

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-214

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2005

*Codification
District of
Columbia
Official Code*

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2006 Spring
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Publisher

To designate the unnamed street in Square 2562 bounded by Ontario Road, N.W., and Champlain St, N.W., and the adjacent unnumbered block of Champlain Street, N.W., bounded by Florida Avenue, N.W., as "Old Morgan School Place," in Ward 1.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Old Morgan School Place Designation Act of 2005".

Sec. 2. Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01), and notwithstanding section 304 (D.C. Official Code § 9-203.04), the Council designates:

Note,
§ 9-204.01

(1) The alley in Square 2562 that runs east-west from Champlain Street, N.W., to Ontario Road, N.W., parallel to Florida Avenue, N.W., as a street; and

(2) The street, currently designated as an alley, that runs east-west between Champlain Street, N.W., and Ontario Road, N.W., parallel to Florida Avenue, N.W., in Square 2562, and the adjacent north-south portion of Champlain Street, N.W., that intersects Florida Avenue, N.W., between Square 2558 and 2562 as "Old Morgan School Place."

Sec. 3. The Secretary to the Council shall transmit a copy of this act, after it becomes effective, to the Surveyor of the District of Columbia, who shall record in the Office of the Surveyor Old Morgan School Place as the name of the street.

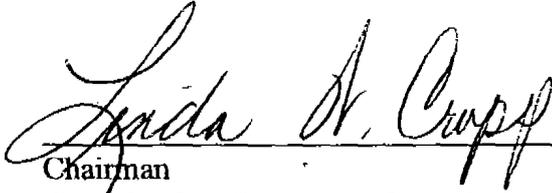
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602 (c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

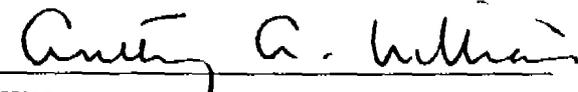
ENROLLED ORIGINAL

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 22, 2005

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AN ACT

D.C. ACT 16-215

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2005

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To amend section 25-314(b) of the District of Columbia Official Code to provide for an exception from the distance-to-a-school requirement for certain full service grocery stores that apply for an off-premises retailer's license, Class B.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Full Service Grocery Store Alcohol License Exception Act of 2005".

Sec. 2. Section 25-314(b) of the District of Columbia Official Code is amended by adding a new paragraph (4) to read as follows:

New
§ 25-314

"(4) The 400-foot restriction shall not apply if:

B;

"(A) The applicant applies for an off-premises retailer's license, Class

"(B) The primary business and purpose of the establishment is the sale of a full range of fresh, canned, and frozen food items, and the sale of alcoholic beverages is incidental to the primary purpose;

"(C) The sale of alcoholic beverages constitutes no more than 15% of the total volume of gross receipts on an annual basis;

"(D) The establishment is located in a C-1, C-2, C-3, C-4, or C-5 zone;

"(E) The establishment is a full service grocery store which is newly constructed with a certificate of occupancy issued after January 1, 2000, or is an existing store which has undergone renovations in excess of \$500,000 (i) after January 1, 2000 and prior to the effective date of this paragraph, or (ii) during the preceding 12 months in which an application is made;

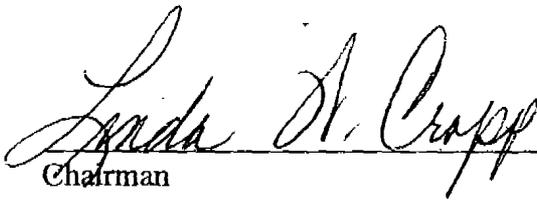
"(F) The opinion of the ANC in which the establishment is located has been given great weight as specified in Chapter 4; and

"(G) The applicant does not hold a manufacturer's or wholesaler's license.".

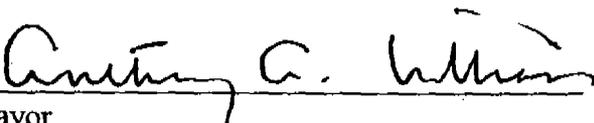
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Sec. 3. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



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D.C. ACT 16-216

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To symbolically designate F Street, N.W., between 7th Street, N.W., and 8th Street, N.W., in Ward 2 as "Walt Whitman Way".

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Walt Whitman Way Designation Act of 2005".

Sec. 2. Pursuant to sections 401 and 403a of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201, D.C. Official Code §§ 9-204.01 and 9-204.03a), the Council symbolically designates F Street, N.W., between 7th Street, N.W., and 8th Street, N.W., as Walt Whitman Way.

*Note,
§ 9-204.01*

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval of the Mayor (or, in the event of a veto by the Mayor, action by the Council of the District of Columbia to override the veto), a 30-day period of Congressional review as provided in § 602(c)(1) of the District of Columbia Home

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Rule Act, approved December 24, 1973 (87 Stat. 813, D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



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Council of the District of Columbia



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D.C. ACT 16-217

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2005

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To amend the Producer Licensing Act of 2002 to clarify the due process rights afforded to producers under the suspension and revocation provisions of the act; and to provide the Commissioner of the Department of Insurance, Securities, and Banking with summary suspension authority to suspend the certificate of authority of an individual or firm producer without giving notice if the Commissioner finds upon examination that the further transaction of business by the producer would be hazardous to the public or to the policyholders or to the creditors of the producer in the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Producer Summary Suspension Amendment Act of 2005".

Sec. 2. Section 12 of the Producer Licensing Act of 2002, effective March 27, 2003 (D.C. Law 14-264; D.C. Official Code § 31-1131.12), is amended as follows:

Amend
§ 31-1131.12

(a) The section heading is amended to read as follows:

"Sec. 12. License denial, nonrenewal, suspension, or revocation."

(b) The lead-in text of subsection (a) is amended to read as follows:

"(a) The Commissioner may place an insurance individual or business entity producer on probation; suspend, revoke, or refuse to issue or renew an insurance producer's license; may levy a civil penalty in accordance with subsection (d) of this section; may issue subpoenas and administer oaths; or take any combination of these actions if an insurance producer:"

(c) Paragraph (b) is amended as follows:

(1) Paragraph (1) is amended as follows:

(A) Designate the existing text as subparagraph (A).

(B) A new subparagraph (B) is added to read as follows:

"(B) The Commissioner shall not revoke or suspend the license of any such producer until the Commissioner has given the producer not less than 30 days notice of the proposed revocation or suspension and of the grounds alleged thereof, and has afforded the producer an opportunity for a full hearing; provided, that if the Commissioner shall find upon examination that the further transaction of business by the producer would be hazardous to the

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public or to the policyholders or creditors of the producer in the District, the Commissioner may suspend the authority without giving notice as herein required, subject to a hearing within 30 days of the effective date of the order of suspension.”

(2) Paragraph (2) is amended to read as follows:

“(2) In a hearing under this subsection, the Commissioner may administer oaths to witnesses and issue subpoenas. A witness testifying falsely under oath shall be subject to the penalties of perjury. The Commissioner’s authority to issue subpoenas shall not be limited to the context of a hearing if the Commissioner shall find upon examination that the issuance of a subpoena is necessary to protect the public interest.”

(d) Subsection (c) is amended to read as follows:

“(c)(1) The license of a business entity may be suspended, revoked, or denied renewal if the Commissioner finds, after a hearing as provided in paragraph (2) of this subsection, that:

“(A) The occurrence of a license violation was known or should have been known by one or more of the partners, officers, or managers acting on behalf of the business entity;

“(B) The violation was not reported to the Commissioner; and

“(C) Corrective action was not taken.

“(2) The Commissioner shall not suspend, revoke, or deny renewal of the license of a business entity until the Commissioner has given the producer not less than 30 days notice of the proposed suspension, revocation, or denial and of the grounds alleged therefor, and has afforded the producer an opportunity for a full hearing; provided, that if the Commissioner shall find upon examination that the further transaction of business by the producer would be hazardous to the public or to the policyholders or creditors of the producer in the District, the Commissioner may suspend the authority without giving notice as herein required, subject to a hearing within 30 days of the effective date of the order of suspension.

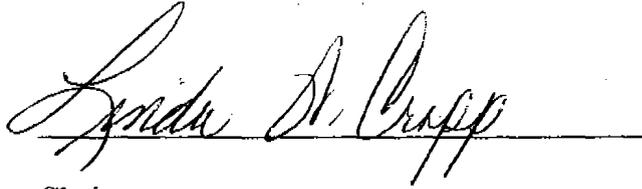
“(3) The Commissioner shall notify all insurance companies that have appointed the producer or business entity of the revocation or suspension within three business days.”

Sec. 3. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3).

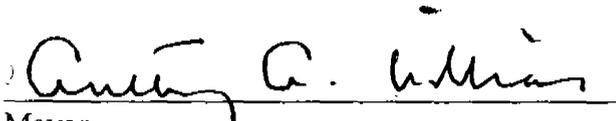
Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
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AN ACT

D.C. ACT 16-218

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2005

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To amend the Business Improvement District Act of 1996 to approve the establishment of the Adams Morgan business improvement district.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may cited as the "Adams Morgan Business Improvement District Amendment Act of 2005".

Sec. 2. The Business Improvement District Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.01 *et seq.*), is amended as follows:

(a) Section 5(b) (D.C. Official Code § 2-1215.04(b)) is amended by striking the phrase "or Mount Vernon Triangle" and inserting the phrase "Mount Vernon Triangle, or Adams Morgan" in its place.

Amend
§ 2-1215.04

(b) A new section 206 is added to read as follows:

"Sec. 206. Adams Morgan BID.

"(a) Subject to review and approval by the Mayor under the provisions of sections 5 and 6, the formation of the Adams Morgan BID, including nonexempt real property within the geographic areas set forth in subsection (b) of this section, is hereby authorized and the BID taxes established in subsection (c) of this section are hereby imposed through the expiration date of this act or the termination or dissolution of the BID.

"(b) The Adams Morgan BID shall be comprised of the geographic area along 17th Street, N.W., between Columbia Road, N.W., and Fuller Street, N.W.; along 18th Street, N.W., between Columbia Road, N.W., and Florida Avenue, N.W.; along Adams Mill Road, N.W., between Columbia Road, N.W., and Lanier Place, N.W.; along Belmont Road, N.W., between 18th Street, N.W., and Columbia Road, N.W.; along Biltmore Street, N.W., between Columbia Road, N.W., and Cliffbourne Place, N.W.; along California Street, N.W., between 18th Street, N.W., and Florida Avenue, N.W.; along Champlain Street, N.W., between Columbia Road, N.W., and Kalorama Road, N.W.; along Columbia Road, N.W., between 16th Street, N.W., and Wyoming Avenue, N.W.; along the north side of Florida Avenue, N.W., between 19th Street N.W., and California Street, N.W.; along Kalorama Road, N.W., between 18th Street, N.W., and Champlain Street, N.W.; along Lanier Place, N.W., between Ontario Road, N.W., and

ENROLLED ORIGINAL

Adams Mill Road, N.W.; along Ontario Road, N.W., between Columbia Road, N.W., and Lanier Place, N.W.; along the north side of U Street, N.W., between 18th Street, N.W., and Florida Avenue, N.W.; along Vernon Street, N.W., between 18th Street, N.W., and 19th Street, N.W.; along Wyoming Avenue, N.W., between 19th Street, N.W., and Columbia Road, N.W.

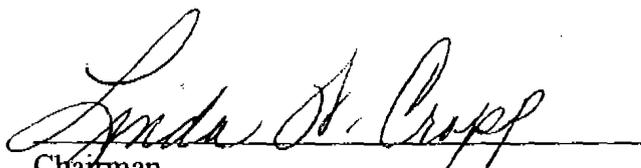
“(c) The BID taxes for the nonexempt real properties in the Adams Morgan BID shall be \$.21 for each \$100 in assessed value for all nonexempt properties and all commercial portions of mixed use properties.”.

Sec. 3. Fiscal impact statement.

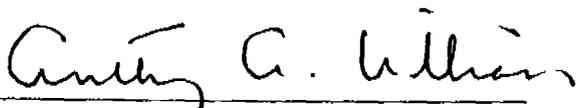
The Council adopts the fiscal impact statement contained in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 22, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-219

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2005

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To amend the Water Pollution Control Act of 1984 to provide that revenues from fishing and hunting licensing schemes shall not be used for purposes other than the administration of the District's Fisheries and Wildlife Division in its role of protecting and managing aquatic life.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Water Pollution Control Amendment Act of 2005".

Sec. 2. Section 4(b)(3) of the District of Columbia Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code § 8-103.03(b)(3)), is amended to read as follows:

Amend
§ 8-103.03

"(3) Revenues from licensing regulatory schemes under this section shall not be used for purposes other than the administration and management of the District's fisheries and wildlife resources. License fees paid by anglers and other users of these resources shall not be used for purposes other than the administration of the District's Fisheries and Wildlife Division."

Sec. 3. Fiscal impact statement.

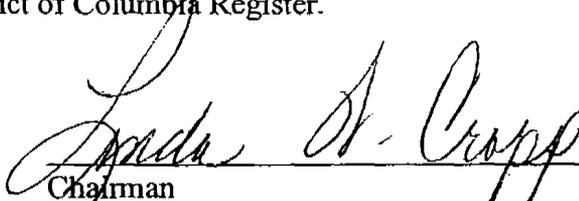
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 4. Effective date.

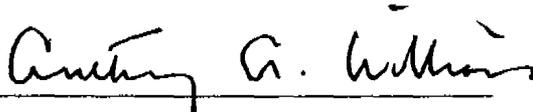
This act shall take effect following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602 (c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

December 24, 1973 (87 Stat.813; D.C. Code Official Code § 1-206.02 (c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 22, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-220

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2005

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To amend the Human Rights Act of 1977 to prohibit discrimination based on gender identity or expression.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Human Rights Clarification Amendment Act of 2005".

Sec. 2. The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 2-1401.01) is amended by striking the phrase "sexual orientation," and inserting the phrase "sexual orientation, gender identity or expression," in its place.

Amend
§ 2-1401.01

(b) Section 102 (D.C. Official Code § 2-1401.02) is amended by redesignating paragraph (12A) as (12A-1) and adding a new paragraph (12A) to read as follows:

Amend
§ 2-1401.02

"(12A) "Gender identity or expression" means a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth."

(c) Section 211 (D.C. Official Code § 2-1402.11) is amended as follows:

Amend
§ 2-1402.11

(1) Subsection (a) is amended as follows:

(A) The lead-in text is amended by striking the phrase "sexual orientation," and inserting the phrase "sexual orientation, gender identity or expression," in its place.

(B) Paragraph (4)(B) is amended by striking the phrase "sexual orientation," and inserting the phrase "sexual orientation, gender identity or expression," in its place.

(2) Subsection (b) is amended by striking the phrase "sexual orientation," and inserting the phrase "sexual orientation, gender identity or expression," in its place.

(d) Section 221 (D.C. Official Code § 2-1402.21) is amended as follows:

Amend
§ 2-1402.21

(1) Subsection (a) is amended as follows:

(A) The lead-in text is amended by striking the phrase "sexual

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orientation,” and inserting the phrase “sexual orientation, gender identity or expression,” in its place.

(B) Paragraph (5) is amended by striking the phrase “sexual orientation,” and inserting the phrase “sexual orientation, gender identity or expression,” in its place.

(2) Subsection (b) is amended by striking the phrase “sexual orientation,” and inserting the phrase “sexual orientation, gender identity or expression,” in its place.

(e) Section 231 (D.C. Official Code § 2-1402.31) is amended as follows:

Amend § 2-1402.31

(1) Subsection (a) is amended by striking the phrase “sexual orientation,” and inserting the phrase “sexual orientation, gender identity or expression,” in its place.

(2) Subsection (b) is amended by striking the phrase “sexual orientation,” and inserting the phrase “sexual orientation, gender identity or expression,” in its place.

(f) Section 241 (1) (D.C. Official Code § 2-1402.41(1)) is amended by striking the phrase “sexual orientation,” and inserting the phrase “sexual orientation, gender identity or expression,” in its place.

Amend § 2-1402.41

(g) Section 271 (D.C. Official Code § 2-1402.71) is amended by striking the phrase “sexual orientation,” and inserting the phrase “sexual orientation, gender identity or expression,” in its place.

Amend § 2-1402.71

(h) Section 273 (D.C. Official Code § 2-1402.73) is amended by striking the phrase “sexual orientation,” and inserting the phrase “sexual orientation, gender identity or expression,” in its place.

Amend § 2-1402.73

Sec. 3. Fiscal impact statement.

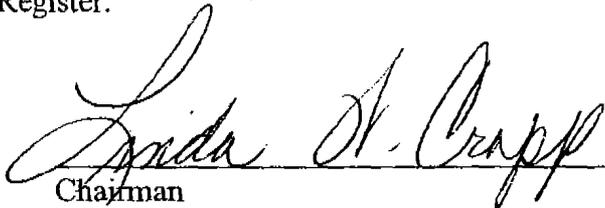
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

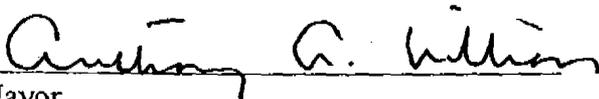
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
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ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-221

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2005

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To amend section 47-1803 of the District of Columbia Official Code to exempt from gross income the employer contribution to health insurance for a domestic partner.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Domestic Partner Health Care Benefits Tax Exemption Act of 2005".

Sec. 2. Section 47-1803.02(a)(2) of the District of Columbia Official Code is amended by adding a new subparagraph (W) to read as follows:

Amend
§ 47-1803.02

"(W) The amount of any health care insurance premium paid by an employer for a non-employee domestic partner, as the term "domestic partner" is defined in § 32-701(3)."

Sec. 3. Section 2 shall apply as of January 1, 2006.

Sec. 4. Fiscal impact statement.

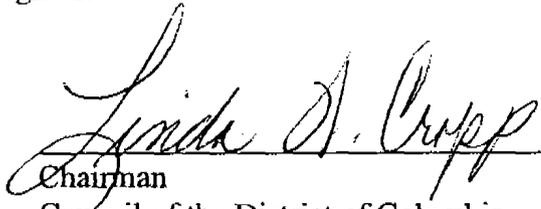
The Council adopts the fiscal impact statement contained in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

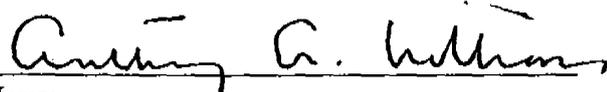
Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


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ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-222

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2005

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To amend Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property of the National Community Reinvestment Coalition.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "National Community Reinvestment Coalition Real Property Tax Exemption Act of 2005".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the section designation "47-1071. The National Community Reinvestment Coalition; lot 20, square 222." at the end.

(b) A new section 47-1071 is added to read as follows:

"§ 47-1071. National Community Reinvestment Coalition; lot 20, square 222.

"The real estate described for assessment and taxation purposes as lot 20, square 222, in the District of Columbia; and the buildings located thereon, owned by National Community Reinvestment Coalition, Inc., a District of Columbia nonprofit corporation, is hereby exempt from taxation for that portion of property owned by the National Community Reinvestment Coalition and occupied and used by the National Community Reinvestment Coalition or its nonprofit tenants to the extent that the property continues to be so owned and occupied, and not used for commercial purposes, subject to the provisions of §§47-1007 and 47-1009."

New
§ 47-1071

Sec. 3. Real property taxes, recordation taxes, interest, penalties, fees, and other related charges assessed against the real property described as lot 20, square 222, for the period of February 24, 2004 through the effective date of this section, shall be forgiven, and any payments made for such period shall be refunded.

Sec. 4. Inclusion in the budget and financial plan.

This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan.

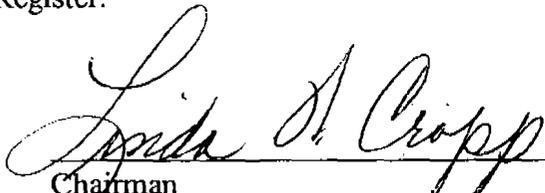
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Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 22, 2005

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-223

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 22, 2005

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
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Publisher

To amend, on a temporary basis, An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to require the Mayor to include as part of a proposed resolution for the disposition of real property an analysis of economic factors and a description of how economic factors will be weighted and evaluated, and in the case of any property to be disposed of through a request for proposals or competitive sealed proposals, to require the Mayor to use economic factors as one of the criteria for evaluating the request for proposals or competitive sealed proposals.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Real Property Disposition Economic Analysis Temporary Amendment Act of 2005".

Sec. 2. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended as follows:

Note,
§ 10-801

(a) A new subsection (b-1) is added to read as follows:

"(b-1)(1) A proposed resolution for the disposition of real property transmitted to the Council after January 29, 2004 pursuant to subsection (b) of this section shall be accompanied by an analysis prepared by the Mayor of the economic factors and other stated policy objectives to be considered in disposing of the real property, including, when appropriate to the chosen method of disposition, how competition may be maximized.

"(2) The analysis shall describe how economic factors and other stated policy objectives will be weighted and evaluated in the disposition process, and shall include, as appropriate, estimates, with supporting documentation, of the monetary benefits and costs to the District that will result from the disposition. The benefits analyzed shall include revenues, fees, and other payments to the District, as well as the creation of jobs."

(b) A new subsection (e-1) is added to read as follows:

"(e-1) In the case of any real property to be disposed of pursuant to this section through a request for proposals or competitive sealed proposals, the Mayor shall include economic factors and other policy objectives, if any, including revenues, fees, and other payments to the District, as part of the evaluation criteria that will be used to evaluate the request for proposals or competitive sealed proposals."

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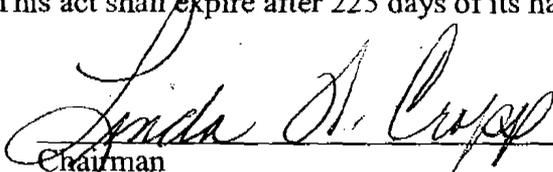
Sec. 3. Fiscal impact statement.

This legislation will not have an adverse impact on the District of Columbia's financial plan and budget because the only changes it would make to current law would be (1) to require an economic analysis to be part of a proposed real property disposition, (2) to require the Mayor to explain how economic factors will be weighted and evaluated in the disposition process, and (3) in the case of a request for proposals or competitive sealed proposals, to require the Mayor to use economic factors as one of the evaluation criteria in evaluating proposals. The legislation is prospective in its application, and would not affect any real property disposition resolutions that have already been transmitted to the Council. By increasing the emphasis on economic factors while giving the Mayor considerable latitude in weighing other factors, such as economic and community development, the legislation would either have a positive or neutral fiscal impact.

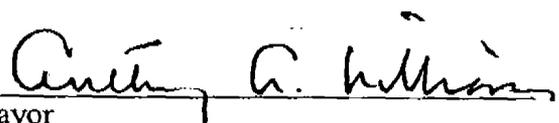
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 22, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-224

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2005

*Codification
District of
Columbia
Official Code*

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To amend, on a temporary basis, section 47-3701(4) of the District of Columbia Official Code to clarify that the estate tax filing threshold of \$1 million applies to decedents whose death occurs on or after January 1, 2003.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Estate and Inheritance Tax Clarification Temporary Act of 2005".

Sec. 2. Section 47-3701(4) of the District of Columbia Official Code is amended as follows:

Note,
§ 47-3701

(a) Subparagraph (B) is amended to read as follows:

“(B) For a decedent whose death occurs on or after January 1, 2002:

“(i) The maximum amount of credit for state death taxes allowed by section 2011 of the Internal Revenue Code;

“(ii) Any scheduled increase in the unified credit provided in section 2010 of the Internal Revenue Code or thereafter shall not apply and the amount of the unified credit shall be \$130,300; and

“(iii) An estate tax return shall not be required to be filed if the decedent’s gross estate does not exceed \$675,000.”

(b) A new subparagraph (C) is added to read as follows:

“(C) For a decedent whose death occurs on or after January 1, 2003:

“(i) The maximum amount of credit for state death taxes allowed by section 2011 of the Internal Revenue Code;

“(ii) Any scheduled increase in the unified credit provided in section 2010 of the Internal Revenue Code or thereafter shall not apply and the amount of the unified credit shall be \$345,800; and

“(iii) An estate tax return shall not be required to be filed if the decedent's gross estate does not exceed \$1 million.”

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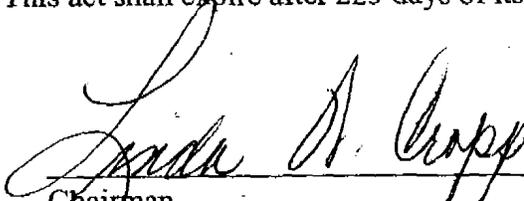
Sec. 3. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

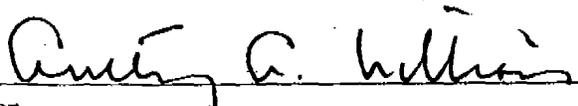
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)); and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 22, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-225

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2005

*Codification
District of
Columbia
Official Code*

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2006 Spring
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Publisher

To amend, on a temporary basis, the District of Columbia Public Assistance Act of 1982 to provide for confidentiality of information for individuals applying for or receiving public benefits through the Department of Human Services, Income Maintenance Administration, and to authorize the Mayor to issue rules pertaining to the release and disclosure of such records.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Assistance Confidentiality of Information Temporary Amendment Act of 2005".

Sec. 2. Section 904 of the District of Columbia Public Assistance Act of 1982, effective April 20, 1999 (D.C. Law 12-241; D.C. Official Code § 4-209.04), is amended to read as follows:

Note,
§ 4-209.04

"904. Confidentiality of information.

"(a) For the purposes of this section, the term:

"(1) "Administering" means running public benefits programs in a manner that complies with District of Columbia or federal laws, rules, or regulations.

"(2) "Applicant" means an individual who has submitted an application for services under one or more IMA programs.

"(3) "Disclosure" means the release, transfer, provision of, provision of access to, or distribution of information in any manner by an entity holding the information to a person outside of the entity.

"(4) "Health Insurance Portability and Accountability Act" means the Health Insurance Portability and Accountability Act of 1996, approved August 21, 1996 (Pub. L. 104-191; 110 Stat. 1936), and the regulations issued thereunder, 45 C.F.R. Parts 160 and 164, enacted for the primary purpose of safeguarding the privacy of an individual's protected health information by restricting the use or disclosure of the information to certain limited circumstances, such as treatment by medical providers, payment of medical bills, or health care operations.

ENROLLED ORIGINAL

“(5) “IMA” means the Income Maintenance Administration within the Department of Human Services.

“(6) “IMA programs” means public benefit programs, including TANF, POWER, Medical Assistance (including Medicaid), Food Stamps, Interim Disability Assistance, Burial Assistance, Refugee Resettlement Assistance, General Assistance for Children, and programs under titles I, V-A, IV-D, XVI, or XIX of Title 21 of the Social Security Act, approved August 14, 1935 (49 Stat. 757; 42 U.S.C. § 301 *et seq.*).

“(7) “Individual’s representative” means a person authorized in writing to review or copy an applicant’s or recipient’s record, or submit or receive information on behalf of the applicant or recipient by:

“(A) The applicant or recipient;

“(B) A court of competent jurisdiction; or

“(C) A person otherwise authorized by law to make decisions on behalf of the applicant or recipient, including decisions related to health care, such as the custodial parent, legal guardian, or personal representative, as set forth at 45 C.F.R. § 164.502(g).

“(8) “Personal notes” means:

“(A) Mental health information regarding an applicant or recipient disclosed to a mental health professional in confidence by other persons on condition that such information not be disclosed to the applicant or recipient, or to other persons; and

“(B) A mental health professional’s speculations about the applicant or recipient.

“(9) “Personal representative” means a person who:

“(A) Under applicable law, has the authority to act on behalf of an individual who is an adult or an emancipated minor in making decisions related to health care;

“(B) Is an executor, administrator, or other person who, under applicable law, has authority to act on behalf of a deceased individual or the individual’s estate; or

“(C) Is a parent, guardian, or other person acting in loco parentis who may have the authority to act on behalf of an unemancipated minor, as more fully set forth at 45 C.F.R. § 164.502(g).

“(10) “Protected health information” means any individually identifiable information, whether oral or recorded, in any form or medium, that is created or received and relates to the past, present, or future physical or mental health condition of an applicant or recipient, or to the payment for health care for an applicant or recipient.

“(11) “Recipient” means an applicant who meets the eligibility requirements and has been determined eligible to receive services through an IMA program.

“(12) “Record” or “applicant’s or recipient’s record” means any hard copy or electronic item, collection, or grouping of information, which includes protected health information, relating to an applicant or recipient that is maintained, collected, used, or disseminated for the purpose of administering an IMA program. The term “record” or

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"applicant's or recipient's record" includes information that the government of the District of Columbia collects and stores by the operation or administration of computerized public benefits eligibility screening tools.

"(b) IMA shall keep records to document information about applicants and recipients relating to IMA programs. The information shall be privileged and confidential and shall only be used or disclosed in accordance with this section.

"(1) The applicant or recipient has a right to privacy and shall be provided with a written notice about IMA's privacy practices and the conditions governing inspection of records. A copy of the notice shall be maintained in the applicant's or recipient's record.

"(2) IMA shall secure the written authorization of the applicant, recipient, or individual's representative pursuant to the requirements of 45 C.F.R. § 164.508 before requesting or disclosing information about the applicant or recipient to or from other agencies or individuals. A copy of the authorization shall be maintained in the applicant's or recipient's record.

"(3) An applicant or recipient shall submit a verbal or written request and an individual's representative shall submit a written request to access information in an applicant's or recipient's record, including protected health information. Except for psychotherapy and personal notes, and information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding, the IMA shall make all information in the applicant's or recipient's record available to the applicant, recipient, or the individual's representative.

"(A) IMA shall permit inspection or provide a copy of the information no later than 30 days after receiving the written request if the information is available on-site unless the applicant or recipient is under investigation pursuant to any provisions of subsection (b) of this section. If the written request is for information that is not maintained by or accessible to IMA on-site and IMA has knowledge of the information and its location, IMA must permit inspection or provide a copy of the information no later than 60 days after receiving the written request.

"(B) If IMA authorizes disclosure to a third party, other than the applicant or recipient's individual representative, pursuant to a valid authorization, the disclosure shall be limited to the information specifically identified in a written authorization from the applicant, recipient, or the individual's representative.

"(4) An applicant, recipient, or individual's representative who believes that information in an applicant's or recipient's record is inaccurate or misleading may request that IMA amend the information by submitting a written request for amendment setting forth the reason for the change, including documentation, where appropriate. Within 60 days after it receives the request, the IMA shall make a determination on the request and either make amendments to the record or deny the request.

"(A) The IMA may deny a request for amendment if the information

ENROLLED ORIGINAL

sought to be amended:

“(i) Was not created by IMA, unless the individual requesting the amendment provides a reasonable basis to believe that the originator of the protected health information or the information in the record is no longer available to act on the requested amendment;

“(ii) Is not part of the record;

“(iii) Is not available for inspection as provided in paragraph (3) of this subsection; or

“(iv) Is accurate and complete.

“(B) If the request for amendment is denied, the IMA shall provide the applicant, recipient, or the individual’s representative with a written response setting forth the reason for denying the request for amendment and the procedures on how to request reconsideration of the decision, including a statement that the applicant, recipient, or individual’s representative has a right to submit a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such disagreement.

“(C) If the request for amendment is granted, the IMA shall notify the applicant, recipient, or individual’s representative of the decision and how to obtain authorization concerning persons to be notified of the amendment.

“(D) All documentation generated from a request for amendment shall be included in the record of the applicant or recipient.

“(c) All information and records regarding an applicant or recipient provided to or created by the IMA, its representatives, or its employees, in the course of the administration of IMA programs, shall be privileged and confidential and shall only be disclosed:

“(1) To the applicant, recipient, or individual’s representative, in accordance with subsection (b) of this section;

“(2) To a third party, with a written authorization signed by the applicant, the recipient, or the individual’s representative authorizing disclosure of the specific record, or specific parts of the record; or

“(3) Without consent for one of the following purposes:

“(A) To administer IMA programs;

“(B) To aid in any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of IMA programs;

“(C) To administer any federal or federally-assisted program, which provides assistance, in cash or in-kind, or services directly to individuals on the basis of need;

“(D) To verify a state employment services agency for the purposes of providing information about a public assistance recipient's eligibility for employer tax credits, except that protected health information shall not be disclosed to such agency;

“(E) For an audit or similar activity, such as review of expenditure reports or financial review, conducted in connection with the administration of any public

ENROLLED ORIGINAL

assistance program by any governmental entity which is authorized by law to conduct such audit or activity;

“(F) To administer the unemployment compensation program for the District of Columbia or any other state unemployment compensation program, except that protected health information shall not be disclosed to such agency or program;

“(G) To report to the Metropolitan Police Department information on known or suspected instances of physical or mental injury, sexual abuse, or exploitation, or to report to the appropriate authority charged with investigating such allegations information on known or suspected instances of negligent treatment or maltreatment of a child or vulnerable adult receiving aid under circumstances which indicate that the child's or vulnerable adult's health or welfare is threatened; or

“(H) To comply with a court order (a subpoena being insufficient) issued by a court of competent jurisdiction to compel disclosure of an applicant's or recipient's record or testimony of any Mayor's representative concerning an applicant or recipient for purposes directly related to the purposes listed in subparagraphs (A) through (G) of this paragraph.

“(d)(1) The administrator of the IMA shall approve each request for disclosure of a record made pursuant to subsection (c)(3) of this section before the IMA releases the record, or any portion thereof. For each disclosure of a record pursuant to subsection (c)(3) of this section, the IMA shall:

“(A) Record the disclosure in the applicant's or recipient's record;

“(B) Disclose only the information minimally necessary to satisfy the purpose of the request; and

“(C) Maintain a central log accounting for disclosures of protected health information.

“(2) An accounting for an approved disclosure shall contain, at minimum, the following:

“(A) The date of the disclosure;

“(B) The name of the person or entity that received the information and, if known, the address of the entity or person;

“(C) A brief description of the information disclosed; and

“(D) A brief statement of the purpose of the disclosure that states the exact basis for disclosure or, in lieu of that statement, a copy of the written request for disclosure.

“(3) Accounting is not required if the information is disclosed:

“(A) To administer IMA programs, or to carry out treatment, payment, and health care operations;

“(B) To persons involved in the applicant's or recipient's care;

“(C) For national security or intelligence purposes;

“(D) To correctional institutions or law enforcement officials; or

“(E) Prior to April 14, 2003.

ENROLLED ORIGINAL

“(e) The IMA shall review a requestor’s credentials to verify the requestor’s identity and authority before disclosing records to an applicant, recipient, or individual’s representative, or to a person requesting disclosure of records pursuant to subsection (c)(3) of this section.

“(f) The IMA shall implement appropriate procedures to ensure the security of records and to minimize inadvertent disclosures of confidential records, including protected health information.

“(g) The IMA shall retain all information in an applicant’s and recipient’s record for at least 3 years after the case is closed. A request for a disclosure of information under subsection (c)(3) of this section, along with the supporting documentation for each such request that the IMA is required to maintain under subsection (d) of this section, shall be retained by the IMA for at least 6 years, and shall be disclosed to an applicant, recipient, or individual representative upon written request.

“(h) The IMA shall ensure that IMA employees are trained on the provisions of this section and are aware that unauthorized use or disclosure of records may constitute cause for adverse or corrective personnel action.

“(i) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et. seq.*), may issue rules to implement the provisions of this section.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

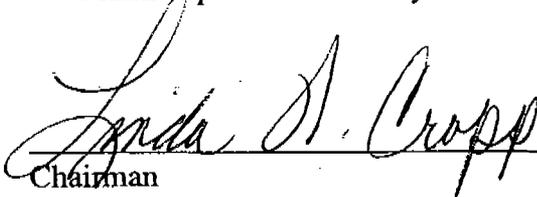
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

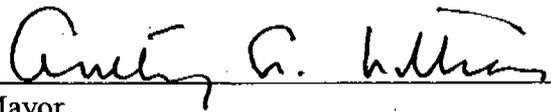
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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 22, 2005

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-226

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 22, 2005

Codification
District of
Columbia
Official Code

2001 Edition

2006 Spring
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Publisher

To amend, on a temporary basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to allow District of Columbia government employees who serve in the reserve units of the United States Armed Forces and who have been called or will be called to active duty as a result of Operation Enduring Freedom, or in preparation for or as a result of Operation Iraqi Freedom, to receive a pay differential.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Temporary Amendment Act of 2005".

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 1103(a) (D.C. Official Code § 1-611.03(a)) is amended by adding a new paragraph (7) to read as follows:

Note,
§ 1-611.03

"(7)(A) Any full-time permanent, term, or TAPER District government employee who serves in a reserve component of the United States Armed Forces and who has been or will be called to active duty as a result of Operation Enduring Freedom, or in preparation for or as a result of Operation Iraqi Freedom, shall receive, upon application and approval, an amount that equals the difference in compensation between the employee's District government basic pay and the employee's basic military pay. This amount shall not be considered as basic pay for any purpose. This amount shall be paid for any period following the formal inception of Operation Enduring Freedom in 2001, any period following the beginning of the preparation for Operation Iraqi Freedom in 2002 and 2003, or for any period following the formal inception of Operation Iraqi Freedom in 2003, during which the employee is carried in a non-pay status, from the time the employee is called to active duty until the employee is released from active duty occasioned by any of these military conflicts.

"(B) The Mayor shall issue rules within 30 days of July 22, 2003 to implement the provisions of this paragraph."

(b) Section 1111(d) (D.C. Official Code § 1-611.11(d)) is amended by striking the phrase "and (6)" and inserting the phrase "and (7)" in its place.

Note,
§ 1-611.11

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home

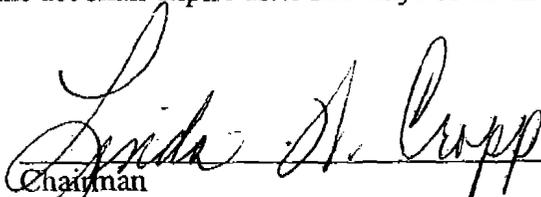
ENROLLED ORIGINAL

Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 22, 2005

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-227

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 22, 2005

Codification
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To amend, on a temporary basis, the Criminal Background Checks for the Protection of Children Act of 2004 to clarify that persons convicted of certain crimes are not automatically excluded from working as employees or unsupervised volunteers of certain providers that provide direct services to children or youth and to provide applicants a right to appeal a denial of employment or volunteer status based on a finding that they pose a present danger to children or youth.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Criminal Background Checks for the Protection of Children Clarification Temporary Amendment Act of 2005".

Sec. 2. The Criminal Background Checks for the Protection of Children Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.01 *et seq.*), is amended as follows:

(a) Section 205(c)(5) (D.C. Official Code § 4-1501.05(c)(5)) is amended to read as follows:

Note,
§ 4-1504.05

"(5) A signed affirmation stating whether or not the applicant, employee, or volunteer has been convicted of a crime, has pleaded nolo contendere, is on probation before judgment or placement of a case upon a stet docket, or has been found not guilty by reason of insanity, for any sexual offenses or intra-family offenses in the District of Columbia or their equivalent in any other state or territory, or for any of the following felony offenses or their equivalent in another state or territory:

"(A) Murder, attempted murder, manslaughter, or arson;

"(B) Assault, battery, assault and battery, assault with a dangerous weapon, mayhem, or threats to do bodily harm;

"(C) Burglary;

"(D) Robbery;

"(E) Kidnapping;

"(F) Illegal use or possession of a firearm;

ENROLLED ORIGINAL

“(G) Sexual offenses, including indecent exposure; promoting, procuring, compelling, soliciting, or engaging in prostitution; corrupting minors (sexual relations with children); molesting; voyeurism; committing sex acts in public; incest; rape; sexual assault; sexual battery; or sexual abuse; but excluding sodomy between consenting adults;

“(H) Child abuse or cruelty to children; or

“(I) Unlawful distribution or possession of, or possession with intent to distribute, a controlled substance;”.

(b) A new section 207a is added to read as follows:

“Sec. 207a. Assessment of information obtained from criminal background check.

“(a) The information obtained from the criminal background check shall not create a disqualification or presumption against employment or volunteer status of the applicant unless the Mayor determines that the applicant poses a present danger to children or youth. In making this determination, the Mayor shall consider the following factors:

“(1) The specific duties and responsibilities necessarily related to the employment sought;

“(2) The bearing, if any, the criminal offense for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties or responsibilities;

“(3) The time which has elapsed since the occurrence of the criminal offense;

“(4) The age of the person at the time of the occurrence of the criminal offense;

“(5) The frequency and seriousness of the criminal offense;

“(6) Any information produced by the person, or produced on his or her behalf, in regard to his or her rehabilitation and good conduct since the occurrence of the criminal offense; and

“(7) The public policy that it is beneficial generally for ex-offenders to obtain employment.

“(b) The Mayor and covered child or youth services providers shall not employ or permit to serve as an unsupervised volunteer an applicant who has been convicted of, has pleaded nolo contendere, is on probation before judgment or placement of a case upon a stet docket, or has been found not guilty by reason of insanity for any sexual offenses involving a minor.

“(c) If an application is denied because the applicant presents a present danger to children or youth, the Mayor shall inform the applicant in writing and the applicant may appeal the denial to the Commission on Human Rights within 30 days of the date of the written statement.”.

Sec. 3. Fiscal impact statement.

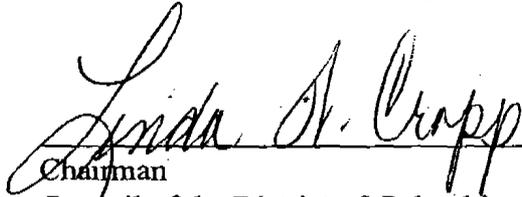
The Council adopts the fiscal impact statement of the Council Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

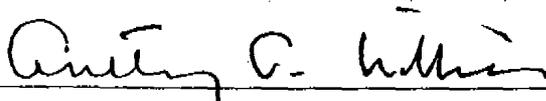
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 22, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-228

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2005

Codification
District of
Columbia
Official Code

2001 Edition

2006 Spring
Supp.

West Group
Publisher

To amend, on a temporary basis, the Highway Trust Fund Establishment Act of 1996 to direct revenue into the Local Roads Construction and Maintenance Fund that was inadvertently directed to the District Department of Transportation Operating Fund, and to provide that up to 100% of specified revenue collected for the rental of public space may be used for debt servicing; and to amend the Department of Transportation Establishment Act of 2002 to provide that revenue from public space rental from sources not deposited into the Local Roads Construction and Maintenance Fund be deposited into the District Department of Transportation Operating Fund, and to provide that 100% of the sales and use taxes for parking and storing vehicles be directed for local roads construction and maintenance but providing that 50% may be used for debt servicing.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Highway Trust Fund and District Department of Transportation Temporary Amendment Act of 2005".

Sec. 2. Section 102a(a) of the Highway Trust Fund Establishment Act of 1996, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 9-111.01a(a)), is amended to read as follows:

Note,
§ 9-111.01a

"(a)(1) There is established the Local Roads Construction and Maintenance Fund ("Maintenance Fund"), which shall be separate from the General Fund of the District of Columbia, into which shall be deposited without regard to fiscal year limitation, pursuant to an act of Congress:

"(A) All revenue derived from the collection of the public rights-of-way user fees, charges, and penalties, established pursuant to 24 DCMR §§ 3302.8 through 3302.10, or any other regulations;

"(B) One hundred percent of the sales and use taxes collected by the District for parking and storing vehicles to source funds for the Local Roads Construction and Maintenance Fund;

"(C) One hundred percent of the revenues collected by the District for the

ENROLLED ORIGINAL

rental of public space that is not derived from:

- "(i) Sidewalk cafes;
- "(ii) Surface and subsurface fuel oil space; or
- "(iii) Vaults; and

"(D) All excess monies in the District of Columbia Highway Trust Fund pursuant to section 101(e).

"(2)(A) Up to 50% of the revenue collected pursuant to paragraph (1)(B) of this subsection from parking and storing vehicle taxes may be used for debt servicing and the remaining balance used for local roads construction and maintenance; and

"(B) All or any portion of the revenue collected pursuant to paragraph (1)(C) of this subsection for the rental of public space may be used for debt servicing."

Sec. 3. Section 11a of the Department of Transportation Establishment Act of 2002, effective October 20, 2005 (D.C. Law 16-33; 52 DCR 7503), is amended as follows:

(a) Subsection (a)(2) is amended by striking the phrase "Excluding monies collected in the current year, any money deposited in the DDOT Fund in the year prior to the current year and the interest earned on that money remaining" and inserting the phrase "Excluding revenues collected in the current year, any revenue, including accrued revenue, deposited in the DDOT Fund in the year prior to the current year and the interest earned on those revenues remaining" in its place.

(b) Subsection (b) is amended as follows:

(1) Subparagraph (A) is amended to read as follows:

"(A) One hundred percent of revenue collected by the District for rental of public space that is derived from:

- "(i) Sidewalk cafes;
- "(ii) Surface and subsurface fuel oil space; and
- "(iii) Vaults;

(2) Subparagraph (B) is repealed.

(3) Subparagraph (C) is amended by striking the word "proceeds" and inserting the word "revenue" in its place.

Sec. 4. Fiscal impact statement.

(a) The Council adopts the fiscal impact statement of the Budget Director to the Council of the District of Columbia as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

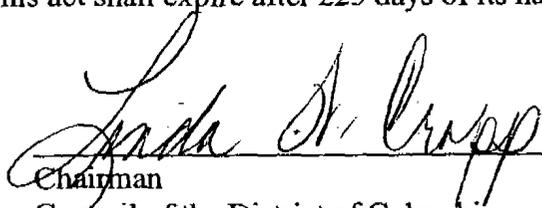
(b) The use of funds allocated in this act are already incorporated into the District's budget and financial plan and, therefore, this legislation has no fiscal impact.

ENROLLED ORIGINAL

Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
December 22, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-229

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2005

Codification
District of
Columbia
Official Code

2001 Edition

2006 Spring
Supp.

West Group
Publisher

To amend the Adult Protective Services Act of 1984 to authorize Adult Protective Services to investigate cases of self-neglect and provide protective services where necessary.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Karyn Barquin Adult Protective Services Self-Neglect Expansion Amendment Act of 2005".

Sec. 2. The Adult Protective Services Act of 1984, effective March 14, 1985 (D.C. Law 5-156; D.C. Official Code § 7-1901 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-1901) is amended as follows:

(1) Paragraph (1) is amended as follows:

(A) Designate the lead-in language as subparagraph (A).

(B) Designate subparagraphs (A), (B), (C), (D), and (E) as subparagraphs (i), (ii), (iii), (iv), and (v).

(C) Newly designated sub-subparagraph (iii) is amended by striking the word "confinement" and inserting the phrase "confinement or threats to impose unreasonable confinement" in its place.

(D) A new subparagraph (B) is added to read as follows:

"(B) An adult shall not be considered abused under this act for the sole reason that he or she seeks, or his or her caregiver provides or permits to be provided, with the express consent or in accordance with the practice of the adult, treatment by spiritual means through prayer alone in accordance with a religious method of healing, in lieu of medical treatment."

(2) A new paragraph (1A) is added to read as follows:

"(1A) "Adult" means an individual 18 years of age or older."

(3) Paragraph (2) is amended to read as follows:

"(2)(A) "Adult in need of protective services" means an individual 18 years of age or older who:

"(i) Is highly vulnerable to abuse, neglect, self-neglect, or

Amend
§ 7-1901

ENROLLED ORIGINAL

exploitation because of a physical or mental impairment, self-neglect, or incapacity;

"(ii) Has recently been or is being abused, neglected, or exploited by another or meets the criteria for self-neglect; and

"(iii) Has no one willing and able to provide adequate protection.

"(B) An adult shall not be considered in need of protective services under this act for the sole reason that he or she seeks, or his or her caregiver provides or permits to be provided, with the express consent or in accordance with the practice of the adult, treatment by spiritual means through prayer alone in accordance with a religious method of healing, in lieu of medical treatment."

(4) A new paragraph (8A) is added to read as follows:

"(8A) "Incapacity" means the state of being an incapacitated individual as defined by D.C. Official Code § 21-2011(11)."

(5) Paragraph (9) is amended as follows:

(A) Designate the lead-in language as subparagraph (A).

(B) Redesignate subparagraphs (A), (B), (C), and (D) as subparagraphs (i), (ii), (iii), and (iv).

(C) A new subparagraph (B) is added to read as follows:

"(B) An adult shall not be considered neglected under this act for the sole reason that he or she seeks, or his or her caregiver provides or permits to be provided, with the express consent or in accordance with the practice of the adult, treatment by spiritual means through prayer alone in accordance with a religious method of healing, in lieu of medical treatment."

(6) Paragraph (12) is amended by striking the phrase "exploitation by another," and inserting the phrase "exploitation by another, or self-neglect," in its place.

(7) A new paragraph (13) is added to read as follows:

"(13)(A) "Self-neglect" means the failure of an adult, due to physical or mental impairments or incapacity, to perform essential self-care tasks, including:

"(i) Providing essential food, clothing, shelter, or medical care;

"(ii) Obtaining goods or services necessary to maintain physical health, mental health, emotional well-being, and general safety; or

"(iii) Managing his or her financial affairs.

"(B) An adult shall not be considered to be committing self-neglect under this act for the sole reason that he or she seeks treatment by spiritual means through prayer alone in accordance with a religious method of healing, in lieu of medical treatment."

(b) Section 3 (D.C. Official Code § 7-1902) is repealed.

(c) Section 4 (D.C. Official Code § 7-1903) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Paragraph (1) is amended as follows:

(i) Strike the phrase "or social worker" and insert the phrase

Repeal
§ 7-1902
Amend
§ 7-1903

ENROLLED ORIGINAL

"bank manager, financial manager, or social worker" in its place.

(ii) Strike the phrase "abuse or neglect" and insert the phrase "abuse, neglect, or exploitation" in its place.

(B) Paragraph (2) is amended by striking the phrase "or exploitation" and inserting the phrase "self-neglect, or exploitation" in its place.

(2) Subsection (b) is amended by striking the phrase "the 3rd person" and inserting the phrase "a third person" in its place.

(3) Subsection (c) is amended by striking the phrase "the nature and extent of the abuse, neglect, or exploitation" and inserting the phrase "the nature and extent of the abuse, neglect, self-neglect, or exploitation" in its place.

(4) Subsection (d) is amended as follows:

(A) Paragraph (1) is amended as follows:

(i) Subparagraph (A) is amended to read as follows:

"(A) To another public or private agency, or to the court-appointed representative of an adult in need of protective services, only to the minimal extent required to conduct an investigation, provide services under this act, or petition the court for appointment of a guardian of the person or conservatorship of the estate of the person (or a limited guardianship or conservatorship) under Chapter 20 of Title 21;"

(ii) Subparagraph (B) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place and by striking the word "or" at the end.

(iii) A new subparagraph (B-1) is added to read as follows:

"(B-1) To the Metropolitan Police Department; or".

(B) Paragraph (2) is amended by striking the phrase "paragraph (1)(A) through (C)" and inserting the phrase "paragraph (1)" in its place.

(5) A new subsection (d-1) is added to read as follows:

"(d-1) The Department may provide outreach and training on the requirements of this section to members of the public and to appropriate governmental personnel, including law enforcement officers, social services personnel, judicial officers, guardians and conservators for incapacitated adults, and others as may be determined by the Mayor."

(6) Subsection (e) is amended to read as follows:

"(e) The Mayor shall widely publicize the phone number and mailing address of the division within the Department designated to receive reports under this section, and may conduct educational programs for those persons required to report under subsection (a)(1) of this section."

(d) Section 5 (D.C. Official Code § 7-1904) is amended as follows:

(1) Subsection (b) is amended as follows:

(A) Strike the phrase "another, the investigation shall be terminated," and insert the phrase "another or that the adult is incapacitated, the investigation shall be

Amend
§ 7-1904

ENROLLED ORIGINAL

terminated," in its place.

(B) Strike the phrase "Corporation Counsel to petition for an ex parte order pursuant to subsection (c) of this section." and insert the phrase "Attorney General to petition for an ex parte order pursuant to subsection (c) of this section. Where good cause exists to believe that a self-neglecting person is incapacitated, the APS worker, the Department, or the Attorney General may provide protective services pursuant to section 6(c-1).".

(2) Subsection (c) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General" in its place.

(3) Subsection (e) is amended by striking the phrase "neglect," and inserting the phrase "neglect, self-neglect," in its place.

(e) Section 6 (D.C. Official Code § 7-1905) is amended as follows:

Amend
§ 7-1905

(1) Subsection (a)(1)(A) is amended by striking the phrase "services;" and inserting the phrase "services due to abuse, neglect, or exploitation by a third party;" in its place.

(2) A new subsection (a-1) is added to read as follows:

"(a-1) Subject to the availability of resources, the Department may provide protective services if:

"(1) After an APS worker conducts an investigation under section 5, the Department determines that an adult is in need of protective services due to self-neglect;

"(2) The adult in need of protective services, or a person authorized by law or court order to consent to the provision of protective services on behalf of the adult, affirmatively consents to the particular services offered;

"(3) Reasonable access is not denied by a third person; and

"(4) The adult in need of protective services, if not indigent and exigent circumstances do not dictate otherwise, agrees to reimburse the District or make reasonable contribution pursuant to the rules issued under section 10.".

(3) Subsection (b) is amended to read as follows:

"(b) If an adult in need of protective services due to abuse, neglect, self-neglect, or exploitation objects to the provision of particular services and it does not manifestly appear to the APS worker that the adult is incapacitated or that the objection is prompted by fear or intimidation instilled by another, the adult shall be entitled to refuse those services and this right of refusal shall be fully respected.".

(4) Subsection (c) is amended to read as follows:

"(c) In any case under this section involving abuse, neglect, or exploitation by a third party that does not meet the requirements of subsection (a)(1) of this section, the Department or other agency designated by the Mayor may provide protective services only after the Attorney General obtains a protection order pursuant to sections 7 or 8.".

(5) A new subsection (c-1) is added to read as follows:

"(c-1) In any case under this section involving self-neglect, if an APS worker has good cause to believe that an adult is incapacitated, the APS worker, the Department, or the Attorney

ENROLLED ORIGINAL

General may:

"(1) Petition the court for appointment of a guardianship of the adult or a conservatorship of the estate of the adult (or a limited guardianship or conservatorship) under Chapter 20 of Title 21;

"(2) Make referrals or provide information about the adult and the investigation to the appropriate public or private agencies, and monitor the results of any such referrals, as appropriate;

"(3) Provide protective services to the extent possible under the circumstances;

or

"(4) Provide protective services when and if a person authorized by law or court order to consent to the provision of protective services on behalf of the adult, affirmatively consents to the particular services offered."

(6) A new subsection (f) is added to read as follows:

"(f) No provision of subsections (a-1) or (c-1) of this section shall be construed to create an entitlement (either direct or implied) on the part of any individual or family to any services under this act for an adult who meets the criteria for self-neglect or who is determined to be at risk due to self-neglect."

(f) Section 7 (D.C. Official Code § 7-1906) is amended as follows:

Amend
§ 7-1906

(1) Subsection (a) is amended as follows:

(A) The lead-in text is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General" in its place.

(B) Paragraph (4) is amended by striking the phrase "neglect," and inserting the phrase "neglect, self-neglect," in its place.

(C) Paragraph (5)(A) is amended by striking the phrase "impairment," and inserting the phrase "impairment or incapacity;" in its place.

(2) Subsection (b) is amended as follows:

(A) Strike the phrase "Corporation Counsel" and insert the phrase "Attorney General" in its place.

(B) Strike the phrase "Corporation Counsel's" and insert the phrase "Attorney General's" in its place.

(3) Subsection (d) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General" in its place.

(g) Section 8(a) (D.C. Official Code § 7-1907(a)) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General" in its place.

Amend
§ 7-1907

(h) Section 9 (D.C. Official Code § 7-1908) is amended by striking the phrase "neglect," and inserting the phrase "neglect, self-neglect," in its place.

Amend
§ 7-1908

(i) Section 10 (D.C. Official Code § 7-1909) is amended as follows:

Amend
§ 7-1909

(1) Designate the existing text as subsection (a).

(2) The newly designated subsection (a) is amended as follows:

ENROLLED ORIGINAL

(A) The lead-in text is amended by striking the phrase "no later than October 1, 1985,".

(B) Paragraph (2) is amended to read as follows:

"(2) The effective coordination of interdepartmental resources and actions when a report made to the Department alleges that an individual, facility, or agency licensed by the District of Columbia is responsible for the abuse, neglect, or exploitation of an impaired adult;"

(C) Paragraph (3) is amended by striking the phrase "services." and inserting the phrase "services;" in its place.

(D) New paragraphs (4) and (5) are added to read as follows:

"(4) The effective coordination of interdepartmental resources and actions when the Department seeks records or documents in the possession of another agency, including exempting the Department from payment of any and all fees otherwise required to obtain a record if the request is made in the course of an investigation or of the provision of protective services by the Department, and ensuring that requests for records or documents by the Department are given high priority by other governmental agencies; and

"(5) The effective coordination of interdepartmental resources and actions, providing for expedited access to governmental services on behalf of an adult in need of protective services, and ensuring that requests for such services are given high priority by other governmental agencies."

(3) A new subsection (b) is added to read as follows:

"(b) Within 60 days of the effective date of the Karyn Barquin Adult Protective Services Self-Neglect Expansion Amendment Act of 2005, as approved by the Committee on Human Services on June 17, 2005 (Committee print of Bill 16-46), the Mayor shall issue rules necessary to implement the provisions of that act."

(j) Section 11 (D.C. Official Code § 7-1910) is amended as follows:

Amend
§ 7-1910

(1) Subsection (a) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General" in its place.

(2) Subsection (b) is amended by striking the phrase "Corporation Counsel" both times it appears and inserting the phrase "Attorney General" in its place.

(k) Section 13(c) (D.C. Official Code § 7-1912(c)) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General" in its place.

Amend
§ 7-1912

(l) Section 14 (D.C. Official Code § 7-1913) is amended as follows:

Amend
§ 7-1913

(1) The lead-in text is amended by striking the phrase "No later than October 1, 1987, the Mayor shall prepare and submit to the Council a" and inserting the phrase "The Mayor shall submit to the Council an annual" in its place.

(2) Paragraph 2 is amended as follows:

(A) Subparagraph (E) is amended by striking the word "and" at the end.

(B) Subparagraph (F) is amended by striking the word "and" at the end.

(C) New subparagraphs (G) and (H) are added to read as follows:

ENROLLED ORIGINAL

"(G) The effectiveness with which government agencies and private organizations collaborate to investigate cases and administer protective services, including any proposals to improve coordination of efforts; and

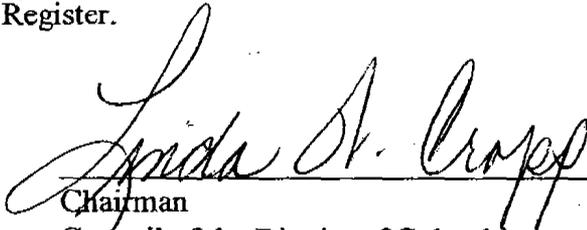
"(H) The resources needed by the Department to conduct investigations and provide services as authorized by and required under this act; and".

Sec. 3. Fiscal impact statement.

The Council adopts the October 18, 2005 fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 22, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-230

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 22, 2005

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
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To amend Title 47 of the District of Columbia Official Code to implement an Intermediate Care Facility for the Mentally Retarded provider tax and establish a fund designated as the Stevie Sellows Quality Improvement Fund, which shall be separate from the General Fund of the District of Columbia and shall be used for quality improvement at these facilities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Stevie Sellows Intermediate Care Facility for the Mentally Retarded Quality Improvement Act of 2005".

Sec. 2. Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents for the title is amended by adding a new chapter heading to read as follows:

"12D. Stevie Sellows Quality Improvement Fund; ICF-MR Assessment 47-1270".

New Chapter
12D
New §§ 47-
1270 - 47-
1278

(b) A new Chapter 12D is added to read as follows:

"Chapter 12D

"Stevie Sellows Quality Improvement Fund; ICF-MR Assessment.

"Section

"47-1270. Definitions.

"47-1271. ICF-MR Quality Improvement Fund.

"47-1272. Qualified Facility; eligibility; inspection by the MAA; fund recovery; adverse action prohibition.

"47-1273. ICF-MR assessment.

"47-1274. Interest and penalties.

"47-1275. Confidentiality; audit; determination or redetermination of assessment.

"47-1276. Appeals.

"47-1277. Rules.

"47-1278. Federal determinations; suspension and termination of assessment.

ENROLLED ORIGINAL

"§ 47-1270. Definitions.

"For the purposes of this chapter, the term:

"(1) "Fund" means the Stevie Sellows Quality Improvement Fund established by this chapter.

"(2) "Gross revenue" means the sum of revenue for provisions of services to consumers with developmental disabilities. For purposes of this chapter, gross revenues does not include charitable contributions or interest income.

"(3) "Intermediate care facility for the mentally retarded" and "ICF-MR" have the same meaning as under section 1905(d) of the Social Security Act (42 U.S.C.S. § 1396d(d)), but does not include a facility operated by the federal government.

"(4) "Medicaid" means the medical assistance programs authorized by title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), and by section 1 of An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), and administered by the Department of Health.

"(5) "Quality of care improvements" means improving the quality of care for consumers with developmental disabilities by efforts to reduce turnover and increase the qualifications of the employees, excluding managers, administrators, and contract employees, such as an increase in salaries or benefits, or an increase in training and educational opportunities.

"(6) "Resident" means a person receiving services in an ICF-MR.

"(7) "Reimbursement methodology" means the prospective Medicaid payment rate system for intermediate care facilities for the mentally retarded.

"§ 47-1271. ICF-MR Quality Improvement Fund.

"(a) There is established a fund designated as the Stevie Sellows Quality Improvement Fund ("Fund"), which shall be separate from the General Fund of the District of Columbia and shall be used for the purposes set forth in subsection (b) of this section. All assessments collected under this chapter, any and all interest earned on those assessments, and any and all interest and penalties collected under § 47-1274, shall be deposited into the Fund, and shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section, subject to authorization by Congress.

"(b) The Fund shall be used to:

"(1) Fund quality of care improvements for those facilities who meet the requirements of § 47-1272 of up to \$2.50 per hour; and

"(2) Cover administrative costs of the Medical Assistance Administration ("MAA") in administering the Fund, which these costs shall not be more than 5% of the Fund's total revenues for a fiscal year.

ENROLLED ORIGINAL

“(c) Amounts remaining in the Fund after the disbursements required by subsection (b) of this section shall be used for an increase in the Medicaid per diem reimbursement rate for each ICF-MR above the fiscal year 2006 rate.

“(d) The Mayor shall submit to the Council, as a part of the annual budget, a requested appropriation for expenditures from the Fund for a fiscal year.

“(e) The Mayor shall audit all income and expenses of the Fund annually and provide the annual report to the Council.

“§ 47-1272. Qualified Facility; eligibility; inspection by the MAA; fund recovery; adverse action prohibition.

“(a) To be eligible to receive payments from the Fund for a fiscal year, an ICF-MR shall submit the following to the MAA by June 30 of the prior fiscal year:

“(1) Proof of a legally binding written commitment to fund quality of care improvements as defined in § 47-1270;

“(2) Proof of an enforcement mechanism of the written commitment to fund quality of care improvements, such as arbitration, that is:

“(A) Expeditious;

“(B) Uses a neutral decision maker;

“(C) Economical for the employees; and

“(D) Available to the employees or their representatives; and

“(3) Proof that the facility has provided written notice of the terms of the commitment and the availability of the enforcement mechanism to the relevant employees or their recognized representatives.

“(b) The MAA shall terminate the quality improvement funding for a facility if it finds the binding written commitment has expired and does not otherwise remain enforceable.

“(c) The MAA may inspect relevant payroll and personnel records of facilities receiving funds pursuant to this section to ensure that the quality of care improvements provided for in this section have been implemented.

“(d) In addition to the remedies provided in § 47-1274, the Department of Health may retroactively recover funds provided to a facility for quality of care improvements incurred after expiration of the commitment or if a facility has failed to maintain the commitment.

“(e) Enforcement or attempted enforcement of the written commitment pursuant to § 47-1272 shall not constitute a basis for adverse action by a facility against an employee.

“(f) Documents submitted by the ICF-MR to show its compliance with § 47-1272 shall be available for public review.

§ 47-1273. Assessments on ICF-MRs.

“(a) Except as provided in § 47-1278(d), each ICF-MR in the District of Columbia shall pay an assessment of 1.5% per annum of gross revenue.

“(b) The Mayor shall provide notice to each ICF-MR of the amount of the assessment for the ensuing fiscal year no later than September 1.

ENROLLED ORIGINAL

“(c) Each ICF-MR shall pay the assessment required by subsection (a) of this section in quarterly installments.

“(d) Each ICF-MR shall report gross resident revenue for the period upon which the assessment for a fiscal year is to be determined by submitting an audited financial statement and other information for that period as the Mayor may prescribe by rules issued pursuant to § 47-1277.

“(e) If the total amount of the assessments to be collected for a fiscal year is inadequate to cover disbursements required under § 47-1271(b), the Mayor may raise the assessment up to the maximum allowed under federal law.

“§ 47-1274. Interest and penalties.

“(a)(1) If an ICF-MR fails to pay the full amount of an assessment by the date required by this chapter, or by rules issued pursuant to § 47-1277, the unpaid balance shall accrue interest at the rate of 1.5% per month or any fraction thereof which shall be added to the unpaid balance.

“(2) The Chief Financial Officer of the District of Columbia may arrange a payment plan for the amount of the assessment and interest in arrears.

“(b) If an ICF-MR fails to file a report required under this chapter, or by rules issued pursuant to § 47-1277, it shall be subject to an administrative penalty equal to 5% of the monthly assessment for each month, or any fraction thereof, that the failure to file continues; except, that the total administrative penalty shall not exceed 25% of the ICF-MR's annual assessment.

“(c)(1) If an ICF-MR that knowingly provides false information in a report required by this chapter, or by rules issued pursuant to § 47-1277, it shall be subject to a penalty of up to \$10,000.

“(2) Any action brought to enforce this subsection shall be brought in the Superior Court of the District of Columbia by the Attorney General for the District of Columbia in the name of the District of Columbia.

“(d) The District of Columbia shall have:

“(1) A lien upon the real and personal property located in the District of Columbia of the ICF-MR for any assessments, interest, or administrative penalties that are due under this chapter, or rules issued pursuant to § 47-1277; and

“(2) The priority of a secured creditor.

“§ 47-1275. Confidentiality; audit; determination of assessment.

“(a) Unless otherwise provided by law or necessary to carry out the provisions of this chapter, proprietary information submitted by an ICF-MR under this chapter is confidential and shall not be disclosed.

“(b) The Mayor may audit the information required to be reported by an ICF-MR under this chapter, or any rules issued pursuant to § 47-1277, and may use the audited information to determine, or redetermine, the amount of an assessment due under this chapter.

“(c)(1) The Mayor may summon any person to appear to give testimony or answer

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interrogatories, or to produce books, records, or other information relating to matters subject to an audit.

“(2) The summons shall be served by a member of the Metropolitan Police Department or by registered mail or certified mail addressed to the person at the last known dwelling place or principal place of business.

“(3) A verified return by the person serving the summons, or, in the case of service by registered or certified mail, the return post office receipt signed by the person served shall be proof of service.

“(d) The Mayor may report a person who, having been served pursuant to subsection (c) of this section, neglects or refuses to obey the summons, to the Superior Court of the District of Columbia. The Superior Court may compel obedience to the summons to the same extent as witnesses may be compelled to obey subpoenas of the Superior Court.

“§ 47-1276. Appeals.

“(a) An ICF-MR may contest the amount of an assessment, including any interest or administrative penalties, imposed under this chapter, or by rules issued pursuant to § 47-1277, by filing a notice of appeal with the Office of Administrative Hearings within 60 days after the date of the notice of:

“(1) An annual assessment under § 47-1273;

“(2) A determination or redetermination of an assessment based on an audit of information under § 47-1275; or

“(3) An imposition of interest or administrative penalties under § 47-1274.

“(b) The Office of Administrative Hearings shall conduct a hearing on the appeal filed under subsection (a) of this section subject to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), and pursuant to the rules of the Office of Administrative Hearings.

“(c) Before filing an appeal pursuant to subsection (a) of this section, the ICF-MR shall pay the assessment, together with any administrative penalties and interest due on the assessment. In no case shall the filing of a notice of appeal act as a stay on the payment of the assessment, interest, or administrative penalties.

“§ 47-1277. Rules.

“The Mayor, in consultation with the Department of Health and ICF-MR and employee representatives, shall issue rules to implement the provisions of this chapter.

“§ 47-1278. Federal determinations; suspension and termination of assessment.

“(a) If the federal government determines that an assessment imposed on an ICF-MR pursuant to this chapter does not satisfy the requirements for federal financial participation set forth in section 1903(w) of the Social Security Act, approved July 30, 1965 (70 Stat. 349; 42 U.S.C. § 1396b(w)), monies collected pursuant to the assessment shall be refunded and the assessment shall be null and void.

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“(b)(1) An determination adverse to the District under subsection (a) of this section with respect to an assessment imposed on one or more, but not all ICF-MRs pursuant to this chapter shall not affect the validity, amount, applicable rate, or any other terms of an assessment on other facilities imposed by this chapter.

“(2) An adverse determination with respect to all assessments imposed by this chapter shall be governed by subsection (a) of this section.

“(c) Notwithstanding any other provision of this chapter, if the federal government determines that any exclusions from ICF-MRs specified under this chapter would prevent an assessment imposed by this chapter from qualifying as a broad-based health care related tax, as that term is defined in section 1903(w)(3)(B) of the Social Security Act, approved July 30, 1965 (79 Stat. 349; 42 U.S.C. § 1396b(w)(3)(B)), the exclusions shall not be made.

“(d) The assessment imposed under § 47-1273 shall not be due at the time required by this chapter, or by rules issued pursuant to § 47-1277, if the Department of Health suspends or postpones regular Medicaid payment to ICF-MRs beyond the regular monthly payment cycle, but shall be due when the regular monthly payment cycle resumes.

“(e) The assessment imposed under § 47-1273 shall be null and void if either of the following occurs:

“(1) The rate methodology for ICF-MRs is altered or amended such that the overall average Medicaid per diem rate for ICF-MRs is decreased or on, an overall average per diem basis, the altered or amended rates are less than they would have been if the reimbursement methodology had not been changed; or

“(2) Following fiscal year 2006, general funding levels for Medicaid rates for ICF-MRs fall below the fiscal year 2006 level of funding, on a per-Medicaid-resident, per-day basis.”.

Sec. 3. Applicability.

Implementation of this act shall be subject to appropriations.

Note,
§ 47-1270

Sec. 4. Fiscal impact statement.

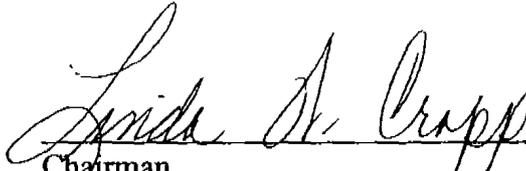
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

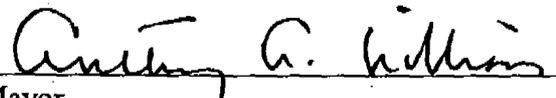
Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 22, 2005

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-231

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 22, 2005

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
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Publisher

To require the Mayor to establish a pilot program through which a grandparent may be eligible to receive subsidy payments for the care and custody of a child, to establish eligibility requirements for the subsidy, to provide that there is no entitlement to a subsidy and the payment of any subsidies is subject to the availability of appropriations, to authorize the Mayor to issue rules to implement the provisions of the act, and to require the Mayor to issue a report to the Council evaluating the program; and to amend the District of Columbia Public Assistance Act of 1982 to provide that a subsidy received by a grandparent under the program established by this act shall be disregarded in determining financial eligibility for Temporary Assistance for Needy Families.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Grandparent Caregivers Pilot Program Establishment Act of 2005".

TITLE I

Sec. 101. Definitions.

For the purposes of this act, the term:

- (1) "Criminal background check" means the investigation of an individual's criminal history through the record systems of the Federal Bureau of Investigation and the Metropolitan Police Department.
- (2) "Grandparent" means a grandparent, great-grandparent, great-aunt, and great-uncle of a child.
- (3) "Mayor" means the Mayor or a designee of the Mayor.
- (4) "Temporary Assistance for Needy Families" or "TANF" means the Temporary Assistance for Needy Families program established by section 201 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-202.01).

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Sec. 102. Establishment of pilot program to provide subsidies for grandparent caregivers.

(a) No later than March 1, 2006, the Mayor shall establish a pilot program through which eligible grandparents may receive subsidy payments for the care and custody of a child residing in their home.

(b) The pilot program shall continue through September 30, 2009.

Sec. 103. Eligibility.

(a) A grandparent may be eligible to receive subsidy payments under this section if:

(1) The grandparent has an order granting him or her legal custody or standby guardianship pursuant to D.C. Official Code § 16-4806 of the child;

(2) The child has resided in the grandparent's home for at least the previous 6 months;

(3) The child's parent has not resided in the grandparent's home for at least the previous 6 months; provided, that a parent who has designated the grandparent to be the child's standby guardian pursuant to Chapter 48 of Title 16 may reside in the home without disqualifying the grandparent from receiving a subsidy;

(4) The grandparent, and all adults residing in the grandparent's home, has submitted to a criminal background check;

(5) The grandparent's household income is under 200 percent of the federally-defined poverty level;

(6) The grandparent is a resident of the District as defined by section 503 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.03);

(7) The grandparent has applied for Temporary Assistance for Needy Families benefits for the child;

(8) The grandparent has entered into a subsidy agreement that includes a provision that no payments received under the agreement shall inure to the benefit of the child's parent but shall be solely for the benefit of the child;

(9) The grandparent has provided a signed statement, sworn under penalty of perjury, that the information provided to establish eligibility pursuant to this section, or any rules promulgated pursuant to section 106, is true and accurate to the best belief of the grandparent applicant; and

(10) The grandparent has met any additional requirements prescribed by the Mayor pursuant to rules issued under section 106.

(b)(1) The Mayor shall recertify the eligibility of each grandparent receiving a subsidy on at least an annual basis.

(2) For the purposes of the recertification, a grandparent may be required to provide a signed statement, sworn under penalty of perjury, that the information provided to establish continued eligibility pursuant to this section, or any rules promulgated pursuant to

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section 106, remains true and accurate to the best belief of the grandparent.

(c)(1) The Mayor shall terminate subsidy payments to a grandparent at any time if:

(A) The Mayor determines the grandparent no longer meets the eligibility requirements established by this section, or by rules issued under section 106; or

(B) There is a substantiated finding of child abuse or neglect against the grandparent caregiver resulting in the removal of the child from the grandparent's home.

(2) A grandparent whose subsidy payments are terminated as a result of the removal of the child from the grandparent's home may reapply if the child has been returned to the grandparent's home.

(d) Eligibility for subsidy payments under this section may continue until the child reaches 18 years of age.

(e) An applicant whose application for a subsidy has been denied or whose subsidy has been terminated shall be entitled to a hearing under the applicable provisions of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*); provided, that a grandparent shall not be entitled to a hearing if the denial or termination of a subsidy is based upon the unavailability of appropriated funds.

Sec. 104. Subsidies.

(a) All subsidies established under this act shall be subject to the availability of appropriations. Nothing in this act shall be construed as creating an entitlement to a subsidy for any person.

(b) Pursuant to section 106, the Mayor shall establish by rule the amount of a subsidy a grandparent is eligible to receive under this act; provided, that the subsidy shall be no less than the regular daily rate of the subsidy for a long-term permanent guardianship established under section 29-6103.3 of the District of Columbia Municipal Regulations.

(c) The amount of a subsidy a grandparent is eligible to receive under this act shall be offset by any amount a grandparent receives from TANF for the child.

Sec. 105. Reports.

No later than January 1 of each year, beginning in 2007, the Mayor shall issue a report to the Council on the subsidy program established by this act. At a minimum, the report shall include:

- (1) The number of applications filed for the subsidy;
- (2) The number of subsidies awarded;
- (3) The number of families receiving both the subsidy and TANF;
- (4) The number of applications denied for failure to meet eligibility criteria;
- (5) The number of applications denied for lack of appropriated funding;
- (6) An estimate of the number of grandparent caregivers whose income is less than 200 percent of the federally-defined poverty level but who have not applied for the subsidy;
- (7) The number of subsidies terminated by the Mayor pursuant to section 103(c)

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or voluntarily by the grandparent caregiver;

(8) The number of substantiated cases of fraud and a comparison of this figure to the proportion of cases of fraud involving other benefit programs, including TANF, Food Stamps, and Medicaid;

(9) The number of children removed from households receiving a subsidy under the program established by this act due to a substantiated allegation of child abuse or neglect; and

(10) Any legislative, policy, or administrative recommendations of the Family Court of the Superior Court of the District of Columbia or of agencies designated by the Mayor to execute the provisions of this act that are intended to enhance the effectiveness of the program.

Sec. 106. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 30-day review period, the proposed rules shall be deemed approved.

Sec. 107. Construction.

(a) Nothing in this act shall be construed as relieving the parent of a child from any child support order regarding the child for whom a grandparent is receiving a subsidy under this act.

(b) Nothing in this act shall be construed to create a new cause of action or to limit the rights or remedies available to parents in custody or guardianship actions.

Title II

Sec. 201. Section 511(a) of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.11(a)), is amended as follows:

(a) Paragraph (6)(D) is amended by striking the word "and" at the end.

(b) Paragraph (8) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(c) A new paragraph (9) is added to read as follows:

"(9) Disregard any subsidy received under the program established by Title I of the Grandparent Caregivers Pilot Program Establishment Act of 2005, passed on 2nd reading on December 6, 2005 (Enrolled version of Bill 16-180)."

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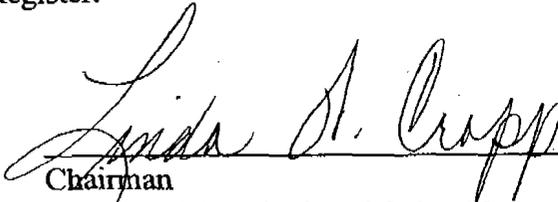
Title III

Sec. 301. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 302. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 22, 2005

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-232

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 22, 2005

*Codification
District of
Columbia
Official Code*

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To accept the dedication of land in fee for alley purposes in Square 5252, as shown on the Surveyor's plat in the S.O. File 03-1707.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Dedication of Portions of the Alley System in Square 5252, S.O. 03-1707, Act of 2005".

Sec. 2. (a) In accordance with section 302 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-203.02), the Council accepts the dedication of land in fee for alley purposes in Square 5252, as shown on the Surveyor's plat in the S.O. File 03-1717.

Note,
§ 9-203.02

(b) The dedication of land as provided in subsection (a) of this section shall be effective upon the filing of the dedication plat in the Office of the Surveyor for the District of Columbia.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Transmittal.

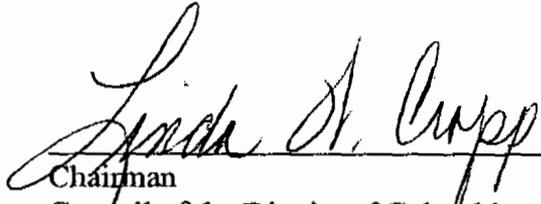
The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Surveyor of the District of Columbia and the District of Columbia Recorder of Deeds.

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and a 30-day period of Congressional review as provided in section 603(c)(1) of the District of Columbia Home Rule Act, approved

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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 22, 2005

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AN ACT

D.C. ACT 16-233

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To create a health professional recruitment program to recruit and retain qualified health professionals to work in underserved areas of the District, to use loan repayment for needed health professionals in exchange for service obligation at nonprofit or District of Columbia facilities in designated Health Professional Shortage Areas and Medically Underserved Areas.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Health Professional Recruitment Program Act of 2005".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Commercial loans" means loans made by banks, credit unions, savings and loan associations, insurance companies, schools, and either financial or credit institutions that are subject to examination and supervision in their capacity as lenders by an agency of the United States or of the State or District in which the lender has its principal place of business.

(2) "Dentist" means a graduate of a an accredited dental school who has completed post-graduate training in specialties of general or pediatric dentistry.

(3) "Director" means Director of the Department of Health or his or her designee.

(4) "Health Professional Shortage Area" and "HPSA" mean a geographic area in the District of Columbia designated by the United States Department of Health and Human Services as lacking a sufficient number of primary care, dental, or mental health professionals to provide care for residents of the area or community.

(5) "Medically Underserved Area" and "MUA" mean a geographic area in the District of Columbia designated by the United States Department of Health and Human Services as medically underserved.

(6) "Other health professional" means a graduate of an accredited program for

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registered nurses, nurse midwives, certified registered nurse practitioners, or physician assistants, and have completed any required post-graduate training.

(7) "Physician" means a graduate of an accredited medical school of allopathic or osteopathic medicine who has completed post-graduate training in specialties of family practice medicine, general internal medicine, general pediatrics, obstetrics/gynecology, psychiatry, osteopathic general practice.

(8) "Reasonable educational expenses" means the costs of education, exclusive of tuition, which are considered to be required by the school's degree program or an eligible program of study, such as fees for room, board, transportation and commuting costs, books, supplies, educational equipment and materials, or clinical travel, which were part of the estimated student budget of the school in which the participant was enrolled.

(9) "Service obligation site" means a nonprofit health facility or a District of Columbia Department of Health or Department of Mental Health program that provides primary health, mental health, or dental services located in a federally designated Health Professional Service Area or Medically Underserved Area within the District of Columbia that provides care to District of Columbia residents regardless of ability to pay.

Sec. 3. Establishment of Program.

(a) There is hereby established the District of Columbia Health Professional Recruitment Program ("Program") to serve as a recruitment tool for health professionals within the District of Columbia.

(b) Based on the availability of funds, the Program will pay for the cost of education necessary to obtain a health professional degree. The Program will pay toward the outstanding principal, interest, and related expense of federal, state, or local government loans and commercial loans obtained by the participant for:

- (1) School tuition and required fees incurred by the participant; and
- (2) Reasonable educational expenses.

Sec. 4. Administration of the Program.

(a) The Department of Health shall administer the Program and shall:

- (1) Establish an application process;
- (2) Certify a list of acceptable service obligation sites on an annual basis and make the list publically available;
- (3) Conduct regular surveys to ensure participant compliance with the Program;
- (4) Disburse all awarded funds; and
- (5) Administer any other functions necessary to the Program.

(b) The Department of Health reserves the right to conduct regular inspections to ensure that all service obligations sites meet the definition as set forth in section (2)(9).

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Sec. 5. Eligibility requirements.

Individuals eligible for the Program must:

- (a) Be a citizen of the United States;
- (b) Be a physician, dentist, or other health professional as defined in section 2;
- (c) Be licensed or eligible to practice in the District of Columbia;
- (d) Submit a completed application to participate in the Program; and
- (e) Have no other obligation for health professional service to the federal, state, or District government, unless such obligation will be completely satisfied prior to the beginning of service under the Program.

Sec. 6. Release of information.

(a) Any applicant to the Program shall agree to execute a release to allow the Department access to loan records, credit information, and information from lenders necessary to verify eligibility and to determine loan repayments. The applicant is required to submit all requested loan documentation prior to approval by the Program.

(b) It is the responsibility of the participant to negotiate with each lending institution for the terms and conditions of the educational loan repayments. Any penalties associated with early repayment shall be the responsibility of the participant.

Sec. 7. Selection criteria.

(a) Applicants shall be competitively reviewed and selected for participation in the Program based upon the following criteria:

(1) Professional qualifications and relevant experience, including board eligibility or certification in his or her specialty, professional achievements, and other indicators of competency received from supervisors, department chairs, and program directors; and

(2) A demonstrated commitment to serve in a HPSA or MUA.

(b) Preferential consideration will be given to:

(1) Residents of the District of Columbia;

(2) Graduates of accredited District of Columbia health professions schools or program;

(3) Residents of a HPSA or MUA within the District of Columbia;

(4) Applicants that are immediately eligible and available for service;

(5) Applicants that commit to longer periods of service; and

(6) Applicants whose service obligation site is also a qualified Medical Homes DC provider.

(c) For applicants practicing at a service obligation site at the time of application to the Program, preferential consideration shall be given to those individuals who have less than 3 years of employment at the facility.

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Sec. 8. Program participation.

(a) As a condition of participation in the Program, selected applicants shall enter into a contract with the Director and a representative of the service obligation site agreeing to the following terms and conditions:

(1) Participants shall provide a minimum of 2 years with a maximum of 4 years services at a service obligation site. Any service beyond the 2 year minimum requirement is dependent upon the availability of funds for the Program.

(2) Participants shall provide full-time service of at least 40 hours per week for 45 weeks per year. The minimum 40-hour week must not be performed in less than 4 days per week, with no more than 12 hours of work performed in any 24 hour period. On-call status does not count toward the 40-hour week. Any exceptions to the on-call provision of this subsection must be approved by the Director prior to placement.

(3) Participants agree to provide reasonable, usual, and customary health services without discrimination and regardless of a patient's ability to pay.

(4) No period of internship, residency, or other advanced clinical training may count toward satisfying a period of obligated service under this Program.

(5) Any participant who is found in breach of contract is deemed to have agreed, as a condition of contract, to all penalties as set forth in section 14.

(b) An existing contract may be renewed for one year at a time up to a maximum of 4 total years of service, as funds become available.

(c) The participant shall begin service no later than 12 months from entering into the contract. The effective start date of the obligated service is the date of employment or the date the Director signs the contract, whichever is later.

(d) Non-compete clauses are prohibited in all contracts for Program participation.

Sec. 9. Loan repayment.

(a) Physicians and dentists shall be eligible to have 100% of their total debt, not to exceed \$120,000, repaid by the Program over 4 years of service. For each year of participation, the Program will repay loan amounts according to the following schedule:

(1) For the 1st year of service, 18% of their total debt, not to exceed \$21,600;

(2) For the 2nd year of service, 26% of their total debt, not to exceed \$31,200;

(3) For the 3rd year of service, 28% of their total debt, not to exceed \$33,600;

and

(4) For the 4th year of service, 28% of their total debt, not to exceed \$33,600.

(b) Other health professionals shall be eligible to have 100% of their total debt, not to exceed \$66,000, repaid by the Program over 4 years of service. For each year of participation, the Program will repay loan amounts according to the following schedule:

(1) For the 1st year of service, 18% of their total debt, not to exceed \$11,800;

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- (2) For the 2nd year of service, 26% of their total debt, not to exceed \$17,200;
- (3) For the 3rd year of service, 28% of their total debt, not to exceed \$18,500;
- (4) For the 4th year of service, 28% of their total debt, not to exceed \$18,500.

(c) The Director is permitted to increase the dollar amount of the total loan repayment annually to adjust for inflation. All quarterly disbursements shall be adjusted accordingly.

Sec. 10. Disbursement procedure.

(a) For the 1st year of participation in the Program, the Department shall disburse loan repayment funds to a participant on a quarterly basis, with the first disbursement to occur within 45 days of the start of service obligation.

(b) For each additional year of participation in the Program, the Department shall disburse loan repayment funds to a participant on a quarterly basis, with the 1st disbursement to occur within 45 days of the start of the next consecutive year of service.

Sec. 11. Compensation during service.

Each participant is responsible for negotiating his or her own compensation package directly with the service obligation site.

Sec. 12. Tax implications.

(a) For purposes of the United States Internal Revenue Service, all loan repayment awards are considered income and are therefore taxable. It is the responsibility of each participant to report loan repayment awards received through the Program on all relevant tax and financial documents.

(b) For purposes of the District of Columbia Office of Tax and Revenue, all loan repayment awards shall not be considered income and are therefore not taxable.

Sec. 13. Monitoring during service.

(a) Participants are required to submit service verification forms to the Department of Health at the conclusion of each 6-month period of participation in the Program. Service verification forms shall contain the following:

- (1) A statement attesting to continuous full-time service as required by the Program;
- (2) The signature of the participant;
- (3) The signature of a representative of the service obligation site; and
- (4) Any additional information required by the terms and conditions of the participant's service contract.

(b) The Department of Health reserves the right to conduct regular participant surveys to ensure compliance with the terms and conditions of the Program.

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Sec. 14. Breach of contract.

(a) The following shall constitute a breach of contract:

- (1) The failure to begin or complete the required period of service obligation as set forth in the Program contract;
- (2) The falsification or misrepresentation of information on the Program application, service verification forms, or other required documents;
- (3) The termination of employment at a service obligation site for good cause, as determined by the employer and confirmed by the Director;
- (4) The failure to transfer within 6 months to another approved service obligation site upon termination for reasons beyond the participant's control, as described in section 15(b).
- (5) The failure to provide all reasonable, usual, and customary full-time health care service as set forth in the Program contract; or
- (6) The failure to comply with any other terms as set forth by this act or the Director.

(b) A participant found in breach of contract is liable to pay the District of Columbia the difference between the lump sum payment for the year of obligated service and a prorated amount for the days of service obligation left unfulfilled, beginning on the date the participant caused a breach of contract. This amount shall be repaid within one year of the date of breach of contract, or a longer period as determined by the Director.

(c) A participant found in breach of contract shall pay a monetary penalty to the District of Columbia of 50% of funds received as a participant in the Program.

(d) Damages are not dischargeable in bankruptcy. Any financial obligation of a participant for payment of damages may not be released by discharge in bankruptcy under Title 11 of the United States Code.

(e) The Department of Health may pursue any additional legal remedies against a participant found to be in breach of contract, including the garnishment of wages and civil penalties.

Sec. 15. Change of practice site.

(a) Any change of service obligation site by a Program participant must receive prior authorization from the Director.

(b) If the employment of a participant is terminated for reasons beyond the participant's control, such as, for example, the closure of a service obligation site, the participant shall transfer to another approved service obligation site within 6 months of termination. The failure to transfer within 6 months shall be considered a breach of the Program contract.

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Sec. 16. Suspension and waiver of contract.

(a)(1) The service obligation of a participant may be suspended without penalty, for a limited period of time, if a participant requires leave beyond the allotted 7 weeks, such as, for example, extended illness, family leave, maternity leave, suspension from practice pending an investigation, not to exceed 12 months, or termination of employment requiring job search and relocation to another eligible practice site.

(2) A suspension shall not relieve the participant of the responsibility to complete the remaining portion of the obligation. A suspension shall not be permitted as a matter of course, but may be allowed at the discretion of the Director.

(b) A waiver of Program contract terms and conditions shall be granted in the following situations:

(1) If the participant suffers from a physical or mental disability resulting in the total and permanent inability of the participant to perform the obligated service, as determined by the Director; or

(2) Death of the participant.

Sec. 17. Rulemaking.

The Mayor is authorized to promulgate rules necessary to implement this act.

Sec. 18. Applicability.

Implementation of this act shall be subject to appropriations.

Sec. 19. Fiscal impact statement.

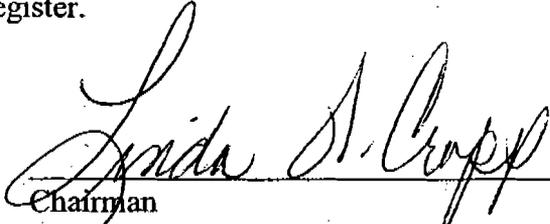
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 20. Effective date.

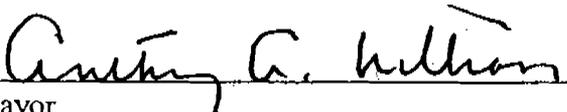
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 22, 2005