

## DEPARTMENT OF HEALTH

## NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health ("Department"), pursuant to § 307 of the AccessRx Act of 2004, effective May 18, 2004 (D.C. Law 15-164; D.C. Official Code § 48-833.07) (the Act), and Mayor's Order 2006-60, dated June 7, 2006, hereby gives notice of his intent to take final rulemaking action to adopt the following new chapter 18 of Title 22 of the District of Columbia Municipal Regulations (DCMR), entitled "Prescription Drug Marketing Costs," in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The adoption of Chapter 18, which had until now been reserved, is necessary to implement Title III of the Act, which requires manufacturers and labelers of prescription drugs in the District who engage in marketing in the District to report to the Department their prescription drug marketing costs.

**Chapter 18 (Prescription Drug Marketing Costs) of Title 22 DCMR (Public Health and Medicine) is added as follows:**

**1800 MANNER OF REPORTING AND FILING FEE**

1800.1 Each manufacturer or labeler of prescription drugs that employs directs or utilizes marketing representatives in the District shall file the annual report required by section 302 of the Act by July 1<sup>st</sup> of each year.

1800.2 The annual report shall include complete information regarding all funds expended by the manufacturer or labeler on marketing costs for prescription drugs in the District as required in section 303 of the Act.

1800.3 The annual report required in § 1800.1 is comprised of the following electronic forms located on the Department's website at <http://www.doh.dc.gov>:

- (a) **Form One: Annual Report Form** – containing general information about the manufacturer or labeler
- (b) **Form Two: Individual Recipient Form** – capturing costs spent by manufacturer or labeler to each individual recipient of those funds. A separate Form Two is required for each recipient.

1800.4 Both Form One and Form Two shall be filed electronically. In addition Form One and the appropriate number of the Form Two shall be printed out, completed and filed with the Department by July 1<sup>st</sup> of each year, as described in §1800.8. The printed Form One must be signed by the

representative of the manufacturer or labeler who has been authorized to complete the forms on behalf of the manufacturer or labeler.

- 1800.5 The manufacturer or labeler is required to file a Form Two for each recipient of funds spent for marketing
- 1800.6 Except as provided in § 1800.7, the information submitted as part of the annual report in § 1800.1 shall cover the period from January 1<sup>st</sup> to December 31<sup>st</sup> of the previous calendar year.
- 1800.7 For the first required annual report, to be filed by July 1, 2007, the information submitted in the report shall cover July 1, 2006 to December 31, 2006.
- 1800.8 Immediately upon filing the required annual report pursuant to § 1800.3, each manufacturer or labeler shall pay to the Department the required filing fee of two thousand five hundred dollars (\$2,500), by mailing a check, made out to "D.C. Treasurer," to District of Columbia Department of Health, Chief Financial Officer, 825 North Capitol Street, N.E., Room 5100, Washington, D.C. 20002. The originals of Form One and Form Two shall be included with the filing fee.

## **1801 ENFORCEMENT AND FINE**

- 1801.1 These rules may be enforced in a civil action brought by the Office of the Attorney General for the District of Columbia.
- 1801.2 Failure to timely file a complete annual report in accordance with §§ 1800.3 and 1800.8 constitutes a civil violation.
- 1801.3 A fine of one thousand dollars (\$1,000), plus costs and attorney's fees, may be adjudged for each civil violation of § 1801.2.
- 1801.4 Each failure to timely file either a Form One or a Form Two for each recipient in accordance with the requirements of the Act or this Chapter constitutes a separate civil violation.

## **1899 DEFINITIONS**

- 1899.1 As used in this Chapter the following terms shall have the meanings ascribed:

**Department** – Department of Health.

**Director** – Director of the Department.

**Labeler and Manufacturer** shall have the meanings ascribed to them by sections 102(11) and 102(12) of the Act.

**Marketing Representative** – an individual who is employed by or is under contract to represent a manufacturer or labeler and engages in the marketing of prescription drugs in the District to any person or entity licensed to provide health care in the District.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty days after the date of publication of this notice in the D.C. Register. Comments should be filed with Cheryl Edwards, Chief of Staff, Office of the Director, Department of Health, 825 North Capitol Street, N.E., 4<sup>th</sup> Floor, Washington, D.C. 20002 with a copy to Phillip Husband, Deputy General Counsel, Office of the General Counsel, Department of Health, 825 North Capitol Street, N.E., 4<sup>th</sup> Floor, Washington, D.C. 20002. Copies of these rules may be obtained free of charge at the above address during the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority (“DCHA”) hereby gives notice of its intent to adopt the following amendments and restatements of selected provisions of Chapter 60, Chapter 61 and Chapter 64 of Title 14 of the District of Columbia Municipal Regulations in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The proposed amendments contain the rules governing admissions, recertification, and transfers for families with disabilities.

**Add to Section 6099 of Chapter 60 -- Low Rent Housing: General Provisions—the following language:**

**6099            DEFINITIONS**

**Uniform Federal Accessibility Standards (UFAS)—**

Construction standards with minimum requirements for accessibility for dwelling units constructed or substantially altered with the assistance of federal funds as detailed at 24 CFR Part 8 and the addendums thereto.

**UFAS Accessible Unit—**

A dwelling unit that is constructed in accordance with the Uniform Federal Accessibility Standards.

**Reasonable Accommodation Unit –**

A dwelling unit modified to include certain accessibility features in accordance with the requirements of that certain Amended Voluntary Compliance Agreement by and between the DCHA and the U.S. Department of Housing and Urban Development, dated May 1, 2006.

**Amend and Restate Section 6112 of Chapter 61—Admissions and Recertification, of Title 14 of the DCMR as follows:**

**6112            TENANT SELECTION AND ASSIGNMENT: FAMILIES WITH DISABILITIES**

6112.1            In the selection of a family to occupy a UFAS-Accessible Unit, as such units become available in the appropriate bedroom size in DCHA-owned properties, DCHA shall offer the UFAS-Accessible Unit to a family that is qualified for the available bedroom size of the Unit and has a verified need for the features of a UFAS-Accessible Unit in the following order of priority, with date and time of

application or transfer request where there are multiple applicants within any one priority:

- (a) First, to any current resident requesting, and eligible for, a transfer to a UFAS-Accessible Unit;
- (b) Second, to an applicant household eligible for a UFAS-Accessible Unit in, which applicant is designated for interim assistance under the terms of DCHA's Amended Voluntary Compliance Agreement with the U.S. Department of Housing and Urban Development, dated May 1, 2006, hereinafter referred to as the Amended VCA; or
- (c) Third, to the next applicant household eligible for a UFAS-Accessible Unit.

6112.2 In the selection of a family to occupy a Reasonable Accommodation Unit, as such units become available in the appropriate bedroom size in DCHA-owned properties, DCHA shall offer the Reasonable Accommodation Unit as follows, based on the earliest date and time of application:

- (a) First, to the next applicant household of the appropriate size, whose application indicates a household member is mobility impaired and uses a walker, crutches or cane and is qualified for a Reasonable Accommodation Unit;
- (b) Second, if there is not an eligible, qualified applicant under 6112.2(a) above who wishes to reside in the available Reasonable Accommodation Unit, then it will be offered to an applicant household of the appropriate size, whose application indicates a household member is mobility impaired and uses a walker, crutches or cane, but who does not need the accessible features of the unit.

6112.3 If a UFAS-Accessible Unit or a Reasonable Accommodation Unit are vacant for a period of more than thirty (30) days, and there are no families with mobility disabilities requesting the reasonable accommodation on the transfer or waiting lists, then DCHA may offer the unit to an applicant who does not need the accessibility features of the unit.

6112.4 Households electing to occupy either a UFAS-Accessible Unit or a Reasonable Accommodation Unit that do not require the accessibility features of the unit, will be required to execute a Special Supplement to the Lease that legally obligates the household to relocate to a vacant unit of an appropriately sized without accessibility features within ten (10) days of written notice from DCHA that there is an eligible applicant or existing resident with disabilities who requires the accessibility features of the unit.

**Amend and Restate Subsections 6113.1, 6113.2, 6113.6 of Section 6113, Tenant Admission and Occupancy: Redeveloped and Special Needs Properties, Chapter 61 of Title 14 DCMR****6113 TENANT ADMISSION AND OCCUPANCY: REDEVELOPED AND SPECIAL NEEDS PROPERTIES**

6113.1 Scope. Redeveloped Properties are mixed-finance communities owned by private entities which communities are created through HOPE VI or other public funding combined with private financing, which have some or all of their units assisted by operating funds provided by DCHA. Special Needs Properties are DCHA owned- or privately owned units assisted with operating funds provided by DCHA and managed by service providers for residents with special needs.

6113.2 Overview.

- (a) Redeveloped Properties and Special Needs Properties because of the unique nature of their substantial private funding and/or private ownership or management have admissions and occupancy rules that are tailored to the particular property, type of occupancy and need to coordinate with other supportive service programs.
- (b) This Section 6113 sets forth the regulatory framework for the property based rules and ongoing DCHA oversight or approvals governing occupancy and re-occupancy, selection criteria, screening criteria, application processing, waiting lists, lease provisions, income determinations and grievance procedures.
- (c) DCHA pursuant to the MTW Agreement entered into with the U.S. Department of Housing and Urban Development, dated July 25, 2004, provides that DCHA may, notwithstanding certain provisions of the Housing Act of 1937 and regulations issued pursuant thereto, adopt local rules for the governance of its public housing and housing choice voucher programs. Thus, this Section 6113, in each of the areas identified hereinabove, for all properties officially designated as Redeveloped or Special Needs Properties by the Board of Commissioners, are the applicable rules therefor.

6113.3 Selection Criteria

- (a) The selection criteria, including all priorities and preferences for applicants for initial occupancy following construction and re-occupancy upon vacancy of units at Redeveloped or Special Needs Properties that are receiving operating subsidies from DCHA, are those incorporated in a regulatory and operating agreement by and between the owner and DCHA after consultation with representatives of the community and former

and/or prospective residents. These selection criteria are hereinafter referred to herein as the "General Selection Criteria."

- (b) While the General Selection Criteria may vary by property, selection and screening criteria for all properties shall include the mandatory federal standards with respect to certain types of criminal activity as specified in federal statute.
- (c) For UFAS-Accessible Units, besides the General Selection Criteria, occupancy of the Units shall be to a household qualified for the available bedroom size of the Unit and a verified need for the features of a UFAS-Accessible Unit in the following order of priority, with date and time of application or transfer request where there are multiple applicants within any one priority:
  - (1) First, to a qualified returning resident who previously resided in one of the developments being redeveloped.
  - (2) Second, to a qualified applicant referred by DCHA from its list of households designated in 2006 for interim assistance in accordance with the provisions of the Amended VCA.
  - (3) Third, to a qualified applicant referred by DCHA from its list of households designated in 2007 for interim assistance in accordance with the provisions of the Amended VCA.
  - (4) Fourth, to a qualified DCHA resident on DCHA's Transfer List;
  - (5) Fifth, to a qualified public housing applicant on DCHA's Waiting List; and
  - (6) Sixth, to a qualified Housing Choice Voucher.

6113.6 Lease Terms.

- (a) Leases for Redeveloped Properties or Special Needs Properties may be developed by the owner or manager, subject to the approval of DCHA for compliance with applicable local and federal provisions as well as DCHA's regulations, including the requirements regarding Special Supplements to Lease governed by the provisions of Subsection 6112.4 of this Title 14.
- (b) Provisions relating to rent, rent collection, security deposits, excess utility charges, and such other provisions as DCHA may approve, may vary from the DCHA standard form of lease.

**Add a new Subsection, 6401.1(f) to Section 6401 of Chapter 64—Public Housing Transfers – of Title 14 of the DCMR, as follows:**

- (f) To permit occupancy of a unit with accessibility feature by a transferring resident or eligible applicant with a verified need for such a unit;

**Amend and Restate Subsection 640.1.4 of Chapter 64 of Title 14 of the DCMR, as follows:**

6401.4 Applications for a transfer must be made to the resident's property manager, but all paperwork, verification and unit assignments shall be made by the Director of Housing Management, except in the case of a resident request for a transfer as a reasonable accommodation of a disability in which case the request will be processed by the Office of the ADA/504 Coordinator and the Client Placement Division.

**Add to Section 6401 of the Chapter 64 of Title 14 of the DCMR, the following:**

6401.10 DCHA shall relocate to a vacant, non-accessible unit within six (6) months, the remaining household members occupying a unit with accessibility features after the death, or relocation for any other reason, of the disabled household member who required the accessibility features of such Unit and who are subject to a mandatory transfer under 6401.1(f) herein.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with the Office of the General Counsel, DCHA, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599. Copies of these proposed rules may be obtained from the DCHA at that same address.