

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the D.C. Health Occupations Revision Act of 1985, effective March 15, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 63 of Title 17 of the District of Columbia Municipal Regulations (DCMR). The purpose of these amendments is to clarify the educational and training requirements for occupational therapists, occupational therapy assistants and occupational therapy students. This rulemaking was originally published on October 21, 2005 at 52 DCR 9428. Numerous comments were received; many of the suggested changes were incorporated. The rulemaking was republished as Proposed Rulemaking on March 10, 2006 at 53 DCR 1750. No comments were received. These final rules will be effective upon publication of this notice in the D.C. Register.

Chapter 63 (Occupational Therapy) of Title 17 (Business, Occupations & Professions) (May 1990) is amended as follows:

Section 6302.1 is amended to read as follows:

- 6302.1 Except as otherwise provided in this chapter, an applicant for a license to practice occupational therapy shall furnish proof satisfactory to the Board, in accordance with §504(g) (1) of the Act, D.C. Official Code § 3-1205.04(g) (1), that the applicant has done the following:
- (a) Has successfully completed an educational program for occupational therapists that is accredited by the Accreditation Council for Occupational Therapy Education (ACOTE); and
 - (b) Has successfully completed a period of supervised fieldwork experience required by the recognized educational institution where the applicant fulfilled his or her academic requirements.

Section 6302.2 is amended to read as follows:

- 6302.2 Except as provided in § 6303, an applicant for a license as an occupational therapy assistant shall furnish proof satisfactory to the Board, in accordance with §504 (f) (2) of the Act, D.C. Official Code § 3-1205.04(g)(3)(A) (2001), that the applicant has done the following:
- (a) Has successfully completed an educational program for occupational therapy assistants, in an educational program, accredited by ACOTE; and

- (b) Has successfully completed a period of supervised fieldwork experience required by the recognized educational institution where the applicant fulfilled his or her academic requirement

6302.3 [REPEALED]

Sections 6303.1 through 6303.4 are amended to read as follows:

6303.1 The Board may grant a license to practice to an applicant who has his or her exam scores submitted from the National Board for Certification in Occupational Therapy (NBCOT) to the Board and who has completed an educational program in a foreign country whose program is approved by the World Federation of Occupational Therapists and the applicant is certified by National Board for Certification in Occupational Therapy (NBCOT).

6303.2 In lieu of meeting the requirements of § 6302.1 (a) an applicant for licensure as an occupational therapist shall submit evidence of successful completion of the occupational therapy certification examination developed by NBCOT for occupational therapists, to the Board.

6303.3 In lieu of meeting the requirements of § 6302.2 (a) an applicant for licensure as an occupational therapy assistant shall submit evidence of successful completion of the occupational therapy assistant certification examination developed by NBCOT for occupational therapy assistants, to the Board.

6303.4 An applicant shall arrange for the evaluation required by § 6303.2 or §6303.3 to be sent directly from NBCOT to the Board.

6303.5 [REPEALED]

6303.6 [REPEALED]

Section 6304.1 is amended to read as follows:

6304.1 To qualify for licensure as an occupational therapist or occupation therapy assistant, the applicant shall pass the certification examination as developed by the NBCOT.

Section 6304.2 is amended to read as follows:

6304.2 The passing score on the national examinations shall be the passing score established by NBCOT.

6304.3 [REPEALED]

Section 6304.4 is amended to read as follows:

6304.4 An applicant shall submit a completed application to the Board and arrange for examination results to be sent by NBCOT, directly to the Board.

A new section 6305 is added to read as follows:

6305 SCOPE OF PRACTICE FOR OCCUPATIONAL THERAPISTS

6305.1 An occupational therapist shall exercise sound judgment and provide adequate care within the practice when using methods that include but are not exclusive of the following American Occupational Therapy Association (OTA) standards for the scope of practice:

- (a) Establishment, remediation or restoration of skill or ability in a client;
- (b) Compensation, modification, or adaptation of activity or environment to enhance performance;
- (c) Maintenance and enhancement of capabilities without which performance in everyday life would decline;
- (d) Health and wellness promotion to enable or enhance performance in everyday life activities; and
- (e) Prevention of barriers to performance, including disability prevention.

6305.2 An occupational therapist shall exercise sound judgment when evaluating factors affecting activities of daily living, instrumental activities of daily living, education, work, play, leisure, and social participation. These factors may include:

- (a) Body functions and body structures;
- (b) Habits, routines, roles, and behavior patterns;
- (c) Cultural, physical, environmental, social, and spiritual contexts and activity demands that affect performance; and
- (d) Performance skills including motor, process, and communication or interaction skills.

6305.3 An occupational therapist shall exercise sound judgment and provide adequate care to a client when administering interventions and procedures

to promote or enhance safety and performance in activities of daily living, instrumental activities of daily living, education, work, play, leisure, and social participation, which may include the following:

- (a) Therapeutic use of occupations, exercises, and activities;
- (b) Training in self-care, self management, home management, and community work reintegration;
- (c) Development, remediation, or compensation of physical, cognitive, neuromuscular, sensory functions, and behavioral skills;
- (d) Therapeutic use of self including one's personality, insights, perceptions, and judgments as part of the therapeutic process;
- (e) Education and training of individuals, involved in the care of the client;
- (f) Care coordination, case management, and transition services;
- (g) Consultative services to groups, programs, organizations, or communities;
- (h) Modification of environments and adaptation of processes, including the application of ergonomic principles;
- (i) Assessment, design, fabrication, application, fitting and training in assistive technology, adaptive devices and orthotic devices, and training in the use of prosthetic devices;
- (j) Assessment, recommendation, and training in techniques to enhance mobility including wheelchair management;
- (k) Driver rehabilitation and community mobility;
- (l) Management of feeding, eating, and swallowing to enable eating and feeding performance; and
- (m) Application of physical agent modalities, and use of a range of specific therapeutic procedures to enhance performance skills.

Section 6306.4 is amended to read as follows:

6306.4 Practitioners applying for license renewal shall complete contact hours of qualified activities for maintaining continuing competence during the two

(2) year period preceding the date the license expires in the following manner:

- (a) Occupational therapists shall complete a minimum of twenty-four (24) contact hours; and
- (b) Occupational therapy assistants shall complete a minimum of twelve (12) contact hours.

6306.5 [REPEALED]

Sections 6306.6 through 6306.13 are amended to read as follows:

6306.6 An applicant for reactivation of a license to practice as an occupational therapist who does not hold an active license in any other jurisdiction shall submit proof pursuant to § 6307 of having completed the following:

- (a) Twelve (12) contact hours in an approved continuing competence program for each year that the applicant was not licensed, up to a maximum of sixty (60) hours;
- (b) Twenty-four (24) of those contact hours within two (2) years prior to the date the application is submitted; and
- (c) One hundred and sixty (160) hours of supervised clinical training within the two (2) months prior to the date the application is submitted.

6306.7 An applicant who holds an active license in any other jurisdiction shall submit proof pursuant to § 6307 of having completed the following:

- (a) Twelve (12) contact hours in an approved continuing competence program for each year that the applicant was not licensed up to a maximum of sixty (60) hours; and
- (b) Twenty-four (24) of those contact hours within two (2) years prior to the date the application is submitted.

6306.8 An applicant for reinstatement of a license or reactivation of an inactive license to practice as an occupational therapist who does not hold an active license in any jurisdiction shall submit proof pursuant to § 6307 of having completed the following:

- (a) Twelve (12) contact hours in an approved continuing education program for each year that the applicant was not licensed up to a maximum of sixty (60) hours;

- (b) Twenty-four (24) contact hours within two (2) years prior to the date the applicant is submitted; and
- (c) One hundred and sixty (160) hours of supervised clinical training within two (2) months prior to the date the application is submitted.

6306.9

An applicant for reinstatement of a license or reactivation of an inactive license to practice as an occupational therapist who holds an active license in any other jurisdiction shall submit proof pursuant to § 6307 of having completed the following:

- (a) Twelve (12) contact hours in an approved continuing education program for each year that the applicant was not licensed, up to a maximum of sixty (60) hours; and
- (b) Twenty-four (24) hours within two (2) years prior to the date the application is submitted.

6306.10

An applicant for reactivation of a license to practice as an occupational therapy assistant who does not hold an active license in any other jurisdiction shall submit proof pursuant to § 6307 of having completed the following:

- (a) Six (6) contact hours in an approved continuing education program for each year that the applicant was not licensed, up to a maximum of thirty (30) hours;
- (b) Twelve (12) contact hours within two (2) years prior to the date the application is submitted; and
- (c) One hundred and sixty (160) hours of supervised clinical training within the two (2) months prior to the date the application is submitted.

6306.11

An applicant who holds an active license in any other jurisdiction shall submit proof pursuant to § 6307 of having completed the following:

- (a) Six (6) contact hours in an approved continuing competence program for each year that the applicant was not licensed, up to a maximum of thirty (30) hours; and
- (b) Twelve (12) of those contact hours within two (2) years prior to the date the application is submitted.

6306.12

An applicant for reinstatement of an inactive license to practice as an

occupational therapy assistant who does not hold a current license in any other jurisdiction, shall submit proof pursuant to § 6307 of having completed the following:

- (a) Six (6) contact hours in an approved continuing competence program for each year that the applicant was not licensed up to a maximum of thirty (30) hours;
- (b) Twelve (12) contact hours within two (2) years prior to the date the application is submitted; and
- (c) One hundred and sixty (160) hours of supervised clinical training within the two (2) months prior to the date the application is submitted.

6306.13 An applicant for reinstatement of an inactive license who holds a current license in any other jurisdiction shall submit proof pursuant to § 6307 of having completed the following:

- (a) Six (6) contact hours in an approved continuing competence program for each year that the applicant was not licensed up to a maximum of thirty (30) hours;
- (b) Twelve (12) contact hours within two (2) years prior to the date the application is submitted.

New section 6306.14 through 6306.24 are added to read as follows:

6306.14 An applicant who applies to practice as an occupational therapist five (5) or more years after his or her license has expired, shall submit proof pursuant to § 6307 of the following:

- (a) Completion of sixty (60) contact hours of continuing competence credit prior to submission of the application with twenty-four (24) of the sixty (60) contact hours having been completed within the two (2) year period immediately prior to the date the application is submitted; and
- (b) Completion of one hundred sixty (160) hours of supervised clinical training within the two (2) months prior to the date the application is submitted.

6306.15 An applicant who applies to practice as an occupational therapy assistant

five (5) or more years after his or her license has expired, shall submit proof pursuant to § 6307 of the following:

- (a) Completion of thirty (30) contact hours of continuing competence credit prior to submission of the application with twelve (12) of the thirty (30) contact hours having been completed within the two (2) year period immediately prior to submission of the application; and
- (b) Completion of one hundred sixty (160) hours of supervised clinical training within the two (2) months prior to licensure.

6306.16

An applicant under this section shall prove completion of required 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 the applicant's completion, by signature or stamp of the sponsor.

6306.17

An applicant for renewal of a license who fails to submit proof of having completed continuing competence requirements by the date the license expired may renew the license up to sixty (60) days after expiration by submitting the proof pursuant to § 63036.9 and by paying the required additional late fee.

6306.18

Upon submitting proof and paying the late fee, the applicant shall be deemed to have possessed a valid license during the period between the expiration of the license and the submission of the required documentation and payment of the late fee.

6306.19

If an applicant for renewal of a license fails to submit proof of completion of continuing competence requirements or pay the late fee within sixty (60) days after the expiration of the applicant's license, the license shall be considered to have lapsed on the date of expiration.

6306.20

The Board may, in its discretion, grant an extension of the sixty (60) day

period to renew after expiration if the applicant's failure to submit proof of completion was for good cause. As used in this section, "good cause" includes the following:

- (a) Serious and protracted illness of the applicant; or
- (b) The death or serious and protracted illness of a member of the applicant's immediate family.

6306.21 If the license of an occupational therapist or occupational therapy assistant lapses while serving in the military whenever the United States is engaged in active military operations against any foreign power or hostile force, and the required continuing competence hours were not earned during the earning period, the licensee shall be required to complete the required continuing competence hours needed no later than six (6) months after discharge from active service, return to inactive military status, or return to the United States from an active war zone.

6306.22 The continuing competence contact hours completed shall not be used for the next licensing period.

6306.23 The continuing competence contact hours for the next licensing period not be prorated.

6306.24 Practitioners who are licensed to practice in a jurisdiction other than the District shall meet the requirements of this section in order to obtain licensure in the District.

Sections 6307.2 through 6307.6 are amended to read as follows:

6307.2 The Board shall approve continuing competence programs and activities that are relevant to the practice or education of occupational therapists and occupational therapy assistants that document the following:

- (a) Current subject matter with course description;
- (b) Content focus;
- (c) Learning outcomes;
- (d) Target audience; and
- (e) Satisfactory completion of the course by the course participant.

6307.3 The Board shall approve the following types of activities provided that they are consistent with provisions of these regulations:

- (a) Activities sponsored by the state or local occupational therapy organizations;
 - (b) Activities sponsored by the American Occupational Therapy Association (AOTA), the American Physical Therapy Association (APTA), the American Speech-Language-Hearing Association (ASHA);
 - (c) Activities sponsored by AOTA approved providers;
 - (d) Activities sponsored by an accredited healthcare facility; or
 - (e) Activities sponsored by an accredited college or university.
- 6307.4 The Board may issue an update to a list of approved continuing competence programs.
- 6307.5 Any course or activity that does not meet the licensing requirements of § 6307.3 shall not be approved by the Board unless the license had prior approval from the Board, at least thirty (30) days before the course.
- 6307.6 The Board may approve the following continuing competence activities by an applicant:
- (a) Serving as an instructor or speaker at a conference;
 - (b) Serving as an instructor at a seminar, workshop, or in-service training;
 - (c) Serving as a clinical instructor for students of occupational therapy; and
 - (d) Participation in research as a principal investigator or research assistant.

Section 6308.4 is amended to read as follows:

- 6308.4 The Board may grant continuing competence credit to an applicant who serves as an author of a self-study article or series or an instructor or speaker at a program or for preparation and presentation time of an academic course, peer-reviewed or non peer-reviewed workshop, seminar, in-service, electronic or web-based course subject to the following restrictions:

- (a) The maximum amount of credit which may be granted for preparation time is twice the amount of the associated presentation time or twice the amount of contact hours awarded for participants;
- (b) The maximum amount of credit which may be granted pursuant to this subsection is fifty percent (50%) of an applicant's continuing education requirement;
- (c) If an applicant had previously received credit in connection with a particular presentation, the Board shall not grant credit in connection with a subsequent presentation unless it involves either a different or a substantially modified program; and
- (d) The presentation shall have been completed during the period for which credit is claimed and includes documentation of the following:
 - (1) A copy of the official program or syllabus;
 - (2) The presentation title;
 - (3) The date of the presentation;
 - (4) The hours of the presentation;
 - (5) The type of audience addressed; and
 - (6) A verification of attendance signed by the sponsor.

Section 6308.7 is amended to read as follows:

6308.7 The Board may grant an application for renewal up to six (6) contact hours for the renewal period, for participation as a primary clinical fieldwork educator for Level II occupational therapy or occupational therapy assistant fieldwork students with the following documentation:

- (a) Name of student as verified by the school;
- (b) Name of the school;
- (c) Dates of the fieldwork; and
- (d) Signature page of student evaluation excluding evaluation scores and comments on student.

Sections 6308.9 through 6308.10 are amended to read as follows:

6308.9 The Board may grant continuing education credit to an applicant for renewal who participates in Board or committee work with agencies or organizations in professionally related areas to promote and enhance the practice of occupational therapy up to three (3) contact hours for one year of involvement for a minimum of eighteen (18) hours. The applicant shall provide the following documentation:

- (a) Name of the committee, board, agency or organization;
- (b) Purpose for service;
- (c) Description of duties and roles; and
- (d) Validation of service by an officer or representative of the organization.

6308.10 The Board may grant an applicant for renewal who is able to demonstrate participation in research, either as a principal investigator or as a research assistant, six (6) continuing competence credits.

A new section 6308.11 is added to read as follows:

6308.11 The Board may request proof of a licensee's completion of continuing competence activities at the completion of a renewal period. A licensee shall:

- (a) Maintain the required proof of completion for each continuing competence activity as specified in these regulations; and
- (b) Retain documentation of continuing competence activity for a minimum of two (2) years following the last day of the license renewal period for which the continuing competence activities were earned.

A new section 6309 is added to read as follows:

6309 SUPERVISION

6309.1 An occupational therapist shall exercise sound judgment and provide adequate care in the performance of duties in accordance with nationally recognized standards of practice while treating clients or supervising the treatment of clients.

6309.2 An occupational therapist shall be responsible for managing all aspects of the occupational therapy care of each client. An occupational therapist shall provide the following:

- (a) The initial evaluation for each client and all supporting documentation;
 - (b) Periodic reevaluation for each client and all supporting documentation;
and
 - (c) The documented discharge of the client, including the response to the intervention at the time of discharge.
- 6309.3 An occupational therapist may supervise an occupational therapy assistant in accordance with § 6310.6 and also through telephonic or electronic communication as determined by the level of skill and competence of the occupational therapy assistant as determined by criteria set forth in § 6310.7.
- 6309.4 An occupational therapist shall maintain immediate supervision of an occupational therapy aide except for activities of daily living skills where supervision may be general to maintain client privacy.
- 6309.5 An occupational therapist shall:
- (a) Delegate only those functions to an aide that do not require education or training in occupational therapy for treatment or non-treatment related activities; and
 - (b) Not permit an occupational therapy aide under his or her supervision to provide independent care of a client or document the client file at any time.
- 6309.6 An occupational therapist shall:
- (a) Directly supervise all students training to be occupational therapists or occupational therapy assistants;
 - (b) Not permit a student to work independently with a client until such time as the student has demonstrated competency in practice under general supervision; and
 - (c) Countersign all documentation drafted by students.
- 6309.7 An occupational therapy assistant may directly supervise occupational therapy assistant students.
- 6309.8 An occupational therapist or occupational therapy assistant supervising a student shall be responsible for all of the actions performed by the student

within the scope of practice during the time of supervision and shall be subject to disciplinary action for any violation of the Act or this chapter by the person supervised.

A new section 6310 is added to read as follows:

6310 SUPERVISION OF PRACTICE FOR OCCUPATIONAL THERAPY ASSISTANTS

- 6310.1 An occupational therapy assistant shall exercise reasonable judgment and provide adequate care in the performance of duties in accordance with nationally recognized standards of practice and standards on file with the facility.
- 6310.2 An occupational therapy assistant may only practice under the supervision of a licensed occupational therapist, who is authorized to practice in the District of Columbia.
- 6310.3 An occupational therapy assistant shall assist in the collection and some of the documentation of client information pertaining to the evaluation and treatment of a client. The extent of this involvement shall be based on the demonstrated competency of the occupational therapy assistant. This demonstrated competency shall be documented and maintained on file by the supervising occupational therapist.
- 6310.4 An occupational therapy assistant shall not supervise another occupational therapy assistant, but may supervise an occupational therapy student (Level I Fieldwork training only) or an occupational therapy assistant in training (both Level I or Level II Fieldwork training).
- 6310.5 An occupational therapist may supervise an occupational therapy assistant if he or she meets the competency standards that are outlined in § 6310.7 while the occupational therapy assistant is under general supervision.
- 6310.6 An occupational therapist shall provide the following:
- (a) Supervision of an occupational therapy assistant prior to initiating treatment programs and before planned discharges for clients;
 - (b) An initial and, at a minimum, bimonthly direction to the occupational therapy assistant; and
 - (c) Documentation for verification of supervision and direction.

- 6310.7 A supervising occupational therapist shall delegate duties and responsibilities for the care of clients to the occupational therapy assistant with consideration given to the following:
- (a) The level of skill shown by the occupational therapy assistant;
 - (b) The ability to use identified intervention in a safe and effective manner;
 - (c) Experience of the occupational therapy assistant and work setting demands; and
 - (d) The complexity and stability of the client population to be treated.
- 6310.8 An occupational therapy assistant shall immediately inform the supervising occupational therapist and discontinue treatment if the procedure appears to be harmful to the client.
- 6310.9 An occupational therapy assistant may provide immediate supervision to an occupational therapy aide while the aide is discussing or assisting in the care and treatment of a client.
- 6310.10 An occupational therapy assistant shall only delegate tasks to an occupational therapy aide for which the aide has been trained and is able to demonstrate competency.

6311 [REPEALED]

A new section 6312 is added to read as follows:

6312 LAWFUL PRACTICE

- 6312.1 An occupational therapist or occupational therapy assistant licensed to practice in the District of Columbia shall adhere to the Code of Ethics established by the AOTA for the practice of occupational therapy as it may be amended from time to time.
- 6312.2 An occupational therapist may purchase, store and administer topic and aerosol medications as part of the practice of occupational therapy as defined herein, as long as the purchasing, store and administration of these medications are carried out pursuant to all laws and regulations of the Federal Government and the District of Columbia.
- 6312.3 An occupational therapist shall use the letters "OT", "OTR", "LOT",

“OTR/L” or any other similar title or description in connection with the occupational therapist’s name or place of business to denote licensure pursuant to the Act.

6312.4 Only a licensed occupational therapist shall be advertised or otherwise promoted by a business providing and billing for occupational therapy services pursuant to the Act.

6312.5 An occupational therapy assistant shall use the letter “OTA”, “COTA”, “OTA/L”, “COTA/L”, or any other similar title or description in connection with the occupational therapy assistant’s name or place of business to denote licensure pursuant to the Act.

6399 DEFINITIONS

6399.1 As used in this chapter, the following terms and phrases shall have the meanings ascribed:

Applicant – a person applying for a license to practice as an occupational therapist, or to practice as an occupational therapy assistant, under this chapter, as the context requires.

Board – the Board of Occupational Therapy, established by § 206 of the Act, D.C. Official Code § 3-1202.06 (2001).

Contact hour – means fifty (50) minutes of continuing education credit.

Direct supervision – supervision in which an occupational therapist is available on the premises and within vocal communication either directly or by a communication device.

General supervision – supervision in which the supervisor is available on the premises or by communication device at the time the supervisee is practicing.

Immediate supervision – oversight of an individual through face-to-face observations and in physical proximity to the individual being supervised.

Level I Fieldwork – Enrichment of didactic coursework through direct observation and participation in selected aspects of the occupational therapy process to enable students to develop a basic comfort level with and understanding of the needs of clients.

Level II Fieldwork – Development of competent entry-level, general occupational therapists and occupational therapy assistants through exposure to in-depth experiences in delivering occupational therapy services to a variety of clients.

Occupational therapist – a person licensed to practice occupational therapy under the Act.

Occupational therapy – means the therapeutic use of every life activities (occupations) with individuals or groups for the purpose of participation in roles and situations in home, school, workplace, community, and other settings which are provided for the purpose of promoting health and wellness and to those who have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction. Occupational therapy addresses the physical, cognitive, psychosocial, sensory, and other aspects of performance in a variety of contexts to support engagement in everyday life activities that affect health, well being, and quality of life.

Occupational therapy assistant – a person licensed to practice as an occupational therapy assistant under the Act.

6399.2 The definitions in § 4099 of Chapter 40 of this title are incorporated by reference and apply to this chapter.

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

NOTICE OF FINAL RULEMAKING

TT00-5, IN THE MATTER OF VERIZON WASHINGTON, DC INC.'S PUBLIC
OCCUPANCY SURCHARGE GENERAL REGULATIONS TARIFF, P.S.C.-D.C.
No. 201

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Section 2-505 of the District of Columbia Code,¹ of its final rulemaking action taken in the above-captioned proceeding. On June 1, 2006, the Commission released Order No. 13956, approving Verizon Washington, DC Inc.'s ("Verizon DC") Application for an updated Public Space Occupancy Surcharge Rider ("PSOS").²

2. Pursuant to D.C. Code Section 10-1141.6,³ Verizon DC filed with the Commission an updated PSOS on March 23, 2006.⁴ In the tariff filing, Verizon DC shows the process to be used to recover from its customers the D.C. Public Rights-of-Way fees paid by Verizon DC to the District Columbia Government. Specifically, Verizon DC proposes to amend the following tariff page:

GENERAL REGULATIONS TARIFF, P.S.C.-D.C. No. 201
Section 1A
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3. Verizon DC's tariff filing states that the updated calculations are based on estimated receipts from June 2006 until June 2007.⁵ Verizon DC also indicates that the

¹ D. C. Code, 2001 Ed. § 2-505.

² *TT00-5, In The Matter Of Verizon Washington, Dc Inc.'s Public Space Occupancy Surcharge General Regulations Tariff, P.S.C.-D.C. No. 201 ("TT00-5")*, Letter to Dorothy Wideman, Commission Secretary, from J. Henry Ambrose, Vice President for Regulatory Matters of Verizon DC, re: TT00-5, filed March 24, 2006 (hereinafter referred to as "Application").

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

⁴ *TT00-5*, Application at 1.

⁵ *Id.*

revised surcharge will take effect July 1, 2006, and that the surcharge will increase by \$0.36 (\$0.05 Centrex) because of the declining number of customer lines.⁶

4. A Notice of Proposed Rulemaking was published in the *D.C. Register* on April 14, 2006.⁷ No comments were filed in response to the filing. Subsequently, the Commission approved Verizon DC's surcharge filing by Order No. 13956. Verizon DC's Public Space Occupancy Surcharge Rider will become effective upon the date of publication of the Notice of Final Rulemaking in the *D.C. Register*.

⁶ *Id.*

⁷ 52 D.C. Reg. 3138-3139 (April 14, 2006).

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF FINAL RULEMAKING

DOCKET NUMBER 05-71-TS

The Acting Director of the Department of Transportation, pursuant to the authority in sections 3, 5(3), and 6 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02, 50-921.04(3) and 50-921.05), and sections 6(a)(1), 6(a)(6) and 6(b) of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(a)(1), (a)(6) and (b)), hereby gives notice of the adoption of the following rulemaking which amends the Vehicle and Traffic Regulations (18 DCMR). Final action to adopt this rulemaking was taken on May 1, 2006. No comments were received and an editorial correction has been made to the text of the rulemaking which does not change the intent, purpose, or meaning of the proposed rulemaking as published on November 25, 2005 at 52 DCR 10419. This final rulemaking will be effective when published in the D.C. Register.

Title 18 DCMR, Section 4004, ONE-WAY STREETS, Subsection 4004.1, (a) Northwest Section, is amended by adding the following to the list of locations where traffic is restricted to one direction of travel:

“On Hamilton Street, N.W., between North Capitol Street and New Hampshire Avenue, for eastbound traffic only”.

Title 18 DCMR, Section 4017, “RIGHT TURN ONLY” REQUIREMENTS, is amended by adding a new Subsection to read as follows:

4017.6 At the locations listed in this subsection, all vehicles shall make a right turn only, Monday through Fridays, except Holidays, during the hours from 7:00 a.m. through 9:30 a.m. and 4:00 p.m. through 6:30 p.m.

Title 18 DCMR, Section 4017, “RIGHT TURN ONLY” RESTRICTIONS, Subsection 4017.6, (a) Northwest Section, is amended by adding the following to the list of locations where traffic is restricted to right turns only during the hours from 7:00 a.m. through 9:30 a.m. and 4:00 p.m. through 6:30 p.m., Monday through Fridays, except Holidays:

“Eastbound Hamilton Street, N.W., onto southbound North Capitol Street”.

Title 18 DCMR, Section 4008, STOP SIGNS, Subsection 4008.1, (a) Northwest Section, is amended by deleting the following from the list of locations where STOP signs are placed:

“On westbound Hamilton Street, N.W., so as to stop at New Hampshire Avenue”;

and by substituting the following:

“On New Hampshire Avenue, N.W. and on eastbound Hamilton Street, N.W., so as to stop at both streets”.

Title 18 DCMR, Section 4015, “NO LEFT TURN” RESTRICTIONS, Subsection 4015.4, (a) Northwest Section, is amended by deleting the following from the list of locations where traffic is restricted from turning left during the hours from 4:00 p.m. through 6:30 p.m.:

“On southbound New Hampshire Avenue, N.W. onto Hamilton Street”.