

- 7703.1 An applicant shall furnish proof satisfactory to the Board that the applicant has completed a minimum of two (2) years of post-graduate work, within five (5) years of graduation, consisting of supervised clinical work experience in marriage and family therapy following completion of the first qualifying graduate degree and practicum required as part of the course of study.
- 7703.2 Unless good cause is shown, the post-graduate work shall be completed within five (5) years after the day the first qualifying degree was conferred and the practicum completed.
- 7703.3 Pursuant to section 7703.1, supervision shall be provided by supervisors approved by the American Association for Marriage and Family Therapy (AAMFT) or by the Board.
- 7703.4 In addition to satisfying the requirements of sections 7703.1 and 7703.2, an applicant shall document successful completion of the following:
 - (a) A minimum of fifteen hundred (1,500) hours of face-to-face contact with couples, families and individuals for the purpose of assessment and intervention; and
 - (b) A minimum of three hundred (300) hours of supervised marriage and family therapy, with at least one hundred (100) hours being individual supervision. The remaining hours may be group supervision.

7703.5 An applicant who has practiced marriage and family therapy for a period of at least five (5) years prior to the date of submission of the application in a jurisdiction that does not require licensure shall not be required to be supervised pursuant to sections 7703.1, 7703.2, 7703.3, and 7703.4.

Amend section 7706 to read as follows:

7706 WAIVER OF EXAMINATION AND EDUCATION REQUIREMENTS

7706.1 The Board shall waive the examination and education requirements of this chapter for applicants licensed in an allied field who:

- (a) Hold at least a Master's degree in psychology, social work, psychiatry, professional counseling, or other allied field from an institution of higher education which was accredited by an accrediting body recognized by the Secretary of the United States Department of Education or the Council on Postsecondary Accreditation, or its successor;
- (b) Prove to the satisfaction of the Board that the applicant has completed at least twenty-four (24) hours of family systems theory training with such training being achieved by:
 - (1) Attending an accredited college course in family systems theory for one (1) semester; or
 - (2) Attending Board-approved workshops and seminars; or
 - (3) Being under the immediate supervision of a Board-approved marriage and family therapist while performing the functions of a marriage and family therapist in face-to-face contact with clients for twenty-four (24) hours;
- (c) Submit a sworn statement attesting to the fact that the applicant has been performing the functions of a marriage and family therapist, as defined in section 7799, with at least seven hundred and fifty (750) hours of face-to-face contact with clients per year for at least two (2) years immediately preceding March 1, 2007 and which shall include the:
 - (i) Details of the nature of the practice;
 - (ii) Time period of practice;

(iii) Name(s) of supervisor(s) or professional colleagues, as applicable;
and

(iv) Place(s) where the applicant has performed the functions of a
marriage and family therapist;

(d) Submit two (2) letters of recommendation with one from an
immediate supervisor who is currently supervising, or has supervised
the applicant's work in marriage and family therapy, and one from a
professional colleague, with both letters attesting to the fact that the
applicant has been practicing as a marriage and family therapist; and

(e) Apply for licensure within two (2) years after July 1, 2007.

7706.2 Pursuant to section 7706.1, an applicant for licensure who has been in an
independent, private practice full time or substantially full time
continuously since March 1, 2005 may substitute two (2) letters of
recommendation from professional colleagues in an allied field or in
marriage and family therapy in lieu of a letter of recommendation from a
supervisor.

7706.3 The Board shall waive the examination and education requirements of this
chapter for an applicant unlicensed in an allied field in the District of
Columbia who:

(a) Holds at least a master's degree in psychology, social work,
psychiatry, professional counseling, or other allied field from an
institution of higher education which was accredited by an accrediting
body recognized by the Secretary of the United States Department of
Education or the council on Postsecondary Accreditation or its
successor, and can prove to the satisfaction of the Board that the
applicant has been performing the functions of a marriage and family
therapist, as defined in section 7799 with at least five hundred (500)
hours per year of face-to-face contact with clients for at least five (5)
years immediately preceding March 1, 2007, and

(b) Applies for licensure within two (2) years after July 1, 2007.

7706.4 An applicant unlicensed in an allied field in the District of Columbia shall
submit a sworn statement that the applicant has practiced as a marriage
and family therapist during the applicable time period through March 1,
2007 including the details of the nature of the practice, time period,
name(s) of supervisor(s) and place(s) where the applicant has performed
the functions of a marriage and family therapist.

- 7706.5 In addition to the requirements of section 7706.3 and section 7706.4, an applicant unlicensed in an allied field shall submit two (2) letters of recommendation with one from an immediate supervisor who is currently supervising, or has supervised the applicant's work in marriage and family therapy, and one (1) from a professional colleague, with both letters attesting to the fact that the applicant has been practicing as a marriage and family therapist.
- 7706.6 An applicant unlicensed in an allied field in the District of Columbia who has been in an independent, private practice full time or substantially full time continuously since March 1, 2002 may substitute two (2) letters of recommendation from professional colleagues in an allied field or in marriage and family therapy in lieu of a letter of recommendation from a supervisor.

Amend section 7707 to read as follows:

7707 CONTINUING EDUCATION REQUIREMENTS

- 7707.1 This section shall apply to applicants for the renewal, reactivation, and reinstatement of a license for the term expiring March 31, 2006 and for subsequent terms.
- 7707.2 This section shall not apply to applicants for an initial license by reciprocity or endorsement.
- 7707.3 Continuing education credit shall be granted only for programs or activities approved by the Board in accordance with section 7708.
- 7707.4 An applicant for renewal, reactivation, or reinstatement of a license to practice marriage and family therapy, shall submit proof of having completed thirty (30) hours of approved continuing education during the two-year (2) period preceding the date the license expires or preceding the date of the application for reactivation or reinstatement. The thirty (30) hours of approved continuing education shall include:
- (a) A minimum of fifteen (15) of the thirty (30) hours shall be completed in the physical presence of the approved sponsor;
 - (b) Six (6) hours of the thirty (30) hours shall be in ethics;
 - (c) The remaining twenty-four (24) hours of continuing education may consist of current and emerging issues in marriage and family therapy such as the study of:
 - (1) Non-traditional families;

- (2) Domestic violence;
- (3) HIV;
- (4) Aging;
- (5) End-of-life issues;
- (6) Addiction and psychopharmacology; and
- (7) Trauma.

7707.5 To qualify for a license, a person in inactive status within the meaning of section 511 of the Act, (D.C. Official Code § 3-1205.11 (2001)), who submits an application to reactivate a license shall submit proof of having met the continuing education requirements for each licensing period that the license was in inactive status.

7707.6 To qualify for a license, an applicant for reinstatement of a license to practice marriage and family therapy pursuant to section 512 of the Act (D.C. Official Code § 3-1205.12 (2001)) shall submit proof of having completed fifteen (15) hours of credit in an approved continuing education program for each year after March 31, 2006 that the applicant was not licensed, up to a maximum of seventy-five (75) hours.

7707.7 An applicant for license renewal, reactivation, or reinstatement under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:

- (a) The name and address of the sponsor of the program;
- (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
- (c) The dates on which the applicant attended the program;
- (d) The hours of credit claimed; and
- (e) Verification by the sponsor of completion, by signature or stamp.

7707.8 An applicant for renewal of a license who fails to submit proof of having completed continuing education requirements by the date the license expires may renew the license up to sixty (60) days after expiration by submitting the proof pursuant to section 7707.7 and by paying the required

additional late fee.

- 7707.9 Upon submitting proof and paying the late fee, the applicant shall be deemed to have possessed a valid license during the period between the expiration of the license and the submission of the required documentation and payment of the late fee.
- 7707.10 If an applicant for renewal of a license fails to submit proof of completion of continuing education requirements or pay the late fee within sixty (60) days after the expiration of the applicant's license, the license shall be deemed to have lapsed on the date of expiration.
- 7707.11 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to submit proof of completion was for good cause.

Amend section 7708 to read as follows:

7708 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

- 7708.1 The Board may, in its discretion, approve continuing education programs and activities that contribute to the growth of an applicant in professional competence in the practice of marriage and family therapy and that meet the other requirements of this section.
- 7708.2 The Board may approve the following types of continuing education if the programs or activity meets the requirement of section 7708.1:
- (a) An undergraduate or graduate course given at an accredited college or university;
 - (b) A seminar or workshop;
 - (c) An educational program given at a conference;
 - (d) Engaging in instructional hours while serving as an instructor or speaker at an institution of higher learning, conference, seminar, workshop, or in-service training;
 - (e) Professional writing, excluding reprints or republications of previously published materials, published within the two (2) years prior to the license renewal date, which consist of articles or books that meet the following requirements:

- (1) Journal articles shall be published in professional journals;
and
- (2) Chapters authored in books acceptable under this section;
- (f) Participation in research as a principal investigator or research assistant; and
- (g) Informal study or a home study program (documented by title, author, name of topic, time spent, written summary, and date(s) completed) carried out individually that is approved by the Board.

7708.3 A continuing education program shall meet all of the following requirements:

- (a) Be current in its subject matter and taught by qualified individuals;
- (b) Be approved by the Board; and
- (c) Meet one of the following requirements:
 - (1) Be administered or approved by a health care organization, accredited health care facility, or accredited college or university;
or
 - (2) Be submitted by the program sponsors to the Board for review no less than sixty (60) days prior to the date of the presentation and be approved by the Board.

7708.4 The Board may issue and update a list of approved continuing education programs or providers.

Amend section 7709 to read as follows:

**7709 UNAPPROVED CONTINUING EDUCATION PROGRAMS
AND ACTIVITIES**

7709.1 Continuing education credit shall not be granted for the following:

- (a) Organizational activity such as serving on committees or councils or as an officer in a professional organization;
- (b) Meetings or activities such as in-service programs which are required as part of one's job; and

- (c) Continuing education activity completed before the two (2) year period for which the continuing education credit is submitted.

Amend section 7710 to read as follows:

7710 CONTINUING EDUCATION CREDITS

- 7710.1 Professional research and writing conducted pursuant to section 7708.2 (e) or (f) shall account for a total of no more than ten (10) of the thirty (30) continuing education units required.

Amend section 7711 to read as follows:

7711 LICENSURE BY ENDORSEMENT

- 7711.1 The Board shall issue a license to a marriage and family therapist who has a valid unrestricted license from another jurisdiction of the United States or Canada if:
- (a) That person, when granted the license, met all requirements contained in section 7702.1 through section 7704.4 and any applicable Board rules; or
 - (b) The requirements of the other jurisdiction are, at the time of the application, substantially equivalent to the requirements of this chapter.

Amend section 7712 to read as follows:

7712 PRACTICE OF MARRIAGE AND FAMILY THERAPY BY STUDENTS, GRADUATES AND FIRST-TIME APPLICANTS

- 7712.1 This section shall apply to the following:
- (a) Students enrolled in recognized schools or colleges as candidates for a degree in marriage and family therapy, or enrolled in a college course pertaining to marriage and family therapy;
 - (b) Applicants for a license whose application for a license in the District of Columbia is pending; and
 - (c) Post graduates who are meeting the experiential requirements of section 7703.

- 7712.2 A student, graduate or applicant may perform actions which require a license as a marriage and family therapist only in accordance with the Act and this section.
- 7712.3 A first-time applicant for a marriage and family therapy license, student or graduate may practice marriage and family therapy under the general or immediate supervision of a marriage and family therapist licensed in the District of Columbia, or under an AAMFT or Board-approved supervisor, while the initial application is pending.
- 7712.4 A first-time applicant practicing marriage and family therapy pursuant to section 7712.1 (b) who fails the national examination administered by the Association of Marital and Family Therapy Regulatory Boards shall not thereafter continue to practice marriage and family therapy until such time as a marriage and family therapy license is duly issued to that individual.
- 7712.5 A marriage and family therapist supervising a student, graduate or applicant shall be responsible for the actions performed by the student or applicant during the time of the supervision and is subject to disciplinary action for any violation of the Act or this chapter by the person supervised.
- 7712.6 A supervisor shall review and co-sign any documentation written by a marriage and family student, graduate or applicant for a marriage and family therapy license.
- 7712.7 A supervisor shall not supervise more than five (5) graduates, students, or first-time applicants at any one time.
- 7712.8 The Board may deny an application for a license from an applicant who is found to have violated the Act or this chapter.
- 7712.9 An unlicensed marriage and family therapist shall identify himself or herself as such at all times when practicing marriage and family therapy.
- 7712.10 An unlicensed marriage and family therapist shall not receive compensation of any nature as a marriage and family therapist, either directly or indirectly from a client, except for a salary from an employer based on hours worked under supervision.

Add section 7713 to read as follows:

7713 STANDARDS OF CONDUCT

- 7713.1 Any holder of a license under this chapter or any person authorized to practice marriage and family therapy under this chapter shall comply with the standards of ethical and professional conduct established by the

AAMFT as they may be amended or republished from time to time.

7713.2 A marriage and family therapist shall provide an informed consent form, signed by both parties, which shall notify the client of his or her rights and the risks involved during the therapy.

7713.3 The following documentation shall be maintained for each session between a marriage and family therapist, student, graduate, or applicant and the client:

- (a) The name of person or persons present;
- (b) The date of the session;
- (c) The times the session began and ended;
- (d) The issues presented (including assessment and history as appropriate);
- (e) The risks presented; and
- (f) The risks assessed.

Amend section 7799 to read as follows:

7799 DEFINITIONS

7799.1 As used in this chapter, the following terms shall have the meanings ascribed:

Allied Field – academic study in, or performing the professional functions associated with, psychology, social work, psychiatry, professional counseling, or other comparable mental health profession.

Applicant – a person applying for a license to practice marriage and family therapy under this chapter.

Board – the Board of Marriage and Family Therapy, established by section 217 of the Act, as amended by the Marriage and Family Therapy Amendment Act of 2003, effective March 10, 2004 (D.C. Law 15-88; D.C. Official Code § 3-1202.17).

General supervision – supervision in which an approved marriage and family therapist is available to the supervisee either in person or by a communications device.

Good cause – a legally sufficient reason for granting an extension because of:

- (a) Serious or protracted illness of the applicant;
- (b) The death or serious and protracted illness of a member of the applicant's immediate family; or
- (c) Deployment in a combat zone by the military whenever the United States is engaged in active military operations against any foreign power.

Group supervision – supervision in which an approved marriage and family therapist is available in person to between three (3) and five (5) supervisees.

Immediate supervision – face-to-face supervision in which an approved marriage and family therapist, psychologist, psychiatrist, licensed independent clinical social worker, licensed professional counselor, or advanced practice nurse is either discussing or observing the supervisee's practice.

Individual supervision – supervision in which an approved marriage and family therapist is available in person to one (1) or two (2) supervisees.

Instructional hours – the amount of time spent in actual presentation excluding preparation hours.

Marriage and family therapist – a person licensed to practice marriage and family therapy under the Act.

Unlicensed marriage and family therapist – a person who has completed the educational requirements for a degree in marriage and family therapy but has not met the clinical requirements for licensure.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., SUITE 200, WEST TOWER
WASHINGTON, DC 20005

NOTICE OF FINAL RULEMAKING

GAS TARIFF 00-2, IN THE MATTER OF WASHINGTON GAS LIGHT
COMPANY'S RIGHTS-OF-WAY SURCHARGE GENERAL REGULATIONS
TARIFF, P.S.C.-D.C. No. 3

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Section 2-505 of the District of Columbia Official Code,¹ of its final rulemaking action taken in the above-captioned proceeding. On August 10, 2007, the Commission released Order No. 14409, approving Washington Gas Light Company's ("WGL")² Application for an updated Rights-of-Way Surcharge ("ROW").

2. The Rights-of-Way ("ROW") Surcharge contains two components, the ROW Current Factor and the ROW Reconciliation Factor. On May 22, 2007, pursuant to D.C. Official Code Section 10-1141.6,³ WGL filed a tariff application with the Commission, which updated the ROW Surcharge Reconciliation Factor.⁴ The ROW Reconciliation Factor enables WGL to reconcile any over or under collection of ROW revenue based on the application of the current factor to the customer's bill. In the proposed tariff, WGL shows the process to recover from its customers the under

¹ D. C. OFFICIAL CODE § 2-505 (2001 Ed.).

² *GT00-2, In The Matter Of Washington Gas Light Company's Rights-Of-Way Surcharge General Regulations Tariff, P.S.C.-D.C. No. 3, ("GT00-2")* Surcharge Filing of Washington Gas Light Company, ("Surcharge Filing"), filed May 22, 2007.

³ D. C. OFFICIAL CODE § 10-1141.06 (2001) stating that "Each public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement."

⁴ *GT00-2, Surcharge Filing* at 1.

collected revenue related to the District of Columbia ROW fees paid by WGL to the District Government. Specifically, WGL proposes to amend the following tariff page:

GENERAL SERVICES TARIFF, P.S.C.-D.C. No. 3

Section 22

2nd Revised Page 56

3. A Notice of Proposed Rulemaking regarding WGL's Surcharge Filing was published in the *D.C. Register* on June 29, 2007.⁵ No comments were filed in response to the filing. Subsequently, the Commission approved WGL's Surcharge Filing by Order No. 14409. WGL's Rights-of-Way Surcharge Filing will become effective upon the date of publication of this Notice of Final Rulemaking in the *D.C. Register*.

⁵ 54 *D.C. Reg.* 6493-6494 (June 29, 2007).