

DISTRICT OF COLUMBIA
DEPARTMENT OF INSURANCE, SECURITIES, AND BANKING

NOTICE OF PROPOSED RULEMAKING

The Commissioner of the Department of Insurance, Securities and Banking, pursuant to the authority set forth in § 4 of the Uniform Consultation Referral Form Act of 2002, effective April 13, 2002 (D.C. Law 14-97, D.C. Official Code § 31-3233) (2006 Supp.) hereby gives notice of his intent to adopt in not less than thirty (30) days from the date of publication of this notice in the D.C. Register, the following rules to be included in Chapter 43 of Title 26 of the District of Columbia Municipal Regulations (DCMR). The rules provide a uniform referral form to be used when a health insurer requires that an insured have a written referral form to receive consultation services. This is an effort to simplify the referral process. The uniform consultation referral form approved by the Commissioner is appended to the proposed rules.

26 DCMR is amended by adding a new Chapter 43, Uniform Consultation Referral Form, to read as follows:

CHAPTER 43

UNIFORM CONSULTATION REFERRAL FORM

4300 APPLICABILITY

- 4300.1 Each health insurer that requires an enrollee or subscriber to have a written referral in order to receive services shall use the uniform consultation referral form adopted by the Commissioner and appended to this Chapter.
- 4300.2 Each health insurer must comply with these rules beginning with referrals issued 120 days after the promulgation of the final regulation.

4301 CONSULTATION REFERRAL FORM

- 4301.1 The health insurer may not impose as a condition of coverage a requirement to modify the uniform consultation referral form or to require the submission of additional consultation referral forms.
- 4301.2 The health insurer may provide a separate set of instructions for use by the health care provider regarding the health insurer's specific managed care requirements, and the instructions may be preprinted on the back of the uniform consultation referral form, if the instructions do not result in any modifications to the format of the uniform consultation referral form or

- the information categories directed to be supplied on the front of that form.
- 4301.3 The health insurer may provide stamps or preprinted stickers to include additional information to be inserted in the health insurer information block.
- 4301.4 The health insurer may preprint the designated health insurer information in the health insurer information field on the uniform consultation referral form.
- 4301.5 The health care provider shall use the uniform consultation referral form and complete it properly.
- 4301.6 The consultant or facility provider shall accept a properly completed uniform consultation referral form.
- 4302 ELECTRONIC TRANSFER**
- 4302.1 The uniform consultation referral form may be transmitted by facsimile so long as the format and the data on the uniform consultation referral form remain unchanged.
- 4303-4398 RESERVED**
- 4399 DEFINITIONS**
- 4399.1 "Health benefits plan" means any accident and health insurance policy or certificate, hospital and medical services corporation contract, health maintenance organization subscriber contract, plan provided by a multiple employer welfare arrangement, or plan provided by another benefit arrangement. The term "health benefit plan" does not mean accident only, credit, or disability insurance; coverage of Medicare services or federal employee health plans, pursuant to contracts with the United States government; Medicare supplemental or long-term care insurance; dental only or vision only insurance; specified disease insurance; hospital confinement indemnity coverage; limited benefit health coverage; coverage issued as a supplement to liability insurance; insurance arising out of a workers' compensation or similar law; automobile medical payment insurance; medical expense and loss of income benefits; or insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

"Health insurer" means any person that provides one or more health benefit plans or insurance in the District of Columbia, including an insurer, a hospital and medical services corporation, a fraternal benefit

society, a health maintenance organization, a multiple employer welfare arrangement, or any other person providing a plan of health insurance subject to the authority of the Commissioner.

“Commissioner” means the Commissioner of the Department of Insurance, Securities, and Banking.

Persons desiring to comment on these proposed rules should submit comments in writing to Leslie E. Johnson, Hearing Officer, Department of Insurance, Securities and Banking, 810 First Street, N.E., Suite 701, Washington, D.C. 20002, not later than thirty (30) days after publication of this notice in the D.C. Register.

APPENDIX 43-1

**DISTRICT OF COLUMBIA
DEPARTMENT OF INSURANCE,
SECURITIES, AND BANKING**

UNIFORM CONSULTATION REFERRAL FORM

Uniform Consultation Referral Form

1. Patient Information		2. Carrier Information	
Date of Referral:		Name:	
		Address:	
		Phone:	
		Fax:	
		Referral Number:	
Name (Last, First, MI)			
Date of Birth: (MM/DD/YY)	Phone:		
Member#:			
Site #:			
3. Primary or Requesting Provider:			
Name: (Last, First, MI)		Specialty:	
Institution / Group Name:	Provider ID:	Provider ID #: 2 (If Required)	
Address: (Street #, City, State, Zip)			
Phone Number:	Facsimile / Data Number:		
4. Consultant / Facility Provider:			
Name: (Last, First, MI)		Specialty:	
Institution / Group Name:	Provider ID:	Provider ID #: 2 (If Required)	
Address: (Street #, City, State, Zip)			
Phone Number:	Facsimile / Data Number:		
5. Referral Information:			
Reason for Referral:			
Brief History, Diagnosis and Test Results:			
6. Service Desired:		7. Place of Service:	
Provide Care as indicated:		<input type="checkbox"/> Office <input type="checkbox"/> Outpatient Medical/Surgical Center* <input type="checkbox"/> Radiology <input type="checkbox"/> Laboratory <input type="checkbox"/> Inpatient Hospital* _____ <input type="checkbox"/> Extended Care Facility* _____ <input type="checkbox"/> Other: (explain) _____ (Specific Facility Must be Named)	
<input type="checkbox"/> Initial Consultation Only <input type="checkbox"/> Diagnostic Test: (specify) _____ <input type="checkbox"/> Consultation With Specific Procedures: (specify) _____ <input type="checkbox"/> Early, Periodic Screening, Diagnosis & Treatment <input type="checkbox"/> Standing Referral <input type="checkbox"/> Specific Treatment: _____ <input type="checkbox"/> Global OB Care & Delivery <input type="checkbox"/> Other: (explain) _____			
Number of visits: (If blank, 1 visit is assumed)	Authorization #: (If Required)	Referral is Valid Until: (Date) (See Carrier Instructions)	

Signature: (Individual Completing This Form)

Authorizing Signature: (If Required)

Referral certification is not a guarantee of payment. Payment of benefits is subject to a member's eligibility on the date that the service is rendered and to any other contractual provisions of the plan / carrier. *This form may not be use electronically.*

DEPARTMENT OF PARKS AND RECREATION

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Parks and Recreation, pursuant to the authority set forth in the Animal Control Act of 1979, effective October 18, 1979 (D.C. Law 3-30; D.C. Official Code § 8-1801 et seq.) (2001), and Mayor's Order 2007-53, dated February 7, 2007, hereby gives notice of the intent to adopt, in not less than thirty (30) days from the date of publication in the D.C. Register, the following rules to amend Chapter 7 of the D.C. Municipal Regulations..

This amendment is necessary to establish rules for the creation and maintenance of off-leash areas for dogs on District parkland by the Department of Parks and Recreation, including pre-requisites for site selection, guidelines for the site selection process, the Department of Parks and Recreation responsibilities, and standard rules of operation.

Chapter 7 of Title 19 (Amusements, Parks and Recreation) (June 2001) of the District of Columbia Municipal Regulations is amended as follows:

The table of contents is amended by adding the following section headings:

- 730 Dog Exercise Area, General Provisions**
- 731 Dog Exercise Area Site Specifications**
- 732 Dog Exercise Area Process**
- 733 Dog Exercise Areas**
- 799 Definitions**

New sections numbered 730 through 733 are added to read as follows:

- 730 DOG EXERCISE AREA, GENERAL PROVISIONS**
- 730.1 The Director may establish and maintain areas on District-owned parkland designated for use as dog exercise areas (also known as DEAs or dog parks).
- 730.2 No person shall establish a dog exercise area or charge a fee for use of a dog exercise area on District-owned property
- 730.3 No person shall use a dog exercise area for any commercial purpose, except that a person may conduct a dog obedience class with prior approval from the Department.

- 730.4 Before the Director approves a dog exercise area he or she shall ensure that there are public funds, private funds, or a combination thereof, sufficient to build and maintain the proposed dog exercise area.
- 730.5 The Director may suspend or revoke authorization for a dog exercise area if warranted by abuse of the facilities or excessive numbers of complaints from neighboring residents.
- 730.6 A dog exercise area shall be open seven (7) days per week, during the posted hours for any Department park.
- 730.7 A dog exercise area with lighting shall not remain open later than 10 p.m.
- 730.8 The Director may restrict operating hours of a dog exercise area as needed to comply with restrictions negotiated with members of the community, for maintenance, for landscaping requirements, or for other reasons.
- 730.9 The Director may close any dog exercise area to conduct training classes or other educational activities.
- 730.10 The Director shall post a notice of a planned dog exercise area closing. The notice shall be placed at each entrance not less than seven (7) days before the period of closure. In the case of an emergency closure, the Director shall post a notice as soon as practicable, and the notice shall state that closure is for emergency reasons.
- 730.11 Any dog exercise area that does not adhere to the minimum size requirements, as stated, but has been approved through community and ANC processes prior to the enactment of D.C. Law 16-0040 and enactment of this policy must comply with these rules in order to be considered a valid DEA by the Department.

731 DOG EXERCISE AREA SITE SPECIFICATIONS

- 731.1 A dog exercise area shall be sized and sited according to the following specifications:
- (a) A dog exercise area shall be not less than ten thousand square feet (10,000 sq. ft.) in area.
 - (b) A dog exercise area shall not exceed twenty-five percent (25%) of the total area of an individual District-owned park.

- (c) A dog exercise area shall be located on well-drained, open surfaces, and shall not adversely impact the surrounding neighborhood and open space by:
- (1) causing on-going conflicts due to overcrowding;
 - (2) causing detriment to the surrounding environment including, but not limited to, excessive noise, digging/trampling, feces or erosion and soil run-off;
 - (3) causing displacement or disruption of established recreational activities including passive recreation; and
 - (4) compromising the intent of the DEA to allow dogs and owners to exercise and socialize in a safe area.

731.2

Siting of a dog exercise area must take into account environmental issues (natural or man-made). DEAs must be sensitive to their surrounding environment and utilize best management practices for their establishment. All DEAs must comply with the following site criteria:

- (a) Be located on a well-drained area of the selected park with a maximum 5% slope;
- (b) Sit at least 100 feet away from surface waters such as lakes, streams, creeks and any other tributaries that drain into the Potomac and Anacostia Rivers, Rock Creek and their tributaries;
- (d) Sit at least 200 feet away from residences, businesses, school playgrounds and community gardens;
- (e) Be located within 50 feet of a sanitary or combined sewer line as determined by the Department of the Environment (DDOE) and the DC Water and Sewer Authority (DCWASA);
- (f) Be located within 50 feet of a water supply line for maintenance purposes; and
- (g) Have a selected surface type that allows for positive drainage away from the site and helps mitigate waste management issues. Preferred surface types are identified in the DPR Standards for Off-Leash Dog Exercise Areas.

731.3

A dog exercise area must comply with all codes and regulations as they apply to the Americans with Disabilities Act of 1990, the Federal Water Pollution Control Act of 1972 (Clean Water Act), the D.C. Water Pollution Control Act of 1984, the DPR Landscaping Standards, the DPR

DISTRICT OF COLUMBIA REGISTER

Signage Standards, the DPR Sustainable Design Standards, and the DPR Standards for Off-leash Dog Exercise Areas.

- 731.4 The Director shall not approve unsuitable sites for dog exercise areas. Unsuitable sites include:
- (a) Areas designated for children's play or playgrounds;
 - (b) Sports fields or courts and athletic fields or courts;
 - (c) Sensitive habitat areas or wildlife habitats as determined by the Department of the Environment (DDOE);
 - (d) Areas adjacent to other areas that are eroding;
 - (e) Slopes greater than five percent (5%); and
 - (f) Areas that lack a water source.
- 731.5 Each dog exercise area shall have permanent signs, posted in English and Spanish, that state the hours of operation and rules and regulations for the dog exercise area.
- 731.6 The Department will not solicit non-DPR owned land for dog exercise areas.
- 731.7 The Department will comply with D.C. Water and Sewer Authority (DCWASA) recommendations for tapping into the sanitary or combined sewer lines.

732 DOG EXERCISE AREA PROCESS

- 732.1 Each dog exercise area shall be sponsored by an identifiable group, such as an official dog group or Department Park Partners or Friends Groups and share responsibilities with the Department for the maintenance, management and enforcement of the site.
- 732.2 A sponsor group is required to have 501(c)(3) status.
- 732.3 A dog exercise area sponsor shall enter into a Memorandum of Agreement (MOA) with the Department.
- 732.4 A sponsor shall submit the location for the proposed dog exercise area to the Department, and the Department shall conduct a preliminary review to determine ownership of the proposed site.

- 732.5 After the Department determines that the proposed dog exercise area is District-owned parkland the sponsoring group must submit a formal proposal to the Department outlining the rationale for establishing a dog exercise area in their specific neighborhood. The application shall have attached any letters or petitions of support to include, but not limited to:
- (a) Businesses and schools within a five (5) block radius;
 - (b) Adjoining Advisory Neighborhood Commissions (ANC's);
 - (c) Lists of registered/licensed dogs in the neighborhood and the contact information for their owners within a five (5) block radius of the proposed site; and
 - (d) Other organizations that may be impacted by the dog exercise area.
- 732.6 The sponsor group must obtain a letter from the Department of Health's Bureau of Community Hygiene Rodent Control Division certifying that the area around the proposed DEA, for a distance of five (5) blocks, is free of rats.
- 732.7 If, after evaluation by the Department and relevant sponsors, a DEA is determined to be flawed in nature (e.g. a chosen surface is not being managed or maintained to health code standards or the rules/regulations of the DEA are not being upheld) potential solutions will be developed for implementation. However, the Department reserves the right to discontinue the DEA in question should adequate alternatives not be identified or should proposed alternatives be deemed to be ineffective.
- 732.8 The Department will utilize the following disciplinary criteria in reference to those sites that are not managed and/or maintained according to the policies and procedures for the DEA:
- (a) First warning – verbal
 - (b) Second warning – written
 - (c) Third warning – termination or seek another partner to sponsor the DEA.

733 DOG EXERCISE AREAS

- 733.1 Each handler shall have each dog within his or her control licensed and vaccinated before entering a dog exercise area with the dog.

- 733.2 A handler shall be sixteen (16) years of age or older.
- 733.3 A child ten (10) years of age or younger shall not enter a dog exercise area. A child between the ages of eleven (11) and fifteen (15) may enter a dog exercise area only when accompanied by an adult.
- 733.4 A handler shall ensure that each dog within his or her control is wearing a current vaccination and registration tag when in a dog exercise area.
- 733.5 A handler shall leash each dog within his or her control until entering a dog exercise area and upon exiting the dog exercise area.
- 733.6 A handler shall collect all feces that a dog within his or her control produces in the dog exercise area. The handler shall bag the feces and dispose of it in the designated on-site sanitary system or trash receptacle in the dog exercise area.
- 733.7 A handler shall accompany, maintain visual contact, and have voice control of a dog within his or her control at all times.
- 733.8 A handler shall not have more than three (3) dogs in a dog exercise area at any one time.
- 733.9 A handler shall not have a dog that is less than four (4) months old in a dog exercise area.
- 733.10 A handler shall not have a female dog that is in heat in the dog exercise area.
- 733.11 A handler shall not use a spike or choke collar on a dog in the dog exercise area.
- 733.12 A handler shall immediately leash and remove from a dog exercise area an aggressive dog within his or her control.
- 733.13 A handler shall not have a dog designated as a dangerous dog or a potentially dangerous dog in the dog exercise area.
- 733.14 A handler shall control excessive barking.
- 733.15 A handler must use biodegradable bags when disposing of dog waste into the sanitary sewer system.

Section 799 is amended by adding the following definitions:

“Aggressive Dog” – a dog whose behavior is characterized by unprovoked snarling, growling, or attack posture.

“Children’s Play Area” - an area that is within ten (10) feet of a child’s play structure or apparatus.

“Dangerous Dog” – as defined in Section 2 of the Dangerous Dog Amendment Act of 1988 (D.C. Law 7-176), a dog that has bitten or attacked a person or domestic animal without provocation; or, in a menacing manner, approaches without provocation any person or domestic animal as if to attack, or has demonstrated a propensity to attack without provocation or otherwise to endanger the safety of human beings or domestic animals.

“Department” – the Department of Parks and Recreation.

“Director” - the Director of the Department of Parks and Recreation.

“District” - the District of Columbia.

“Dog Exercise Area” – also known as a dog park; an area within District-owned property designated for dog exercise where dogs are allowed off-leash without being considered at-large.

“Friends Groups” – a community-based organization who advocates for their local recreational facilities on behalf of the Department of Parks and Recreation and helps tailor programs unique to the children and families in their community.

“Handler” - a person in control of a dog who is personally and legally responsible for the dog.

“Park Partners” – a group that adopts a park or helps to organize seasonal beautification projects and clean-ups and provides much needed resources to help maintain minor and routine maintenance services to preserve, restore, and improve conditions in our city’s green spaces.

“Potentially Dangerous Dog” - a dog that poses a threat to public safety by causing an injury to a person or domestic animal without provocation that is less severe than a serious injury, engaging in encouraged dog fighting, or running at large three (3) or more times within any 12-month period.

“Sensitive Habitat Area” – an area highly prone to erosion or the natural habitat of locally important, rare, threatened, or endangered species of plants or wildlife.

All persons wishing to comment on the subject matter of this proposed rulemaking shall submit comments, in writing, not later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be submitted to the Department of Parks and Recreation Office of Planning and Design located at 3149 16th Street N.W. Washington, D.C. 20010. Copies of the proposed rules may be obtained from the Customer Service Desk at the Department of Parks and Recreation at the address stated above during the hours of 8:30am – 5:00 pm.

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

NOTICE OF PROPOSED RULEMAKING

ET00-2, IN THE MATTER OF POTOMAC ELECTRIC POWER COMPANY'S
PUBLIC SPACE OCCUPANCY SURCHARGE ELECTRICITY TARIFF, P.S.C.-
D.C. No. 1

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 intent to act upon the Potomac Electric Power Company's ("Pepco") Rider "PSOS" - Public Space Occupancy Surcharge ("Application")² in not less than 30 days from the date of publication of this Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*.

2. Pursuant to D.C. Official Code Section 10-1141.6,³ Pepco filed with the Commission an updated Rider PSOS on February 12, 2007.⁴ In the filing, Pepco shows the process to be used to recover from its customers the D.C. Public Rights-of-Way ("ROW") fees paid by Pepco to the District of Columbia Government. Specifically, Pepco proposes to amend the following tariff pages:

ELECTRICITY TARIFF, P.S.C.-D.C. No. 1

32nd Revised Page No. R-1

32nd Revised Page No. R-2

25th Revised Page No. R-2.1

1st Revised Page No. 2.2

8th Revised Page No. R-33

3. In its filing, Pepco indicates that the revised calculations for the updated Rider PSOS will yield a 42.2 percent increase in the surcharge rate.⁵ In addition, Pepco

¹ D. C. Official Code § 2-505 (2001 Ed.).

² *ET00-2, In The Matter Of Potomac Electric Power Company's Public Occupancy Surcharge Electricity Tariff, P.S.C.-D.C. No. 1*, Letter to Dorothy Wideman, Commission Secretary, from Paul H. Harrington, Associate General Counsel, re: *ET00-2*, filed February 12, 2007 (hereinafter referred to as "Application").

³ D.C. Official Code § 10-1141.06 (2001 Ed.), states that [e]ach 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 *ET00-2*, Application at 1.

⁵ *Id.*

states that its "updated Rights-of-Way surcharge is to become effective with meter readings on and after March 1, 2007."⁶

4. This Application may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Second Floor, West Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. Copies of the tariff pages are available upon request, at a per-page reproduction cost.

5. Comments on the Application must be made in writing to Dorothy Wideman, Commission Secretary, at the above address. All comments must be received within 30 days of the date of publication of this NOPR in the *D.C. Register*. Persons wishing to file reply comments may do so no later than 45 days of the date of publication of this NOPR in the *D.C. Register*. Once the comment and reply comment periods have expired, the Commission will take final rulemaking action on Pepco's Application. The Commission does not intend to prevent the Company from implementing its filed surcharges. However, if the Commission discovers any inaccuracies, Pepco could be subject to reconciliation of the surcharges.

⁶ *Id.*