

## DEPARTMENT OF HEALTH

## NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (Act), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02 (14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendments to Chapter 76 of Title 17 (Respiratory Therapy) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of these amendments is to revise the continuing education requirements for respiratory therapists to require licensees to complete a minimum of three (3) unit hours of continuing education (CEUs) in ethics each renewal period; to limit acceptance of CEUs to programs and activities administered or approved by organizations set forth in the regulations; to exclude basic life support and CPR from eligibility as use for CEUs; to limit acceptance of independent home studies and distance learning education activities to eight (8) CEUs per renewal period; and to add regulations regarding the random auditing of continuing education credits for renewal applicants.

**17 DCMR Chapter 76, RESPIRATORY THERAPY, is amended to read as follows:**

**Section 7606 is amended to read as follows:**

- 7606.1 Except as provided in § 7606.2, all applicants for the renewal, reactivation, or reinstatement of a license to practice respiratory therapy in the District shall demonstrate successful completion of approved continuing education units (CEUs) in accordance with this section.
- 7606.2 This section shall not apply to applicants for an initial District of Columbia license, nor to applicants for the first renewal of a license granted by examination.
- 7606.3 To qualify for reactivation of a license to practice respiratory therapy, a person in inactive status, as defined in § 511 of the Act (D.C. Official Code § 3-1205.11), shall submit proof of having successfully completed eight (8) approved CEUs for each year that the applicant was in inactive status, up to a maximum of forty (40) CEUs.
- 7606.4 To qualify for reinstatement of a license, an applicant shall submit proof of having successfully completed eight (8) approved CEUs for each year after January 31, 2003 that the applicant's license was not renewed, up to a maximum of forty (40) CEUs. If an applicant whose license has expired does not apply for reinstatement

of a license pursuant to this section within five (5) years of the date that the applicant's license expires, the applicant shall meet the requirements for obtaining an initial license.

- 7606.5 To qualify for renewal of a license an applicant shall:
- (a) Have completed sixteen (16) CEUs in approved continuing education programs during the two (2) year period preceding the date the license expires. A minimum of three (3) hours of the total continuing education credits shall have been in ethics;
  - (b) Attest to completion of the required continuing education credits on the renewal application form; and
  - (c) Be subject to a random audit for compliance with the continuing education requirement.
- 7606.6 Except as provided in § 7606.7, an applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:
- (a) The name and address of the sponsor of the program;
  - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
  - (c) The dates on which the applicant attended the program;
  - (d) The hours of credit claimed; and
  - (e) Verification by the sponsor of completion, by signature or stamp.
- 7606.7 Applicants for renewal of a license shall only be required to prove completion of the required continuing education credits by submitting proof pursuant to § 7606.6 if requested to do so as part of the random audit, or if otherwise requested to do so by the Board.
- 7606.8 The Board shall conduct a random audit of continuing education credits at the completion of each renewal period.
- 7606.9 An applicant who falsely certifies completion of continuing education credits shall be subject to disciplinary action.
- 7606.10 An applicant for renewal of a license who fails to renew the license by the date the license expires may renew the license for up to sixty (60) days after the date of expiration by completing the application, submitting the required supporting

documents, and paying the required late fee. Upon renewal, the licensee shall be deemed to have possessed a valid license during the period between the expiration of the license and its renewal.

- 7606.11 If an applicant for renewal of a license fails to renew the license and pay the late fee within the sixty (60) days after the expiration of the license, the expired license shall be deemed to have lapsed on the date of expiration and the applicant shall thereafter be required to apply for reinstatement of an expired license and meet all requirements and fees for reinstatement.
- 7606.12 If an applicant's license lapses, the applicant shall be subject to disciplinary action, including denial of a license, if the applicant practices respiratory therapy after the date the license lapses.
- 7606.13 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew the license after expiration, if the applicant's failure to renew was for good cause. As used in this section "good cause" includes the following:
- (a) Serious and protracted illness of the applicant; and
  - (b) The death or serious and protracted illness of a member of the applicant's immediate family.

**Section 7607 is amended to read as follows:**

- 7607.1 Beginning with the renewal period of 2007, the Board shall only grant CEUs for continuing education programs and activities administered or approved by organizations listed in § 7607.8 of this chapter.
- 7607.2 For the renewal period of 2007 only, the Board may accept CEUs for education programs and activities that were not administered or approved by an organization listed in § 7607.8 of this chapter if:
- (a) The Board determines that the CEUs were sufficiently related to the practice of respiratory therapy;
  - (b) The program or activity was approved by a recognized approving body; and
  - (c) The CEUs were obtained prior to the enactment of these regulations.
- 7607.3 The Board may approve a seminar, workshop, or an educational program given at a conference for approved CEU credit, if the seminar, workshop, or program is administered or approved by one of the organizations listed in § 7607.8 of this chapter.
- 7607.4 The Board may approve CEU credit for an applicant who serves as an instructor or

speaker at a seminar, workshop, or program that is approved by one of the organizations listed in § 7607.8 of this chapter for both preparation and presentation time, subject to the following restrictions:

- (a) The maximum number of approved CEUs that may be granted for preparation time is twice the number of hours spent preparing for the presentation;
- (b) The maximum number of approved CEUs that may be granted pursuant to this subsection is fifty percent (50%) of an applicant's CEU requirement;
- (c) If an applicant has previously received a credit in connection with a particular presentation, the Board shall not grant credit for a subsequent presentation unless it involves either a different subject or substantial additional research concerning the same subject; and
- (d) The presentation shall have been presented during the period for which credit is claimed.

7607.5 The Board may approve the following independent home studies and distance learning continuing education activities:

- (a) Publication of an article in a professional journal, publication of a book or a chapter in a book, or publication of a book review in a professional journal or bulletin provided that the article, book or chapter was published during the period for which credit is claimed; and
- (b) Internet courses, video courses, telecourses, videoconferences, and teleconferences offered by accredited colleges or universities, or pre-approved by the AARC or MD/DC Society.

7607.6 The Board may grant continuing education credit under § 7607.5(a) only if the applicant proves to the satisfaction of the Board that the work has been published or accepted for publication during the period for which credit is claimed.

7607.7 No more than eight (8) CEUs may be accepted in any renewal period, or for reinstatement or reactivation of a license, for approved independent home studies and distance learning continuing education activities.

7607.8 To qualify for approval by the Board, a continuing respiratory care education seminar, workshop, or program shall be administered or approved by:

- (a) The American Association of Respiratory Care (AARC);
- (b) The Maryland/District of Columbia Society for Respiratory Care (MD/DC)

Society);

- (c) A health care facility accredited by the Joint Commission on the Accreditation of Health Care Organizations (JCAHCO);
- (d) A college or university approved by an accrediting body recognized by the Council on Postsecondary Accreditation or the Secretary of the United States Department of Education; or
- (e) Any of the following organizations provided that the training is related to respiratory care services:
  - (1) American Medical Association under Physician Category I.
  - (2) American Thoracic Society
  - (3) American Association of Cardiovascular and Pulmonary Rehabilitation
  - (4) American Heart Association
  - (5) American Nurses Association
  - (6) American College of Chest Physicians
  - (7) American Society of Anesthesiologists
  - (8) American Sleep Disorders Association
  - (9) The Accreditation Council for Continuing Medical Education (ACCME),
  - (10) The American College of Cardiology
  - (11) The American Lung Association
  - (12) The National Society for Cardiopulmonary Technologists

7607.9 The Board shall not grant CEU credit for basic life support courses or training, or for CPR courses or training.

7607.10 The applicant shall verify that a seminar, workshop, or program is approved by the Board pursuant to this section prior to attending the seminar, workshop or program.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4<sup>th</sup> Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 9:00 a.m. and 5:00 p.m. at the address listed above.

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Directors of the District of Columbia Water and Sewer Authority ("the Board"), pursuant to the authority set forth in section 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Code §§ 34-2202.03(3), (11) and 34-2202.16, Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Code § 2-505(a), and in accordance with 21 DCMR Chapter 40, hereby gives notice of its intention to amend Chapter 41 of the Water and Sanitation Regulations to adopt new retail water and sewer rates. Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

If the proposed rulemaking is adopted, the rules will replace existing rules adopted by the Board at its meeting of Sept. 1, 2005. Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

Comments on these proposed rules should be submitted, in writing, no later than thirty (30) days after the date of publication of this notice in the D.C. Register to, Linda R. Manley, Secretary to the Board, District of Columbia Water and Sewer Authority, 5000 Overlook Ave., S.W., Washington, D.C., 20032.

**In addition, the Board will also receive comments on these proposed rates at a public hearing to be held at a later date.**

**I. Timing of Final Action on Proposed Rulemaking**

No final action will be taken on the Rulemaking Proposal described in this notice until after each of the following events has occurred:

1. A public hearing is held to receive comments on the proposed rulemaking. A hearing date will be determined at a later date, and will be published in the District of Columbia Register.
2. The public comment period on this rulemaking expires; and
3. The Board of Directors takes final action after public comments are considered.

**II. Rulemaking Proposal**

The following rulemaking action is proposed:

**Title 21 DCMR, Chapter 41 RETAIL WATER AND SEWER RATES, Section 4100 RATES FOR WATER SERVICE, subsection 4100.3 is amended to read as follows:**

**CHAPTER 41 RETAIL WATER AND SEWER RATES**

**4100 RATES FOR WATER SERVICE**

4100.3 The retail rate for metered water service of One Dollar and Ninety -Three Cents (\$1.93) for each One Hundred Cubic Feet (100ft<sup>3</sup>) of water used shall be:

- a) Effective October 1, 2006, increased from One Dollar and Ninety-Three Cents (\$1.93) for each One Hundred Cubic Feet (100ft<sup>3</sup>) of water used to Two Dollars and Seven Cents (\$2.07) for each One Hundred Cubic Feet (100ft<sup>3</sup>) of water used;

**Title 21 DCMR, Chapter 41 RETAIL WATER AND SEWER RATES, Section 4101 RATES FOR SEWER SERVICE, subsection 4101.1 is amended to read as follows:**

**4101 RATES FOR SEWER SERVICE**

4101.1 The retail rate for sanitary sewer service of Two Dollars and Ninety-One Cents (\$2.91) for each One Hundred Cubic Feet (100ft<sup>3</sup>) of water used shall be:

- a) Effective October 1, 2006, increased from Two Dollars and Ninety-One Cents (\$2.91) for each One Hundred Cubic Feet (100ft<sup>3</sup>) of water used, to Three Dollars and Eleven Cents (\$3.11) for each One Hundred Cubic Feet (100ft<sup>3</sup>) of water used.

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Directors of the District of Columbia Water and Sewer Authority ("the Board"), pursuant to the authority set forth in section 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Code §§ 34-2202.03(3), (11) and 34-2202.16, and Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Code § 2-505(a), hereby gives notice of its intention to amend Chapter 1 of the Water and Sanitation Regulations to adopt: a new Right of Way / Pilot Fee. Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

If the proposed rulemaking is adopted, the rules will replace existing rules adopted by the Board.

Comments on these proposed rules should be submitted, in writing, no later than thirty (30) days after the date of publication of this notice in the D.C. Register to, Linda R. Manley, Secretary to the Board, District of Columbia Water and Sewer Authority, 5000 Overlook Ave., S.W., Washington, D.C., 20032.

**In addition, although not required the Board will also receive comments on this proposed fee at a public hearing to be held at a later date.**

**I. Timing of Final Action on Proposed Rulemaking**

No final action will be taken on the Rulemaking Proposal described in this notice until after each of the following events has occurred:

1. A public hearing is held to receive comments on the proposed rulemaking. The hearing notice will be published in the District of Columbia Register when the hearing date is established.
2. The public comment period on this rulemaking expires; and
3. The Board of Directors takes final action after public comments are considered.

**II. Rulemaking Proposal**

The following rulemaking action is proposed:

**Title 21 DCMR, Chapter 1 WATER SUPPLY, Section 112 FEES, subsection 112.5 RIGHT OF WAY OCCUPANCY FEE PASS THROUGH CHARGE is amended to read as follows:**

**112.5 RIGHT OF WAY OCCUPANCY FEE PASS THROUGH CHARGE / PILOT FEE-**  
The Right of Way Occupancy Fee Pass Through Charge / Pilot Fee, assessed to recover the cost of fees charged by the District of Columbia to the Water and Sewer Authority for use of District of Columbia public space and rights of ways, shall be as follows:

Effective October 1, 2006 the Right of Way Occupancy Fee Pass Through Charge / Pilot Fee of Forty-Two Cents (\$.42) for each One Hundred Cubic Feet (100ft<sup>3</sup>) of water used shall be increased to Forty-Four Cents (\$.44) for each One Hundred Cubic Feet (100ft<sup>3</sup>) of water used.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**NOTICE OF PROPOSED RULEMAKING**

**APPLICATION NO. 17481**

The Board of Zoning Adjustment of the District of Columbia, pursuant to the authority set forth in the Foreign Missions Act (Title 2, Public Law 97-241, 96 Stat. 283, August 24, 1982) and the Zoning Regulations of the District of Columbia, hereby gives notice of its intention to permit the Republic of Hungary, pursuant to 11 DCMR §1002.1 and §206(b)(2)(B) of the Foreign Missions Act, to expand and renovate an existing chancery building in the R-1-A and R-5-D Districts at premises 3900 Shoemaker Street, N.W. (Square 2231, Lot 3) and 2950 Linnean Avenue, N.W. (a/k/a Spring of Freedom Street, N.W.) (Square 2231, Lot 6) subject to disapproval. Final action on this application will be taken no less than thirty days from the date of publication of this notice.

Written comments may be submitted to the Board of Zoning Adjustment through Jerrily R. Kress, FAIA, Director of the Office of Zoning, 441 4<sup>th</sup> Street, N.W., Suite 210-S, Washington, D.C. 20001. Copies of this notice are available from the Office of Zoning. For further information, call the Office of Zoning at (202) 727-6311.

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