

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-543

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To amend, on a temporary basis, section 25-314(b) of the District of Columbia Official Code to clarify that the prohibition against the issuance of new licenses within 400 feet of a public, private, or parochial primary, elementary, or high school, college or university, or recreation area operated by the Department of Parks and Recreation does not apply in those instances where the main entrance to the college, university, or recreation area, or the nearest property line of the school is actually on or occupies ground zoned commercial or industrial according to the official atlases of the Zoning Commission for the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Commercial Exception Clarification Temporary Amendment Act of 2006".

Sec. 2. Section 25-314(b) of the District of Columbia Official Code is amended as follows:

Note,
§ 25-314

(a) Paragraph (1) is amended by striking the phrase "D.C. Department of Recreation" and inserting the phrase "District of Columbia Department of Parks and Recreation; except, that:" in its place.

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

"(2) The 400-foot restriction shall not apply to a restaurant, hotel, club, caterer's, or temporary license."

(c) Add a new paragraph (5) to read as follows:

"(5) The 400-foot restriction shall not apply where the main entrance to the college, university, or recreation area, or the nearest property line of the school is actually on or occupies ground zoned commercial or industrial according to the official atlases of the Zoning Commission for the District of Columbia."

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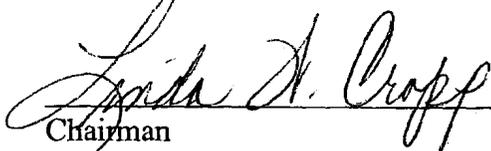
Sec. 3. Fiscal impact statement.

The Council adopts the 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)).

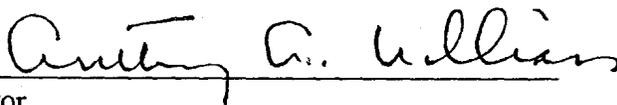
Sec. 4. Effective date.

(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 19, 2006

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AN ACT

D.C. ACT 16-544

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 19, 2006

To promote, on a temporary basis, the orderly transfer of executive duties and responsibilities upon the expiration of the term of office of a Mayor and the assumption of duties and responsibilities of a new Mayor, to promote the orderly transfer of the legislative duties and responsibilities upon the expiration of the term of office of the Council Chairman, and to provide \$2 million for the Council of the District of Columbia to cover additional personnel costs and fund additional central services during fiscal year 2007.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Mayor and Chairman of the Council Transition Revised Temporary Amendment Act of 2006".

Sec. 2. Purpose.

This act authorizes the Mayor to take appropriate action to assure continuity in the execution of the laws and in the conduct of the legislative and executive affairs of the District of Columbia government. The purposes of this act are to provide for the orderly transfer of the:

(1) Executive duties and responsibilities of the Executive Office of the Mayor with the expiration of the term of office of a Mayor and the assumption of those duties and responsibilities by a new Mayor; and

(2) Legislative duties and responsibilities of the Chairman of the Council with the expiration of the term of office of a Chairman and the assumption of those duties and responsibilities by a new Chairman.

Sec. 3. (a) The Mayor, in the discharge of his or her duties pursuant to section 422 of the District of Columbia Home Rule Act, approved December 23, 1973 (87 Stat. 790; D.C. Official Code § 1-204.22), may make available to the Mayor-elect and the Chairman-elect the following:

(1) Office space, furniture, furnishings, office machines, and supplies, at whatever place or places within the District as the Mayor shall designate, at no cost to the Mayor-elect, the Chairman-elect, and the transition staff of each;

(2) Compensation for the Mayor-elect's and Chairman-elect's transition staffs at a rate that does not exceed the rate prescribed pursuant to the District of Columbia Government

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Comprehensive Merit Personnel Act of 1973, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.1 *et seq.*) ("Merit Personnel Act"); provided, that any person who receives compensation as a member of transition staff under this paragraph does not hold a position in, or be considered to be an employee of, the District government.

(3) Expenses for the procurement by the Mayor-elect and Chairman-elect of services of any expert or consultant, or organization thereof;

(4) Travel expenses or subsistence allowances, as authorized by the Mayor-elect or Chairman-elect, including rental of a governmental or hired motor vehicle at a rate not to exceed the rate authorized pursuant to the Merit Personnel Act;

(5) Expenses incurred by the Mayor-elect and Chairman-elect for printing, binding, and duplicating;

(6) Postage or mailing expenses incurred by the Mayor-elect and Chairman-elect consistent with the Official Correspondence Regulations, effective April 7, 1977 (D.C. Law 1-118; D.C. Official Code § 2-701 *et seq.*); and

(7) Expenses for communications equipment or service.

(b)(1) No funds authorized by this act shall be expended in connection with any obligation incurred other than by the Mayor-elect or Chairman-elect.

(2) Obligations may be incurred by the Mayor-elect or the Chairman-elect through the seventh day following the date of the inauguration of the Mayor-elect and Chairman-elect.

Sec. 4. The Mayor-elect and Chairman-elect shall each file a report to be prepared with appropriate supporting documentation accounting for the expenditure of funds pursuant to this act. These reports shall be submitted to the Mayor, Council, and Chief Financial Officer no later than March 31, 2007.

Sec. 5. Upon certification by the Chief Financial Officer that appropriated funds are available and that the reprogramming of those funds has been approved by the Council, there is hereby authorized the following amounts to be made available for transition costs:

(1) Up to \$250,000 for the transition of the Mayor-elect; and

(2) Up to \$150,000 for the transition of the Chairman-elect.

Sec. 6. (a) For the purposes of this act, the term:

(1) "Chairman-elect" means the person who is certified as the successful candidate for the office of Chairman of the Council by the District of Columbia Board of Elections and Ethics ("Board of Elections and Ethics") following the general election held to determine the Chairman, or for the period of time between the general election and certification, the person announced and published by the Board of Elections and Ethics as the unofficial winner of the general election for Chairman with a margin of victory of at least 3% of the votes cast as reflected in the D.C. General Election 2006, November 7, 2006, Summary Report, Unofficial Results posted on the Board of Elections and Ethics website at www.dcboee.org.

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(2) "Mayor-elect" means the person who is certified as the successful candidate for the office of Mayor by the Board of Elections and Ethics following the general election held to determine the Mayor, or for the period of time between the general election and certification, the person announced and published by the Board of Elections and Ethics as the unofficial winner of the general election for Mayor with a margin of victory of at least 3% of the votes cast as reflected in the D.C. General Election 2006, November 7, 2006, Summary Report, Unofficial Results posted on the Board of Elections and Ethics website at www.dcboee.org.

Sec. 7. Pursuant to section 202(j)(2) and (3)(B) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (Pub. L. No. 104-8; D.C. Official Code § 47-392.02(j)(2) and (3)(B)), an amount not to exceed \$2 million may be expended from the District of Columbia 2007 Operating Cash Reserve as follows:

(1) An amount not to exceed \$1 million shall be for the Council of the District of Columbia for Council personnel and compensation costs; and

(2) An amount not to exceed \$1 million shall be for the Council of the District of Columbia for the administration of central services.

Sec. 8. 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)).

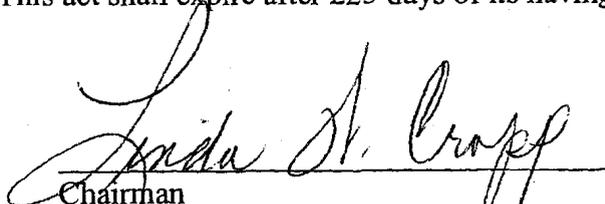
Sec. 9. Effective date.

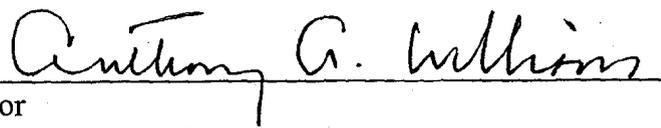
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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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
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AN ACT
D.C. ACT 16-545

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To amend, on a temporary basis, the Department of Mental Health Establishment Amendment Act of 2001 to authorize the Department of Mental Health to enter into a long-term ground lease with Greater Southeast Community Hospital to construct a building, at the District's cost, not to exceed \$3.7 million, to house the Comprehensive Psychiatric Emergency Program on a site located on the campus of Greater Southeast Community Hospital; and the Health Services Planning Program Re-establishment Act of 1996 to exempt the Department of Mental Health's Comprehensive Psychiatric Emergency Program and community-based mental health service providers certified by the Department of Mental Health from the certificate of need requirements of section 8 of the Health Services Planning Program Re-establishment Act of 1996.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Comprehensive Psychiatric Emergency Program Long-Term Ground Lease Temporary Act of 2006".

Sec. 2. The Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1131.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 7-1131.02) is amended as follows:

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

"(4A) "Comprehensive psychiatric emergency program" or "CPEP" means a 24-hour program providing acute psychiatric and medical screening for individuals experiencing a psychiatric crisis, crisis intervention services, including the de-escalation of an individual or situation, psychiatric stabilization, hospital pre-screening and mental status evaluation, a determination of appropriate treatment services, and coordination of the follow through of those services and referral linkages as well as observation for up to 72 hours, intensive medication and psychotherapeutic treatment in an effort to provide the most appropriate, least restrictive services, avoiding, when possible, costly hospitalization."

(2) A new paragraph (10A) is added to read as follows:

"(10A) "Extended observation unit" means a unit operated adjacent to or in conjunction with crisis emergency services, designed to provide, for a period up to 72 hours, a safe environment for an individual who, in the opinion of the examining physicians, requires extensive evaluation, assessment, or stabilization of his or her acute psychiatric symptoms."

(b) Section 104 (D.C. Official Code § 7-1131.04) is amended as follows:

(1) Paragraph (16) is amended by striking the word "and" at the end.

Note,
 § 7-1131.02

Note,
 § 7-1131.04

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(2) Paragraph (17) is amended by striking the phrase "this section." and inserting the phrase "this section;" in its place.

(3) New paragraphs (18) and (19) are added to read as follows:

"(18) Arrange for, or if necessary directly operate, a comprehensive psychiatric emergency program for adults, including an extended observation unit for adults in need of mental health services and mental health supports; and

"(19) Enter into a long-term ground lease ("Lease") with Greater Southeast Community Hospital for the purposes of having Greater Southeast Community Hospital construct a building to house CPEP on a site on the campus of Greater Southeast Community Hospital, in accordance with plans and specifications approved by the Department. The building shall be owned by the District and used by the District for purposes of operating CPEP, including the extended observation unit and related psychiatric emergency services. The Lease shall include the following terms and conditions:

"(A) Have a term of not less than 45 years;

"(B) Provide for an annual rent of \$1.00;

"(C) Provide that the District shall pay Greater Southeast Community Hospital for the cost of construction of the building to house CPEP; which cost shall not exceed \$3.7 million;

"(D) Provide that the cost of construction shall be paid by the District in stages related to the progress of construction of the building, as determined by the Director to be in the best interests of the District;

"(E) Provide that the commencement of the Lease be subject to the condition that the mortgagees of the Greater Southeast Community Hospital campus grant a non-disturbance agreement to the District in a form and substance satisfactory to the District; and

"(F) Such other terms and conditions that the Director determines are in the best interests of the District."

Sec. 3. The Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-401 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 44-401) is amended as follows:

(1) New paragraphs (3B) and (3C) are added to read as follows:

"(3B) "Community-based mental health services providers" means organizations licensed or certified by the Department of Mental Health to provide community-based mental health services in accordance with the requirements of sections 113 and 114 of the Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56, D.C. Official Code §§ 7-1131.13 and 7-1131.14);

"(3C) "Comprehensive Psychiatric Evaluation Program" or "CPEP" means the observation, evaluation, and emergency treatment services operated by the Department of Mental Health in accordance with the requirements of section 104 (7) of the Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56, D.C. Official Code § 7-1131.04(7));"

(2) Paragraph (10) is amended as follows:

(A) Strike the phrase "treatment, or a health" and insert the phrase "treatment, a health" in its place.

(B) Strike the period at the end and insert the phrase "community-based mental health services providers, CPEP, and services directly operated by the Department of

Note,
§ 44-401

Mental Health." in its place.

(3) Paragraph (12) is amended as follows:

(A) Strike the phrase "inpatient mental health services,"

(B) Strike the phrase "HMOs, and" and insert the phrase "HMOs," in its place.

(C) Strike the phrase "group practice." and insert the phrase "group practice, and community-based mental health services providers, CPEP, and services directly operated by the Department of Mental Health." in its place.

(b) Section 8 (D.C. Official Code § 44-407) is amended as follows:

(1) Subsection (b) is amended by adding a new paragraph (14) to read as follows:

"(14) Community-based mental health services providers, CPEP, and services directly operated by the Department of Mental Health."

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

"(d) Community-based mental health services providers, CPEP, and the Department of Mental Health are exempt from certificate of need requirements."

Note,
§ 44-407

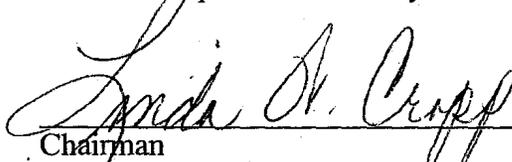
Sec. 4. Fiscal impact statement.

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)).

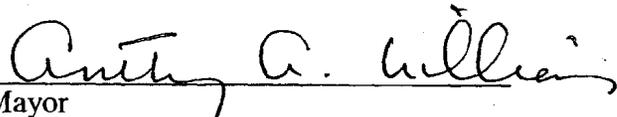
Sec. 5. Effective date.

(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
APPROVED
December 19, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-546

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2006

Codification
District of
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Official Code

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To amend the Public Access to Automated Defibrillator Act of 2000 to clarify that any person that, in good faith and without compensation, uses a defibrillator in an emergency is immune from civil liability for any personal injury resulting from any act or omission in the use of the defibrillator in an emergency situation; and to clarify the meaning of the term compensation for these purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Good Samaritan Use of Automated External Defibrillators Clarification Amendment Act of 2006".

Sec. 2. The Public Access to Automated Defibrillator Act of 2000, effective April 27, 2001 (D.C. Law 13-278; D.C. Official Code § 44-231 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 44-231) is amended to read as follows:

"For the purposes of this act, the term:

"(1) "Automated external defibrillator" or "AED" or "defibrillator" means a medical device heart monitor and defibrillator that:

"(A) Has received approval from the United States Food and Drug Administration of its premarket notification filed pursuant to section 510(k) of the Federal Food, Drug, and Cosmetic Act, approved October 10, 1962 (76 Stat. 794; 21 U.S.C. § 360(k));

"(B) Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, and determining, without intervention by an operator, whether defibrillation should be performed; and

"(C) Upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.

"(2) "Compensation" shall not include the salary of any person who registers an automated external defibrillator, trains the individuals who operate the registered automated external defibrillators, orders the automated external defibrillators which will subsequently be registered, or operates a registered automated external defibrillator at the scene of an emergency, excluding any professional medical emergency setting."

Amend
§ 44-231

ENROLLED ORIGINAL

(b) Section 4 (D.C. Official Code § 44-233) is amended as follows:

Amend
§ 44-233

(1) Subsection (e) is amended by striking the last sentence.

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

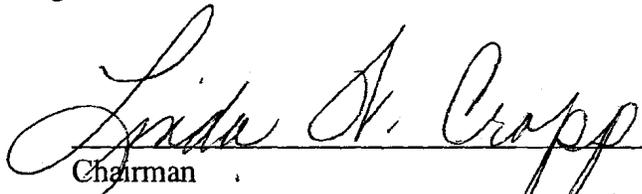
“(f) The immunity from civil liability under this section shall not apply to a licensed or certified health professional who used the automated external defibrillator device while acting within the scope of the license or certification of the professional or within the scope of the employment or agency of the professional.”

Sec. 3. Fiscal impact statement.

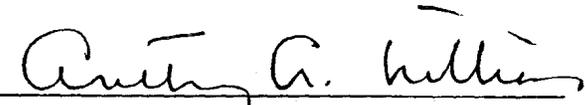
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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 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 19, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-547

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2006

*Codification
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2001 Edition

2007 Winter
Supp.

West Group
Publisher

To amend section 28-3906(a) of the District of Columbia Official Code to establish a consumer education program within the Department of Consumer and Regulatory Affairs for video and computer games and their use by minors to enable a person to evaluate their suitability for use by minors.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Consumer Education on Video and Computer Games for Minors Act of 2006".

Sec. 2. Section 28-3906(a) of the District of Columbia Official Code is amended by adding a new paragraph (2A) to read as follows:

Amend
§ 28-3906

"(2A) Develop a consumer education program to educate consumers about the appropriateness of video and computer games for certain age groups, which may include information on video and computer game rating systems and the manner in which parental controls can enhance the ability of parents to regulate their children's access to video and computer games;"

Sec. 2. Fiscal impact statement.

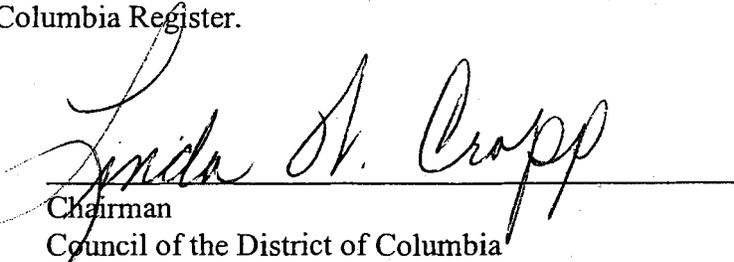
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

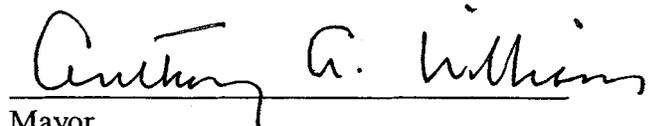
Sec. 3. Effective date.

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, as 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 16-548

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2006

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To amend the District of Columbia Health Occupations Revision Act of 1985 to regulate the practice of audiology and speech-language pathology, to establish a Board of Audiology and Speech-Language Pathology, and to establish the minimum qualifications for licensure of audiologists and speech-language pathologists.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Audiology and Speech-Language Pathology Amendment Act of 2006".

Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) The table of contents is amended as follows:

(1) Add the phrase "Sec. 218. Board of Audiology and Speech-Language Pathology." after the phrase "Sec. 217. Board of Marriage and Family Therapy."

(2) Add the following after "Sec. 832. Transition of licensed marriage and family therapists.":

"TITLE VIII-B

"QUALIFICATIONS FOR LICENSURE TO PRACTICE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY.

"Sec. 841. Qualifications For Licensure."

(b) Section 101(1) (D.C. Official Code § 3-1201.01(1)) is amended by adding the phrase "Board of Audiology and Speech-Language Pathology," after the phrase " "Board" means the".

Amend
§ 3-1201.01

(c) Section 102 (D.C. Official Code § 3-1201.02) is amended as follows:

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

Amend
§ 3-1201.02

"(2B)(A) "Practice of audiology" means the planning, directing, supervising, and conducting of habilitative or rehabilitative counseling programs for individuals or groups of individuals who have, or are suspected of having, disorders of hearing; any service in audiology,

ENROLLED ORIGINAL

including prevention, identification, evaluation, consultation, habilitation or rehabilitation, instruction, and research; participating in hearing conservation, hearing aid and assistive listening device evaluation, selection, preparation, dispensing, and orientation; fabricating ear molds; providing auditory training and speech reading; or administering tests of vestibular function and tests for tinnitus. The practice of audiology includes speech and language screening limited to a pass-or-fail determination for the purpose of identification of individuals with disorders of communication. The practice of audiology does not include the practice of medicine or osteopathic medicine, or the performance of a task in the normal practice of medicine or osteopathic medicine by a person to whom the task is delegated by a licensed physician.

“(B) Nothing in this paragraph shall be construed as preventing or restricting the practice, services, or activities of a school audiologist employed by, and working in accordance with, the regulations of the District of Columbia Board of Education.”

(2) A new paragraph (20) is added to read as follows:

“(20)(A) “Practice of speech-language pathology” means the application of principles, methods, or procedures related to the development and disorders of human communication, including any condition, whether of organic or non-organic origin, that impedes the normal process of human communication including disorders and related disorders of speech, articulation, fluency, voice, oral, or written language; auditory comprehension and processing; oral, pharyngeal or laryngeal sensorimotor competencies; swallowing; auditory or visual processing; auditory or visual memory or cognition; communication; and assisted augmentative communication treatment and devices.

“(B) The term practice of speech-language pathology also includes the planning, directing, supervising, and conducting of a habilitative and rehabilitative counseling program for individuals or groups of individuals who have, or are suspected of having, disorders of communication, and any service in speech-language pathology including prevention, identification, evaluation, consultation, habilitation or rehabilitation, instruction, or research.

“(C) The practice of speech-language pathology may include pure-tone air conduction hearing screening, screening tympanometry, and acoustic reflex screening, limited to a pass-or-fail determination for the identification of individuals with other disorders of communication and may also include aural habilitation or rehabilitation, which means the provision of services and procedures for facilitating adequate auditory, speech, and language skills in individuals with hearing impairment. The practice of speech-language pathology does not include the practice of medicine or osteopathic medicine, or the performance of a task in the normal practice of medicine or osteopathic medicine by a person to whom the task is delegated by a licensed physician.

“(D) Nothing in this paragraph shall be construed as preventing or restricting the practice, services, or activities of a school speech-language pathologist working in accordance with the regulations of the District of Columbia Board of Education.”

ENROLLED ORIGINAL

(d) A new section 218 is added to read as follows:

“Section 218. Board of Audiology and Speech-Language Pathology.

“(a) There is established a Board of Audiology and Speech-Language Pathology, which shall consist of 7 members appointed by the Mayor.

“(b) The Board shall regulate the practice of audiology and speech-language pathology.

“(c) The Board shall administer the examination required for audiology and speech-language pathology licenses.

“(d) Of the members of the Board, 2 shall be practicing audiologists, 2 shall be practicing speech-language pathologists, one shall be a practicing Otolaryngologist, and 2 shall be consumer members with no direct affiliation with either the practice of audiology or the practice of speech-language pathology or other health profession. The professional members shall:

“(1) For audiology, at least 3 years preceding appointment, have been actively engaged as an audiologist in rendering professional services in audiology or in the education and training of masters, doctoral, or postdoctoral students of audiology in audiology research, and

for the 2 years preceding the appointment, have spent the majority of their time devoted to one of the activities listed in this paragraph.

“(2) For speech pathology, at least 3 years preceding the appointment, have been actively engaged as a speech-pathologist in rendering professional services in speech pathology or in the education and training of masters, doctoral, or postdoctoral students of speech pathology in speech-pathology research, and for the 2 years preceding the appointment, have spent the majority of their time devoted to one of the activities listed in this paragraph.

“(3) For otolaryngology, at least 3 years preceding the appointment, have been actively engaged as an otolaryngologist in rendering professional services in otolaryngology or in the education and training of masters, doctoral, or postdoctoral students of otolaryngology in otolaryngology research, and for the 2 years preceding the appointment have spent the majority of their time devoted to one of the activities listed in this paragraph.

“(e) Except as provided in subsection (g) of this section, members of the Board shall be appointed for terms of 4 years. No person may be appointed more than once to fill an unexpired term or more than 2 consecutive full terms.

“(f) The initial appointees, with the exception of the representatives of the general public and the Otolaryngologist, shall be deemed to be and shall become licensed audiologists and speech-language pathologists immediately upon their qualification and appointment as members of the Board.

“(g) Of the members initially appointed, 2 shall be appointed for 2 years, 2 shall be appointed for 3 years, and 3 members, including the chairperson, shall be appointed for 4 years.

“(h) The Mayor shall designate one Board member to serve as chairperson during the term of his or her appointment to the Board. No person may serve as chairperson for more than

ENROLLED ORIGINAL

4 years.”.

(e) Section 401(b)(2) (D.C. Official Code § 3-1204.01(b)(2)) is amended by striking the phrase “Professional Counseling,” and inserting the phrase “Professional Counseling, the audiologist and speech-language pathologist members initially appointed to the Board” in its place.

Amend
§ 3-1204.01

(f) Section 501 (D.C. Official Code § 3-1205.01) is amended by striking the phrase “professional counseling,” and inserting the phrase “professional counseling, audiology, speech-language pathology,” in its place.

Amend
§ 3-1205.01

(g) A new title VIII-B is added to read as follows:

“SUBCHAPTER VIII-B

“QUALIFICATIONS FOR LICENSURE TO PRACTICE AUDIOLOGY AND
“SPEECH-LANGUAGE PATHOLOGY.

“Sec. 841. Qualifications for licensure.

“(a) The Board of Audiology and Speech-Language Pathology shall license as an audiologist a person who, in addition to meeting the requirements of Title V, has:

“(1) Graduated with a Master’s degree or a Doctoral degree in audiology from a recognized educational institution that incorporates the academic course work and minimum hours of supervised training required by the regulations adopted by the Board and whose audiology program is regionally accredited by the American Speech-Language-Hearing Association or an equivalent accrediting body;

“(2) Passed a qualifying examination given by the Board or from an accrediting body recognized by the Board; and

“(3) Completed a period of supervised postgraduate professional practice in audiology as specified by rulemaking issued by the Board.

“(b) The Board of Audiology and Speech-Language Pathology shall license as a speech-language pathologist a person who, in addition to meeting the requirements of Title V, has:

“(1) Graduated with a Master’s degree or Doctoral degree in speech-language pathology from a recognized educational institution that incorporates the academic course work and minimum hours of supervised training required by the regulations adopted by the Board and whose speech-language pathology program is regionally accredited by the American Speech-Language-Hearing Association or an equivalent accrediting body;

“(2) Passed a qualifying examination given by the Board or from an accrediting body recognized by the Board; and

“(3) Completed a period of supervised postgraduate professional practice in speech-language pathology as specified by rulemaking issued by the Board.”

“(c) An audiology or speech-language pathology license shall be renewable every 2 years by the Board.”.

(h) Section 1003 (D.C. Official Code § 3-1210.03) is amended by adding a new subsection (z) to read as follows:

Amend
§ 3-1210.03

ENROLLED ORIGINAL

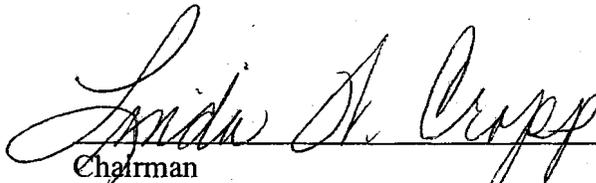
“(z) Unless authorized to practice audiology or speech-language pathology pursuant to this act, a person shall not advertise the performance of audiology or speech-language; use a title or description such as “audiological,” “audiologist,” “audiology,” “hearing clinic,” “hearing clinician,” “hearing or aural rehabilitation,” “hearing specialist,” “communication disorders,” “communicologist,” “language pathologist,” “logopedist,” “speech and language clinician,” “speech and language therapist,” “speech clinic,” “speech clinician,” “speech correction,” “speech correctionist,” “speech pathology,” “speech-language pathology,” “speech therapist,” or “speech therapy,” or any other name, style, or description denoting that the person is an audiologist or speech-language pathologist or practicing audiology or speech-language pathology.”.

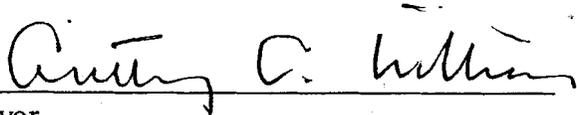
Sec. 3. Fiscal impact statement.

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 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 19, 2006

AN ACT
D.C. ACT 16-549

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 19, 2006

Codification
District of
Columbia
Official Code
2001 Edition
2007 Winter
Supp.
West Group
Publisher

To amend the District of Columbia Health Occupations Revision Act of 1985 to require physical therapy assistants to be licensed by the Board of Physical Therapy, to increase the size of the Board of Physical Therapy and include two physical therapy assistants on the Board, to provide for procedures and standards for licensing physical therapy assistants, and to require physical therapy assistants to submit pertinent information to the Board of Physical Therapy.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Physical Therapy Assistant Licensure Amendment Act of 2006".

Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) Section 102(12) (D.C. Code § 3-1201.02(12)) is amended as follows:

Amend
§ 3-1201.02

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

(2) Add two new subparagraphs (B) and (C) to read as follows:

"(B) "Practice by physical therapy assistants" means the performance of selected physical therapy procedures and related tasks under the direct supervision of a physical therapist by a person who has graduated from a physical therapy assistant program accredited by an agency recognized for that purpose by the Secretary of the Department of Education or the Council of Postsecondary Accreditation.

"(C) Nothing in this paragraph shall be construed as preventing or restricting the practices, services, or activities of a physical therapy aide who works only under the direct supervision of a physical therapist, and whose activities do not require advanced training in, or complex application of, therapeutic procedures or other standard procedures involved in the practice of physical therapy."

(b) Section 209 (D.C. Official Code § 3-1202.09) is amended as follows:

Amend
§ 3-1201.09

(1) Subsection (a) is amended by striking the phrase "5 members" and inserting the phrase "7 members" in its place.

(2) Subsection (b) is amended by adding the phrase ", including practice by physical therapy assistants" after the word "therapy".

(3) Subsection (c) is amended by striking the phrase "the District" and inserting the phrase "the District, 2 shall be physical therapy assistants licensed in the District," in its place.

(c) Section 501 (D.C. Official Code § 3-1205.01) is amended by adding the phrase "physical therapy assistant," after the phrase "physician assistant,".

Amend
§ 3-1205.01

(d) Section 504(j) (D.C. Official Code § 3-1205.04(j)) is amended as follows:

(1) Designate the existing text as paragraph (1).

(2) Add a new paragraph (2) to read as follows:

“(2) An individual applying for a license to practice as a physical therapy assistant under this act shall establish to the satisfaction of the Board of Physical Therapy that the individual has successfully completed an educational program in physical therapy appropriate for preparation as a physical therapy assistant that is accredited by an agency recognized for that purpose by the United States Department of Education or is approved by the Board of Physical Therapy.”

Amend
§ 3-1205.04

(e) Section 1003 (D.C. Official Code § 3-1210.03) is amended by adding a new subsection (m-1) to read as follows:

Amend
§ 3-1210.03

“(m-1) Unless authorized to practice as a physical therapy assistant under this act, a person shall not use or imply the use of the words or terms “physical therapy assistant”, “licensed physical therapy assistant”, “certified physical therapy assistant”, “P.T.A.”, “L.P.T.A.”, “C.P.T.A.”, or any similar title or description of services with the intent to represent that the person practices as a physical therapy assistant.”

(f) Add a new section 1204 to read as follows:

“Sec. 1204. Physical Therapy Assistants; references thereto.

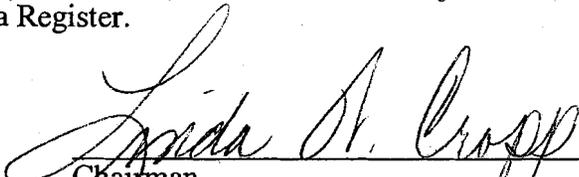
“For a period of 12 months following the effective date of the Physical Therapy Assistant Licensure Amendment Act of 2006, passed on 2nd reading on December 5, 2006 (Enrolled version of Bill 16-436), all references to a physical therapy assistant shall be deemed to refer to a person meeting the requirements for licensure in the District, regardless of whether that person is licensed in fact.”

Sec. 3. Fiscal impact statement.

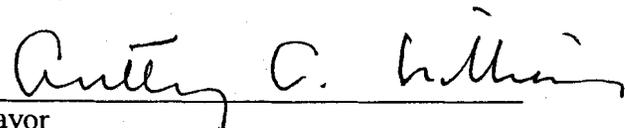
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

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 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 19, 2006

Publication District of Columbia Official Code, 2001 Edition

AN ACT
D.C. ACT 16-550

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 19, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To amend the District of Columbia Health Occupations Revision Act of 1985 to allow physical therapists to evaluate and treat patients without the prescription of or referral by a licensed physician, osteopath, dentist, podiatrist, or licensed registered nurse certified to practice as an advanced registered nurse.

BE IT ENACTED BY THE COUNCIL OF THE DISRICT OF COLUMBIA, That this act may be cited as the "Physical Therapy Practice Amendment Act of 2006".

Sec. 2. Section 102(12) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.02(12)), is amended by striking the phrase "rendered on the prescription of or referral by a licensed physician, osteopath, dentist, or podiatrist, or by a licensed registered nurse certified to practice as an advanced registered nurse as authorized pursuant to title VI,"

Amend
§ 3-1201.02

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 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 19, 2006

Codification District of Columbia Official Code, 2001 Edition

West Group Publisher, 1-800-328-9378.

AN ACT

D.C. ACT 16-551

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To amend the District of Columbia Health Occupations Revision Act of 1985 to require persons licensed under this act to undergo a criminal background check.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Licensed Health Professional Criminal Background Check Amendment Act of 2006".

Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01, *et seq.*), is amended by adding a new section 522 to read as follows:

"Sec. 522. Criminal background check.

"(a) No license or registration shall be issued to a health professional before a criminal background check has been conducted for that person. The applicant for a license or registration shall pay the fee established by the Department of Health for the criminal background check.

"(b) The criminal background check shall be obtained by the Department of Health from the U.S. Department of Justice, or from a private agency determined by the Department of Health. The results of the criminal background check shall be forwarded directly to the appropriate health licensing board."

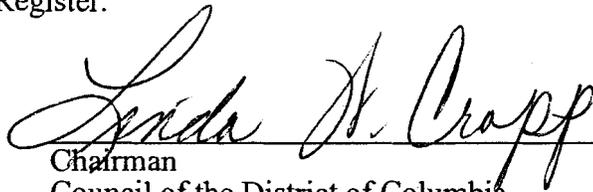
Sec. 3. Fiscal impact statement.

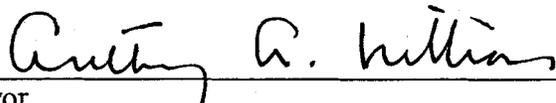
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

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

24, 1973 (Stat. 813; D.C. Official Code § 1-206(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 19, 2006

AN ACT

D.C. ACT 16-552

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To require the Metropolitan Police Department to establish procedures for service of process upon its police officers; to amend the Metropolitan Police Department Application, Appointment, and Training Requirements Act of 2000 to eliminate the requirement that Metropolitan Police Department officers appointed after January 11, 2000 and prior to December 31, 2003 successfully complete at least 60 post-secondary semester hours from an accredited university within 5 years from January 28, 2004, and to require candidates for employment as sworn officers of the Metropolitan Police Department to enter into obligated service agreements for at least 2 years and to have either completed 60 hours of post-secondary education or served in the Armed Forces of the United States or another police department; to amend the District of Columbia Police and Firemen's Salary Act of 1958 to include longevity steps for 20 years of service as basic compensation for the purpose of calculating retirement annuities for members of the Metropolitan Police Department appointed on or before February 15, 1980 and to provide that longevity payments for firefighters for 15, 20, 25, and 30 years of service be subject to deductions for retirement and be included in the calculation of salary for purposes of retirement for firefighters who retired on or after February 15, 1980; and to amend the Fiscal Year 2007 Budget Support Act of 2006 to maintain the total percent of sworn officers assigned to the police districts as existed on June 11, 2006.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Metropolitan Police Department Amendment Act of 2006".

TITLE I

Sec. 101. Service of process.

No later than 60 days following the effective date of this act, the Chief of Police, 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.*), shall issue rules establishing a procedure for service of process upon sworn members of the Metropolitan Police Department for actions arising out of the performance of their duties. The rules shall include the following:

- (1) A process whereby the sworn member is notified that service of process is

being attempted on him or her;

(2) A process for notifying a process server and the public of a specific time and place where service will be made;

(3) The designation of one or more offices, at the command level or the department's general counsel, where service shall be accepted on behalf of the sworn member; and

(4) The discipline to be meted out against any sworn member who avoids service of process.

TITLE II

Sec. 201. The Metropolitan Police Department Application, Appointment, and Training Requirements Act of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 5-107.01 *et seq.*), is amended as follows:

(a) Section 202 (D.C. Official Code § 5-107.01) is amended as follows:

Amend
5-107.01

(1) Subsections (a) through (d) are repealed.

(2) A new subsection (e) is added to read as follows:

“(e) As of the effective date of the Metropolitan Police Department Amendment Act of 2006, passed on 2nd reading on December 5, 2006 (Enrolled version of Bill 16-586), to be eligible for appointment as a sworn member of the Metropolitan Police Department, an applicant shall have either:

“(1) Successfully completed 60 hours of post-secondary education at an accredited college or university;

“(2) Served in the Armed Forces of the United States, including the Organized Reserves and National Guard, for at least 3 years on active duty and if separated from the military, have received an honorable discharge; or

“(3) Served at least 5 years in a full-duty status with a full-service police department in a municipality or state within the United States and have resigned or retired in good standing.”

(b) A new section 202a is added to read as follows:

“Sec. 202a. Obligated service.

“(a) A candidate for appointment as a sworn member of the Metropolitan Police Department shall execute an agreement obligating the candidate to serve a minimum of 2 years as a sworn member upon successful completion of the initial training program.

“(b) Except as provided in subsection (c) of this section, a sworn member who voluntarily leaves the Metropolitan Police Department before fulfilling the 2-year term of obligated service required under subsection (a) of this section shall reimburse the District for expenses incurred by it, up to \$5,000, in connection with that member's initial training, other than the member's pay. The Chief of Police may increase the \$5,000 limit on reimbursement by General Order or rulemaking.

“(c) A sworn member who voluntarily leaves the Metropolitan Police Department before fulfilling the 2-year term of obligated service shall not be liable for reimbursement to the District if:

“(1) The separation is directly due to the need to care for an individual in the member’s immediate family; or

“(2) The member transfers to another law enforcement agency within the District government and completes the 2-year term at that agency.

“(d) The Office of the Attorney General for the District of Columbia may bring a civil action in the Superior Court of the District of Columbia to recover the monies owed the District under subsection (b) of this section along with the costs of the action, including reasonable attorney’s fees.”.

Sec. 202. Section 401(a)(3) of the District of Columbia Police and Firemen’s Salary Act 1958, approved August 1, 1958 (72 Stat. 484; D.C. Official Code § 5-544.01(a)(3)), is amended as follows:

Amend
5-544.01

(a) Subparagraph (A) is amended as follows:

(1) Strike the phrase “January 1, 1980” and insert the phrase “February 15, 1980” in its place.

(2) Strike the phrase “25 years of active service prior to retirement” and insert the phrase “20 years of active service prior to retirement” in its place.

(b) Subparagraph (B) is amended by striking the phrase “January 1, 1980” and inserting the phrase “February 15, 1980” in its place.

(c) New subparagraphs (B-1) and (B-2) are added to read as follows:

“(B-1) Each member of the Fire Service shall receive additional compensation in accordance with paragraph (1) of this subsection only as long as the member remains in the active service. The additional compensation shall be paid in the same manner as the basic compensation to which the member is entitled and shall be subject to the same deductions as basic compensation. The service longevity payment shall be considered basic compensation for the purposes of retirement, calculation of survivor benefits and annuities under section 12(k) of the Policemen and Firemen’s Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-716), life insurance, and other forms of premium pay, for each member who retires on or after February 15, 1980. For the purpose of computing credit for service longevity in calculating retirement annuities pursuant to this subparagraph, active service includes any service that is creditable under section 12(c) of the Policemen and Firemen’s Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-704).

“(B-2) For the purposes of retirement benefits based on the service longevity compensation provided for in this paragraph, the District government shall be liable financially only for District contributions to and payments from the District of Columbia Police

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Officers and Fire Fighters' Retirement Fund, established by section 122(a) of the District of Columbia Retirement Reform Act , approved November 17, 1979 (93 Stat. 866; D.C. Official Code § 1-712), for those benefits accrued or earned on or after July 1, 1997.”.

Sec. 203. Section 2055 (14)(A) of the Fiscal Year 2007 Budget Support Act of 2006, signed by the Mayor on August 8, 2006 (D.C. Act 16-476; 53 DCR 6899), is amended by striking the phrase “The Metropolitan Police Department maintain equivalent staffing levels as existed on June 11, 2006 in each of the seven police districts;” and inserting the phrase “The Metropolitan Police Department maintain the total percent of sworn officers assigned to the police districts as existed on June 11, 2006;” in its place.

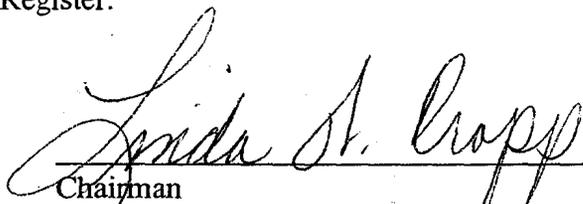
TITLE III

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

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-553

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 19, 2006

Codification
District of
Columbia
Official Code

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To amend the District of Columbia Traffic Act, 1925 to define a personal mobility device and to clarify that a personal mobility device is not a motor vehicle; and to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Personal Mobility Device Amendment Act of 2006".

TITLE I. PERSONAL MOBILITY DEVICE.

Sec. 101. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat.1119; D.C. Official Code § 50-2201.01 *passim*), is amended as follows:

(a) Section 2 (D.C. Official Code § 50-2201.02) is amended as follows:

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

"(a) The term "motor vehicle" means all vehicles propelled by internal-combustion engines, electricity, or steam. The term "motor vehicle" shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, personal mobility devices, as defined by subsection (m) of this section, or a battery-operated wheelchair when operated by a person with a disability."

(2) A new subsection (m) is added to read as follows:

"(m) The term "Personal Mobility Device" or "PMD" means a motorized propulsion device designed to transport one person or a self-balancing, two non-tandem wheeled device, designed to transport only one person with an electric propulsion system, but excluding a battery-operated wheelchair."

(b) A new section 6a is added to read as follows:

"Sec. 6a. Regulations for personal mobility devices."

"(a) The Mayor shall promulgate regulations governing the PMD, including:

- (1) Exempting the personal mobility device from the regulations governing motor vehicles;
- (2) Establishing a registration process, such as, for example, requiring that each PMD bear a serial number, valid registration tag, or valid registration plate;
- (3) Establishing a fine schedule for violations of the PMD regulations; and

Amend
§ 50-2201.02

ENROLLED ORIGINAL

(4) Providing an adjudication process for violations of PMD law and regulations.

"(b) Regulations promulgated pursuant to this section shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, holidays, and days of Council recess. If the proposed rules are not approved within the 45-day period of review, the rules shall be deemed disapproved."

(c) Section 7(f) (D.C. Official Code § 50-1401.01(f)) is amended to read as follows:

"(f) For purposes of this section and sections 8 and 13, the term "motor vehicle" means all vehicles propelled by internal-combustion engines, electricity, or steam. The term "motor vehicle" shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, personal mobility devices, as defined by section 2(m), or a battery-operated wheelchair when operated by a person with a disability."

Amend
§ 50-1401.01

(d) A new section 9a is added to read as follows:

"Sec. 9a. Operation of personal mobility devices."

"A personal mobility device shall not be operated:

"(1) In the District if it has not been validly registered, unless it is validly registered in another jurisdiction, when required by applicable law of that jurisdiction, and bears readily visible evidence of being registered.

"(2) By a person under 16 years of age;

"(3) Above the maximum speed limit of 10 miles per hour;

"(4) Upon a sidewalk within the Central Business District, as defined by section 9901 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 9901);

"(5) By a person carrying any package, bundle, or other article that hinders the person from keeping both hands on the handlebars; or

"(6) On any roadway or sidewalk while the person is wearing a headset, headphone, or earphone, unless the device is used to improve the hearing of a person with a hearing impairment or covers or is inserted in one ear only."

TITLE II. CONFORMING AMENDMENTS

Sec. 201. Section 3(17) of the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2402(17)), is amended to read as follows:

Amend
§ 31-2402

"(17) The term "motor vehicle" means any device propelled by an internal-combustion engine, electricity, or steam, including any non-operational vehicle that is being restored or repaired. The term "motor vehicle" does not include traction engines used exclusively for drawing vehicles in fields, road rollers, vehicles propelled only upon rails and tracks, personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

ENROLLED ORIGINAL

Sec. 202. Section 1(6) of An Act To provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes, approved April 22, 1960 (74 Stat. 69; D.C. Official Code § 50-601(6)), is amended to read as follows:

Amend
§ 50-601

"(6) "Motor vehicle" means any automobile, mobile home, motorcycle, truck, truck tractor, trailer, semi-trailer, or bus. The term "motor vehicle" shall not include any boat trailer, any vehicle propelled or drawn exclusively by muscular power, any vehicle designed to run only on rails or tracks, a personal mobility device, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

Sec. 203. Section 8 of an Act to provide for the annual inspection of all motor vehicles in the District of Columbia, approved February 18, 1938 (52 Stat. 78; D.C. Official Code § 50-1108), is amended to read as follows:

Amend
§ 50-1108

"Sec. 8. As used in this act, the term "motor vehicle" means all vehicles propelled by internal-combustion engines, electricity, or steam. The term "motor vehicle" shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, personal assistive mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

Sec. 204. Section 1 of An Act To provide for the recording and releasing of liens by entries on certificates of title for motor vehicles and trailers, and for other purposes, approved July 2, 1940 (54 Stat. 736; D.C. Official Code § 50-1201), is amended as follows:

Amend
§ 50-1201

(a) The lead-in language is amended by striking the phrase "That as used herein—" and inserting the phrase "For the purposes of this act, the term:" in its place.

(b) The undesignated paragraphs are designated paragraphs (1) through (8).

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

"(9) "Motor vehicle" means all vehicles propelled by internal-combustion engines, electricity, or steam. The term "motor vehicle" shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

Sec. 205. Section 2(4) of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 120; D.C. Official Code § 50-1301.02(4)), is amended to read as follows:

Amend
§ 50-1301.02

"(4) Motor vehicle" means every vehicle that is self-propelled and every vehicle

ENROLLED ORIGINAL

that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. The term "motor vehicle" shall not include personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

Sec. 206. Section 1(a) of Title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01(1)), is amended as follows:

Amend
§ 50-1501.01

"(a) The term "motor vehicle" means any vehicle propelled by internal-combustion engine, electricity, or steam, including any non-operational vehicle that is being restored or repaired. The term "motor vehicle" shall not include road rollers, farm tractors, vehicles propelled only upon stationary rails or tracks, personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

Sec. 207. Section 2(b) of the Rental Vehicle Tax Reform Act of 1978, effective March 6, 1979 (D.C. Law 2-157; D.C. Official Code § 50-1505.01(2)), is amended to read as follows:

Amend
§ 50-1505.01

"(b) The term "motor vehicle" means any device propelled by an internal-combustion engine, and designed to carry passengers. The term "motor vehicle" shall not include road rollers, farm tractors, trucks, motorcycles, motorized bicycles, vehicles with a seating capacity of 10 or more persons, vehicles propelled only upon rails and tracks, personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

Sec. 208. Section 1(8) of the District of Columbia Implied Consent Act, approved October 21, 1972 (86 Stat. 1016; D.C. Official Code § 50-1901(8)), is amended to read as follows:

Amend
§ 50-1901

"(8) The term "motor vehicle" means all vehicles propelled by internal combustion engines, electricity, or steam. The term "motor vehicle" shall not include personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

Sec. 209. Section 102(e-1) of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.02(5a)), is amended as follows:

Amend
§ 50-2301.02

"(e-1) The term "motor vehicle" means all vehicles propelled by an internal-

combustion engine, electricity, or steam. The term "motor vehicle" shall not include traction engines, road rollers, vehicles propelled only upon stationary rails or tracks, personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when a person with a disability."

Sec. 210. Section 2 of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 91; D.C. Official Code § 50-2602(5)), is amended as follows:

Amend
§ 50-2602

- (a) The undesignated paragraphs are designated as paragraphs (1) through (4).
- (b) A new paragraph (5) is added to read as follows:

"(5) The term "motor vehicle" means any device propelled by an internal combustion engine, electricity, or steam. The term "motor vehicle" shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

Sec. 211. Title 18 of the District of Columbia Municipal Regulations (Vehicles and Traffic) is amended as follows:

DCMR

- (a) Chapter 12 is amended as follows:

- (1) The heading is amended to read as follows:

§ 18-1200. Bicycles, Motorized Bicycles, and Personal Mobility Devices: General Provisions".

(2) Subsection 1200.4 is amended by adding the phrase "or personal mobility device." at the end.

(3) Subsection 1200.6 is amended by striking the phrase "bicycle, sidewalk bicycle, or an electric personal assistive mobility devices." and inserting the phrase "bicycle, sidewalk bicycle, or a personal mobility device." in its place.

- (4) Subsection 1200.8 is amended to read as follows:

"1200.8 No person, except for impoundment by the Mayor, shall tamper with any bicycle or personal mobility device that has been locked, placed in a rack, or otherwise secured. Any person found tampering with any bicycle or personal mobility device may be required to pay a fine of \$100."

- (5) Add a new subsection 1200.11 to read as follows:

"1200.11 No person shall travel above the maximum speed of 10 miles per hour while operating a personal mobility device. Any person traveling faster than the maximum speed of 10 miles per hour may be required to pay a fine."

- (6) Subsection 1201.2 is amended to read as follows:

"1201.2 A person shall operate a bicycle, sidewalk bicycle or personal mobility device

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in a safe and non-hazardous manner so as not to endanger himself or herself or any other person."

(7) Subsections 1201.9, 1201.10, 1201.11, and 1201.12 are amended to read as follows:

"1201.9 There shall be no prohibition against any person riding a bicycle or personal mobility device upon a sidewalk within the District, so long as the rider does not create a hazard; provided, that no person shall ride a bicycle or operate a personal mobility device upon a sidewalk within the Central Business District except on those sidewalks expressly designated by Order of the Mayor, nor shall any person ride a bicycle upon a sidewalk in any area outside of the Central Business District if it is expressly prohibited by Order of the Mayor and appropriate signs to such effect are posted.

"1201.10 Any person riding a bicycle or personal mobility device upon a sidewalk shall yield the right-of-way to pedestrians, and shall travel at a speed no greater than the posted speed limit of the adjacent roadway; provided, that such speed is safe for the conditions then existing on the sidewalk.

"1201.11 A person propelling a bicycle or operating a personal mobility device upon and along a sidewalk or while crossing a roadway in a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, except that the bicyclist or personal mobility device operator must yield to pedestrians on the sidewalk or crosswalk.

"1201.12 The operator of a bicycle or personal mobility device emerging from, or entering an alley, driveway, or building, shall upon approaching a sidewalk, or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway, to the extent necessary to safely enter the flow of traffic."

(b) Subsection 2217.5 of Chapter 22 is amended by striking the phrase "electric personal assistive mobility devices," and inserting the phrase "personal mobility devices," in its place.

(c) Chapter 40 is amended as follows:

(1) Subsection 4005.1 is amended by striking the phrase "electric personal assistive mobility devices," and inserting the phrase "personal mobility devices," in its place.

(2) Subsection 4006.1 is amended by striking the phrase "electric personal assistive mobility devices," and inserting the phrase "personal mobility devices," in its place.

(d) Chapter 99 is amended as follows:

(A) Strike the phrase "Electric Personal Assistive Mobility Device" and insert the phrase "Personal Mobility Device" in its place.

(B) Add a new definition to read as follows:

"Personal Mobility Device" or "'PMD'" means a motorized propulsion device, designed to transport one person or a self-balancing, two non-tandem wheeled device, designed to transport only one person with an electric propulsion system, but excluding a battery-operated

wheelchair.”

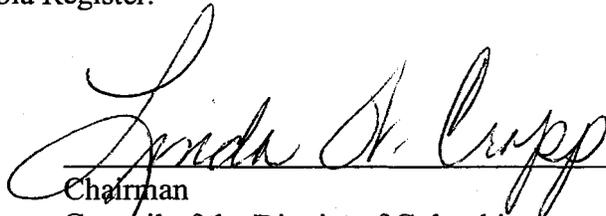
TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE

Sec. 301. Fiscal impact statement.

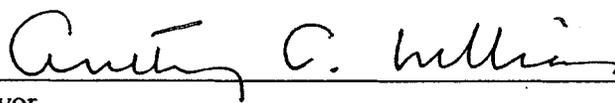
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

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 11 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 19, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-554

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To amend the Office of Administrative Hearings Establishment Act of 2001 to expand its jurisdiction to infractions of rules promulgated pursuant the Department of Transportation Establishment Act of 2002; to amend the Department of Transportation Establishment Act of 2002 to authorize the District Department of Transportation to plan, develop, finance, and operate a local passenger bus service to be known as the DC Circulator, and to establish the DC Circulator Fund; and to amend Title 18 of the District of Columbia Municipal Regulations to establish the routes, fares, and forms of payment for the DC Circulator passenger bus service, and to establish a fine for boarding a DC Circulator bus without a valid form of payment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Department of Transportation DC Circulator Amendment Act of 2006".

Sec. 2. Section 6(a) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(a)), is amended as follows:

Amend
§ 2-1831.03

- (a) Paragraph (7) is amended by striking the word "and" after the semicolon.
- (b) Paragraph (8) is amended by striking the period at the end of the text and inserting the phrase "; and" in its place.
- (c) A new paragraph (9) is added to read as follows:
 "(9) All adjudications involving infractions of rules established pursuant to title III of the Department of Transportation Establishment Act of 2002, passed on 2nd reading December 5, 2006 (Enrolled version of Bill 16-634) and Chapter 15 of Title 18 of the District of Columbia Municipal Regulations."

Sec. 3. The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*), is amended as follows:

- (a) Sections 2 through 9b are designated as "Title I. General."

ENROLLED ORIGINAL

(b) Sections 10 through 11 are designated as "Title II. Conforming Amendments."

(c) Section 2 (D.C. Official Code § 50-921.01) is amended by striking the phrase "and coordinating the transportation system," and inserting the phrase ", coordinating, and operating the transportation system, including the DC Circulator pursuant to title III," in its place.

Amend § 50-921.01

(d) Section 5(2) (D.C. Official Code § 50-921.04(2)) is amended as follows:

Amend § 50-921.04

(1) Subparagraph (J) is amended by striking the word "and" at the end.

(2) Subparagraph (K) is amended by striking the phrase "travel;" and inserting the phrase "travel; and" in its place.

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

"(L) Operate, develop, and finance the DC Circulator pursuant to title III."

(e) A new Title III is added to read as follows:

"Title III. DC Circulator Bus Service.

"Sec. 11a. Definitions.

"For the purposes of this title, the term:

"(1) "DC Circulator" means a local transit facility passenger bus service operated by the District of Columbia government that provides a network of fixed-route bus service solely within the District of Columbia.

"(2) "DC Circulator Fund " means the fund established by section 11c.

"(3) "Department" means the District Department of Transportation.

"(4) "Ticket" means passes, tokens, or any other form of payment, including those sold in bulk for resale, that may be used in lieu of cash.

"(5) "WMATA" means the Washington Metropolitan Area Transit Authority created pursuant to the Washington Metropolitan Area Transit Regulation Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01).

"Sec. 11b. DC Circulator.

"The Department shall have the power to:

"(1) Plan, develop, finance, operate, control, and regulate the DC Circulator, including fares, charges, tickets, fines, and the establishment of routes and schedules;

"(2) Sell space on and within DC Circulator vehicles or other assets for the display of advertisements and enter into one or more agreements with entities to sell such space on such vehicles or other assets in return for a fee, a percentage of such revenues, or as a gift or donation of services approved by the Mayor; and

"(3) Enter into contracts with third parties, including WMATA for the procurement, construction, operation, and maintenance of DC Circulator vehicles or other assets.

"Sec. 11c. DC Circulator Fund establishment.

"(a) There is hereby established the DC Circulator Fund as a nonlapsing, revolving special purpose revenue fund, the funds of which shall be for the Department to pay for goods, services, property, or for any other authorized purpose, subject to authorization by Congress,

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into which shall be deposited all revenue collected pursuant to section 11b by the District, WMATA, or their agents, and all monetary gifts intended to be used to assist in the funding of the DC Circulator.

"(b) Notwithstanding subsection (a) of this section, during any period of time in which a contract with WMATA is in effect, monies from the payment of fares, the purchase of tickets, and the sale of advertising space by third parties may be, with the written consent of the Chief Financial Officer for the District of Columbia and pursuant to the terms of the contract, deposited in a WMATA interest bearing account for the benefit of the District of Columbia and used by WMATA to offset its costs of contract performance, but only to the extent that Congress has appropriated funds to the District to perform or procure those services.

"Sec. 11d. Fares; structure; purpose.

"(a) Insofar as practicable, and consistent with the provision of adequate service at reasonable fares, the rates and fares and service shall be fixed by the Department, so as to result in revenues that shall:

"(1) Pay the operating expenses and provide for repairs, maintenance, and depreciation of the DC Circulator vehicles or other assets owned or controlled by the District;

"(2) Provide for payment of all principal and interest on outstanding revenue bonds; and

"(3) Provide funds for any purpose the Department considers necessary and desirable to carry out the purposes of this section.

"(b) Nothing in subsection (a) of this section shall prevent the Department from offering tickets at no cost or at discounted prices as part of the Department's marketing of the DC Circulator.

"Sec. 11e. Rulemaking; enforcement.

"(a) The Mayor, or his designee, may promulgate, amend, or repeal rules to implement the provisions of this title, including the manner and amount of any fares, fees, or fines, pursuant to the Mayor's authority under Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

"(b) Civil fines, penalties, and fees may be imposed as sanctions for an infraction of any rule promulgated under subsection (a) of this section pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

"Sec. 11f. Consolidation with WMATA.

"The District Department of Transportation shall coordinate with WMATA to evaluate whether operations under this title should be consolidated with existing services provided by WMATA, while maintaining the distinctive features of the DC Circulator service.

"Sec. 11g. Jurisdictional applicability.

"The District Department of Transportation is authorized to plan, develop, finance, and operate the DC Circulator, as set forth in this title, solely within the District of Columbia. Any

ENROLLED ORIGINAL

expansion of the DC Circulator or such like service by another name into a jurisdiction beyond the District of Columbia shall require Council approval.”.

Sec. 4 Title 18 of the District of Columbia Municipal Regulations is amended as follows:

DCMR

(a) A new Chapter 15 is added to read as follows:

“CHAPTER 15 DC CIRCULATOR

“1500 GENERAL PROVISIONS

“1500.1 There is established a passenger bus service to provide a network of fixed-route bus services within the District of Columbia, to be known as the DC Circulator.

“1500.2 The purpose of the DC Circulator is to relieve transportation congestion and improve the mobility of residents, workers, and tourists.

“1501 ROUTES

“1501.1 The following routes are established for the DC Circulator:

“(a) Capitol Hill Loop – Union Station to points in the Capitol Hill neighborhood, which may include the Capitol South and Navy Yard Metro Stations;

“(b) East-West Loop – Union Station, Massachusetts Avenue, N.W., the Washington Convention Center, and Georgetown;

“(c) Georgetown Loop – Georgetown, Foggy Bottom Metro Station, and other points bordering the Georgetown neighborhood;

“(d) Monuments Loop – Monuments and museums on the National Mall;

“(e) North-South Loop – Mt. Vernon Square, 7th or 9th Street, NW, the National Mall, and Water Street, SW; and

“(f) Smithsonian Loop – Constitution Avenue, 4th Street, Independence Avenue, and 17th Street.

“1501.2 The routes established in § 1501.1 may operate 7 days a week between the hours of 5:00 a.m. and midnight.

“1502 FARES

“1502.1 The fares to board a DC Circulator bus shall be as follows:

“(a) Persons between the ages of five (5) and sixty-four (64): One dollar (\$1.00)

“(b) Persons sixty-five (65) years of age and older: Fifty cents (50¢)

“(c) Persons who present a valid MetroAccess card: Free of charge

“1502.2 A person sixty-five (65) years of age and older may pay the fare established in § 1502.1(b) upon presenting the DC Circulator bus driver or fare collector with valid photo identification or a valid Medicare card.

“1502.3 Passes that permit unlimited daily, three-day, weekly, monthly, or yearly use of the DC Circulator may be sold as follows:

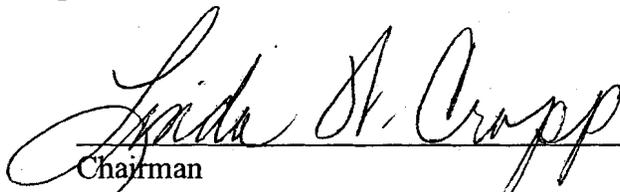
“(a) Daily Pass \$3.00

“(b) Three-Day Pass \$7.00

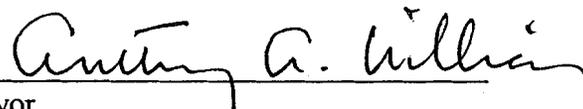
“(c) Weekly Pass \$11.00

Sec. 7. 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 19, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-555

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To amend Chapter 8 of Title 47 of the District of Columbia Official Code to authorize a certain tax abatement to facilitate the construction of a mixed-use, predominately affordable housing residential building in Square 2910 in Ward 4; and to provide an exemption from permit fees and other financial impositions for the project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Square 2910 Residential Development Stimulus Act of 2006".

Sec. 2. Chapter 8 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-857.01(2) is amended by adding a new paragraph (4A) to read as follows:
"(4A) "Eligible area #4" means all real property in Lots 35 and 803 (and any subsequent subdivision or division of those lots) and the alley in between them in Square 2910."

Amend
§ 47-857.01

(b) Section 47-857.02(b) is amended as follows:
(1) Paragraph (2) is amended by striking the word "or" at the end.
(2) Paragraph (3) is amended by striking the period and inserting the phrase "; or" in its place.

Amend
§ 47-857.02

(3) A new paragraph (4) is added to read as follows:
"(4) December 31, 2008, if the property is located in eligible area #4."

(c) Section 47-857.07 is amended by adding a new subsection (d) to read as follows:
"(d)(1) For the purposes of this subsection, the term:

Amend
§ 47-857.07

"(A) "4100 Georgia Avenue Developer" means:
 "(i) The person (or any successor in interest) who will develop or has developed the 4100 Georgia Avenue Project; and
 "(ii) Any subsequent owner or assignee of or successor in interest of the 4100 Georgia Avenue Project.

"(B) "4100 Georgia Avenue Project" means the project constructed on Lots 35 and 803 (and any subsequent subdivision or division of those lots) and the alley in

between them in Square 2910, consisting of affordable housing. The term "4100 Georgia Avenue Project" shall not include the portion of the project used for commercial purposes.

"(C) "Affordable housing" means a housing unit which is rented to a household whose income does not exceed 60% of the area median income.

"(2)(A) Notwithstanding the provisions of § 47-857.02, beginning on the date that a certificate of occupancy for the 4100 Georgia Avenue Project is issued, there shall be allowed an abatement of all of the real property tax imposed by § 47-811 on the 4100 Georgia Avenue Project if:

"(i) The certificate of occupancy for the building shall have been issued on or before May 28, 2009; and

"(ii) The building satisfies the provisions of § 47-857.06(a)(2), (3), and (4).

"(B) If the conditions of subparagraph (A)(i) and (ii) of this paragraph are satisfied, the Mayor shall issue to the 4100 Georgia Avenue Developer a certification letter stating that the 4100 Georgia Avenue Project is eligible for the abatement and that the Mayor has reserved the abatement for the 4100 Georgia Avenue Project in the allocated amount. A copy of the certification letter shall be sent to the Director of the Real Property Tax Administration of the Office of Tax and Revenue.

"(C)(i) All of the housing units in the 4100 Georgia Avenue Project shall be affordable housing. If all of the housing units in the 4100 Georgia Avenue Project are not affordable housing, the abatement provided by this subsection shall terminate as of the beginning of the real property tax year in which all of the housing units in the 4100 Georgia Avenue Project are not affordable housing. If the abatement shall terminate, the tax, plus interest from the termination date, shall be due and payable 30 days after the date of the billing therefor.

"(ii)(I) The Georgia Avenue Developer shall provide a certification of an independent certified public accounting firm to the Mayor and the Director of the Real Property Tax Administration of the Office of Tax and Revenue on or before October 1 of each year that all of the housing units in the 4100 Georgia Avenue Project are affordable housing:

"(aa) As of October 1 of the preceding year; and

"(bb) For the entire calendar year for the preceding year.

"(II) If the Georgia Avenue Developer does not file timely the certification required by sub-sub-subparagraph (I) of this sub-subparagraph, the abatement provided by this subsection shall terminate as of October 1 of the preceding year and the tax, plus interest from the termination date, shall be due and payable 30 days after the date of billing therefor; provided, that the Director of the Real Property Tax Administration of the Office of

Tax and Revenue may, in his discretion, grant an extension for such period as he considers reasonable.

"(3) For each deadline set forth in paragraph (2)(A) and (B) of this subsection, one 6-month extension may be granted at the discretion of the Mayor.

"(4) The abatement allowed by this subsection shall be included in and subject to the annual \$3.5 million abatement limit set forth in § 47-857.09(c).

"(5) The abatement allowed by this subsection shall expire 40 years after the tax abatement takes effect."

(d) Section 47-857.09(c) is amended to read as follows:

Amend
§ 47-857.09

"(c) The Mayor may approve up to \$3.5 million in annual tax abatements under §§ 47-857.07 and 47-857.08; provided, that \$500,000 shall be reserved for properties in eligible area #4."

Sec. 3. Financial imposition exemption for the 4100 Georgia Avenue, N.W., project.

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

"(A) "4100 Georgia Avenue Developer" means:

"(i) The person (or any successor in interest) who will develop or has developed the 4100 Georgia Avenue Project; and

"(ii) Any subsequent owner or assignee of or successor in interest of the 4100 Georgia Avenue Project.

"(B) "4100 Georgia Avenue Project" means the project constructed on Lots 35 and 803 (and any subsequent subdivision or division of those lots) and the alley in between them in Square 2910, consisting of affordable housing and first-floor retail space.

(b) Notwithstanding any other provision of law, no fees shall be charged to the 4100 Georgia Avenue Developer for any permits related to the construction of the 4100 Georgia Avenue Project, including private space or public permit fees or building permit fees (involving vault space rental). The exemption provided by this subsection shall not include condominium registration application fees or condominium conversion fees.

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.

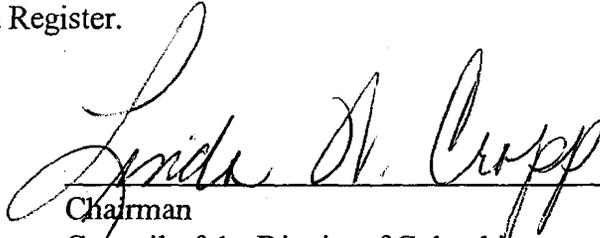
Sec. 5. Fiscal impact statement.

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)).

ENROLLED ORIGINAL

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 19, 2006

AN ACT

D.C. ACT 16-556

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2006

To amend the District of Columbia Noise Control Act of 1977 to exempt the Georgetown bridge repairs, known as the Wisconsin Avenue C&O Canal Bridge Project (Wisconsin Avenue Bridge Project), from the maximum noise level restrictions; and to amend Title 12A of the District of Columbia Municipal Regulations to exempt the Wisconsin Avenue Bridge Project from the limitations on after-hours work.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Wisconsin Avenue Bridge Project and Noise Control Amendment Act of 2006".

Sec. 2. The District of Columbia Noise Control Act of 1977, effective March 16, 1978 (D.C. Law 2-53; 20 DCMR § 2700 *et seq.*), is amended as follows:

(a) Section 3 (20 DCMR § 2799.1) is amended by inserting a new subsection (f-4) to read as follows:

DCMR

"(f-4) Wisconsin Avenue Bridge Project – The project being undertaken by the District government to rehabilitate, upgrade, and improve utility infrastructure, roadways, sidewalks, and bridge deck at the Wisconsin Avenue Bridge located over the historic C&O Canal within the Georgetown Business District (which is geographically defined as the bridge span located over the historic C&O Canal between Grace Street and M Street, N.W.), which project will commence in June 2006 and is scheduled to be completed no later than December 31, 2007; provided that work on the project shall terminate no later than 10 p.m. on days conducted."

(b) Section 5 (20 DCMR §§ 2800 through 2807) is amended by adding a new subsection (g) to read as follows:

"(g) Notwithstanding any other provision of this act, noise emanating from construction equipment and any activities related to the Wisconsin Avenue Bridge Project shall be exempt until 10 p.m. from any noise limitations contained in this act, including section 5(a), (b), (d)(2), and (e)(2), and shall not be subject to enforcement under any provision of this act."

Sec. 3. Section 105 of of Title 12A of the District of Columbia Municipal Regulations (12A DCMR § 105), is amended by adding a new subsection 105.1.11.2 to read as follows:

DCMR

"105.1.11.2 Wisconsin Avenue Bridge Project: The limitations on the issuance of after-hours permits set forth in subsection 105.1.11.2 shall not apply to after-hours work related to the Wisconsin Avenue Bridge Project. For the purposes of this section, the "Wisconsin Avenue Bridge Project" means the project being undertaken by the District government to rehabilitate, upgrade, and improve utility infrastructure, roadways, sidewalks, and the bridge deck at the Wisconsin Avenue Bridge located over the historic C&O Canal within the Georgetown

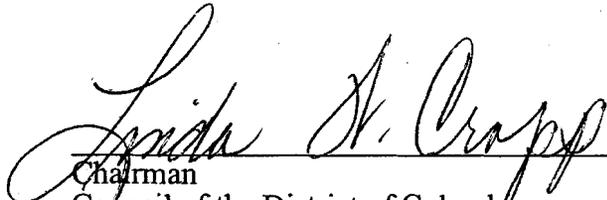
Business District (which is geographically defined as the bridge span located over the historic C&O Canal between Grace Street and M Street, N.W.), which project will commence in June 2006 and is scheduled to be completed no later than December 31, 2007.”

Sec. 4. Fiscal impact statement.

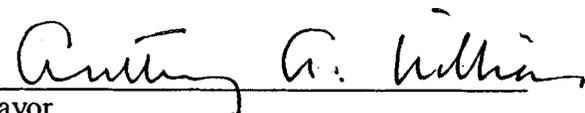
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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 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 19, 2006

AN ACT
D.C. ACT 16-557

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 19, 2006

Codification
District of
Columbia
Official Code

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To amend the District of Columbia Health Occupations Revision Act of 1985 to make technical corrections, to require surgical assistants to be licensed, to establish an Advisory Board on Surgical Assistants, and to establish minimum qualifications for licensure of surgical assistants.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Surgical Assistant Licensure Amendment Act of 2006".

Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) The table of contents is amended as follows:

(1) Strike the phrase "Sec. 203. Board of Medicine; Advisory Committees on Acupuncture, Anesthesiologist Assistants, Naturopathic Medicine, and Physician Assistants." and insert the phrase "Sec. 203. Board of Medicine; Advisory Committees on Acupuncture, Anesthesiologist Assistants, Naturopathic Medicine, Physician Assistants, and Surgical Assistants." in its place.

(2) Add the following after "Sec. 634. Council hearing.":

"TITLE VI-C.

"SURGICAL ASSISTANTS; SCOPE OF PRACTICE;
"LICENSE RENEWAL; TRANSITION.

"Sec. 641. Scope of practice.

"Sec. 642. License renewal.

"Sec. 643. Transition."

(b) Section 102 (D.C. Official Code § 3-1201.02) is amended by adding a new paragraph (20) to read as follows:

"(20) "Practice by surgical assistants" means the provision of aid by a person who is not a physician licensed to practice medicine, under the direct supervision of a surgeon licensed in the District of Columbia, in exposure, hemostasis, closures, and other intraoperative technical functions that assist a physician in performing a safe operation with optimal results for the patient."

(c) Section 203 (D.C. Official Code § 3-1202.03) is amended as follows:

(1) The section heading is amended by striking the phrase "and Physician Assistants." and inserting the phrase "Physician Assistants, and Surgical Assistants." in its place.

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

Amend
§ 3-1201.02

Amend
§ 3-1201.03

(A) Paragraph (2) is amended by striking the phrase “and the practice of physician assistants with the advice of the Advisory Committee on Physician Assistants.” and inserting the phrase “the practice of physician assistants with the advice of the Advisory Committee on Physician Assistants, and the practice of surgical assistants with the advice of the Advisory Committee on Surgical Assistants.” in its place.

(B) Paragraph (8) is amended as follows:

(i) Subparagraph (C) is amended by striking the phrase “Physician Assistants.” And inserting the phrase “Physician Assistants; and”.

(ii) Add a new subparagraph (D) to read as follows:

“(D) The practice of surgical assistants in accordance with guidelines approved by the Advisory Committee on Surgical Assistants.”.

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

“(c-3)(1) There is established an Advisory Committee on Surgical Assistants to consist of 5 members appointed by the Mayor.

“(2) The Advisory Committee on Surgical Assistants shall develop and submit to the Board guidelines for the licensing and regulation of surgical assistants in the District. The guidelines shall set forth the actions that may be performed by surgical assistants under the direct supervision of a licensed surgeon, who shall be responsible for the overall medical direction of the care and treatment of patients.

“(3) Of the members of the Advisory Committee on Surgical Assistants, one shall be a surgeon licensed in the District with experience working with surgical assistants, 3 shall be surgical assistants licensed in the District, and one shall be the Director of the Department of Health, or his or her designee.

“(4) The Advisory Committee on Surgical Assistants shall submit initial guidelines to the Board within 180 days of the effective date of Surgical Assistant Licensure Amendment Act of 2006, passed on 2nd reading on December 5, 2006 (Enrolled version of Bill 16-712), and shall subsequently meet at least annually to review the guidelines and make necessary revisions for submission to the Board.”.

(4) Subsection (e) is amended by striking the phrase “and Physician Assistants,” and inserting the phrase “Physician Assistants, and Surgical Assistants,” in its place.

(5) Subsection (f) is amended to read as follows:

“(f) Upon request by the Board, the Advisory Committees on Acupuncture, Anesthesiologist Assistants, Physician Assistants, and Surgical Assistants shall, respectively, review applications for licensure to practice acupuncture or to practice as an anesthesiologist assistant, a physician assistant, or a surgical assistant and shall forward recommendations to the Board for action.”.

(d) Section 216(c) (D.C. Official Code § 3-1202.16(c)) is amended by striking the phrase “Commissioner of Public Health” and inserting the phrase “Director of the Department of Health” in its place.

Amend
§ 3-1202.16

(e) Section 401(b)(2) (D.C. Official Code § 3-1204.01(b)(2)) is amended by striking the phrase “Physician Assistants,” and inserting the phrase “Physician Assistants, the surgical assistant member initially appointed to the Advisory Committee on Surgical Assistants,” in its place.

Amend
§ 3-1204.01

(f) Section 501 (D.C. Official Code § 3-1205.01) is amended by striking the phrase “or occupational therapy assistant,” and inserting the phrase “occupational therapy assistant, or surgical assistant” in its place.

Amend
§ 3-1205.01

(g) Section 504 (D.C. Official Code § 3-1205.04) is amended by adding a new

ENROLLED ORIGINAL

subsection (q) to read as follows:

“(q) An individual applying for a license to practice as a surgical assistant under this act shall establish to the satisfaction of the Board of Medicine that the individual has:

“(A) Earned a degree or certification from a surgical assistant program accredited by the Commission for the Accreditation of Allied Health Educational Programs, or by the commission’s successor;

“(B) Successfully completed a dedicated training program for surgical assistants in the armed forces; or

“(C) Demonstrated to the satisfaction of the board, the completion of full-time work experience performed in the United States under the direct supervision of a physician licensed in the United States and consisting of a least 1,300 hours of performance as a surgical assistant within the 3 years preceding the date of application; and

“(D) Was certified as a surgical assistant by at least one of the following:

“(i) The National Surgical Assistant Association; or

“(ii) The American Board of Surgical Assistants.”

(h) Section 631(d)(3) (D.C. Official Code § 3-1206.31(d)(3)) is amended to read as follows:

“(3) A supervising anesthesiologist may supervise up to 4 anesthesiologist assistants at any one time.”

(i) Add a new Title VI-C to read as follows:

“TITLE VI-C

“SURGICAL ASSISTANTS; SCOPE OF PRACTICE;

“LICENSE RENEWAL; TRANSITION

“Sec. 641. Scope of practice.

“(a) A surgical assistant shall be licensed by the Board of Medicine before practicing as a surgical assistant within the District of Columbia.

“(b) An individual licensed to practice as a surgical assistant, as that practice is defined in section 102 (20) shall have the authority to:

“(1) Provide local infiltration or the topical application of a local anesthetic and hemostatic agents at the operative site;

“(2) Incise tissues;

“(3) Ligate and approximate tissues with sutures and clamps;

“(4) Apply tourniquets, casts, immobilizers, and surgical dressings;

“(5) Check the placement and operation of equipment;

“(6) Assist in moving and positioning the patient;

“(7) Assist the surgeon in draping the patient;

“(8) Prepare a patient by cleaning, shaving, and sterilizing the incision area;

“(9) Retract tissue and expose the operating field area during operative procedures;

“(10) Place suture ligatures and clamp, tie, and clip blood vessels to control bleeding during surgical entry;

“(11) Use cautery for hemostasis under direct supervision;

“(12) Assist in closure of skin and subcutaneous tissue;

“(13) Assist in the cleanup of the surgical suite; and

ENROLLED ORIGINAL

“(14) Check and restock the surgical suite.

“(c) A surgical assistant shall not:

“(1) Perform any surgical procedure independently;

“(2) Have prescriptive authority; or

“(3) Write any progress notes or orders on hospitalized patients, except operative notes.”

“(d) A supervising surgeon shall perform the critical portions of a surgical procedure and shall remain immediately available in the surgical suite for delegated acts that the surgical assistant performs or to respond to any emergency. Telecommunication shall not suffice as a means for directing delegated acts.

“(e) For the purposes of this section, the term:

“(1) “Supervising surgeon ” means a surgeon licensed by the Board who delegates to a licensed surgical assistant surgical assisting and oversees and accepts responsibility for the surgical assisting.

“Sec. 642. License renewal.

“The Board of Medicine shall renew the license of a surgical assistant who, in addition to meeting the requirements of section 504(q), has submitted to the Board, along with the application for renewal, documentation of current certification as a surgical assistant by:

“(1) The National Surgical Assistant Association; or

“(2) The American Board of Surgical Assistants.

“Sec. 643. Transition.

“For a period of 2 years following the effective date of the Surgical Assistant Licensure Amendment Act of 2006, passed on 2nd reading on December 5, 2006 (Enrolled version of Bill 16-172), all references in this act to surgical assistants shall be deemed to refer to persons meeting the requirements for licensure in the District, regardless of whether they are licensed in fact.”

(j) Section 1003 (D.C. Official Code § 3-1210.03) is amended by adding a new subsection (z) to read as follows:

“(z) Unless authorized to practice as a surgical assistant under this act, a person shall not use or imply the use of the words or terms “surgical assistant,” or “S.A.,” or any similar title or description of services with the intent to represent that the person practices as a surgical assistant.”

Amend
§ 3-1210.03

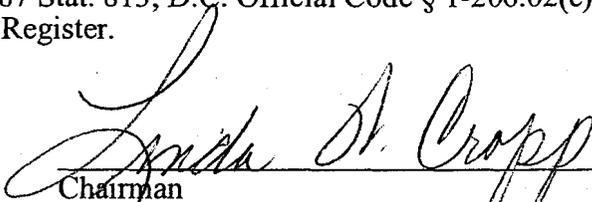
Sec. 3. Fiscal impact statement.

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)).

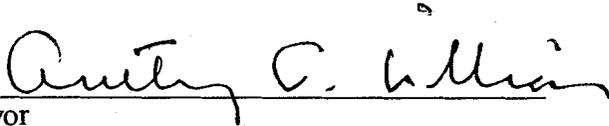
Sec. 4. Effective date.

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

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 19, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-558

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2006

To order the closing of a portion of the public alley system in Square 776, bounded by H Street, N.E., 3rd Street, N.E., I Street, N.E., and 4th Street, N.E., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of Public Alleys in Square 776, S.O. 06-9227, Act of 2006".

Sec. 2. Pursuant to section 201 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 § 9-202.01), the Council finds that a portion of the alley system in Square 776, as shown on the Surveyor's plat filed under S.O. 06-9227, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

Sec. 3. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the District of Columbia Surveyor and the District of Columbia Recorder of Deeds.

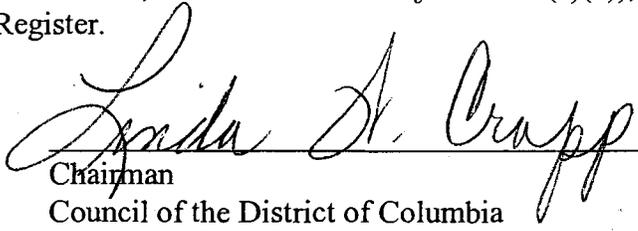
Sec. 4. Fiscal impact statement.

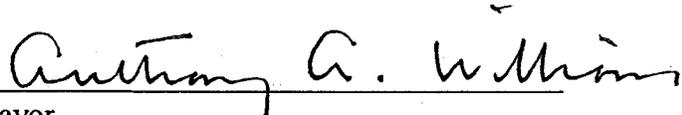
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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

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 19, 2006

AN ACT

D.C. ACT 16-559

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2006

To order the closing of a portion of the public alley system in Square 701, bounded by M Street, S.E., 1st Street, S.E., N Street, S.E., and Half Street, S.E., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of Public Alleys in Square 701, S.O. 06-9889, Act of 2006".

Sec. 2. Pursuant to section 201 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 § 9-202.01), the Council finds that a portion of the alley system in Square 701, as shown on the Surveyor's plat filed under S.O. 06-9889, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

Sec. 3. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the District of Columbia Surveyor and the District of Columbia Recorder of Deeds.

Sec. 4. Fiscal impact statement.

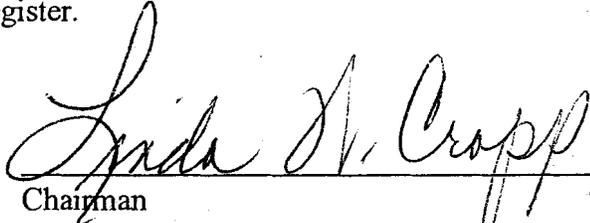
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

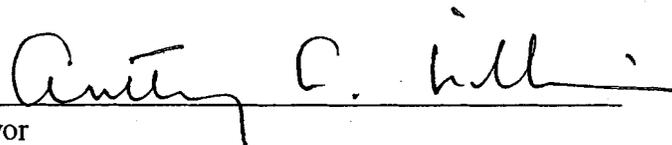
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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 19, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-560

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2006

To approve, on an emergency basis, a multiyear contract for the purchase of premium unleaded gasoline under federal contract number SPO600-05-D-4061 with Conectiv Energy Supply, Inc., and to authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Multiyear Contract for the Purchase of Fuel under Federal Contract No. SP0600-05-D-4061 Approval and Payment Authorization Emergency Act of 2006".

Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), a multiyear contract for the purchase of premium unleaded gasoline under federal contract number SPO600-05-D-4061 is approved and payment is authorized for the goods and services received and to be received under that contract.

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

Sec. 4. Effective date.

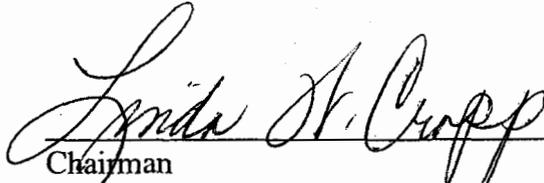
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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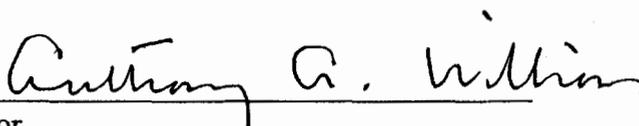
DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 19, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-561

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2006

To order, on an emergency basis, the closing of portions of the public alley system in Square 701, bounded by M Street, N.E., 1st Street, N.E., N Street, N.E., and Half Street, N.E., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of Portions of a Public Alley System in Square 701, S.O. 06-9889, Emergency Act of 2006".

Sec. 2. Pursuant to section 201 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 § 9-202.01), the Council finds that a portion of the public alley system in Square 701, as shown on the Surveyor's plat filed under S.O. 06-9889, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all conditions by District agencies and affected public utilities set forth in the official file of S.O. 06-9889.

Sec. 5. Fiscal impact statement.

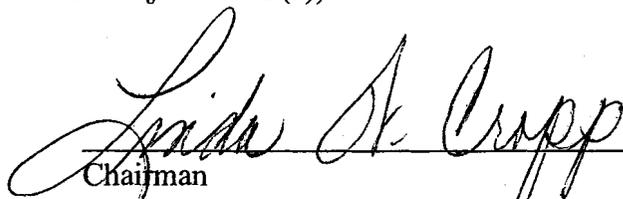
The Council adopts the fiscal impact statement in the committee report for the Closing of Public Alleys in Square 701, S.O. 06-9889, Act of 2006, passed on 2nd reading on December 5, 2006 (Enrolled version of Bill 16-818), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Mayor, the Office of the Surveyor, the Office of Planning, the Building and Land Regulation Administration of the Department of Consumer and Regulatory Affairs, and the District of Columbia Recorder of Deeds.

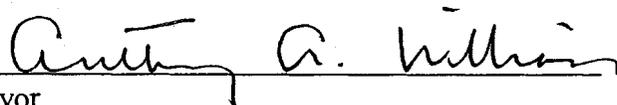
ENROLLED ORIGINAL

Sec. 7. 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 shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 19, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-562

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2006

To order, on an emergency basis, the closing of portions of a public alley system in Square 776, bounded by H Street, N.E., 3rd Street, N.E., I Street, N.E., and 4th Street, N.E., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of Portions of a Public Alley System in Square 776, S.O. 06-9227, Emergency Act of 2006".

Sec. 2. Pursuant to section 201 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 § 9-202.01), the Council finds that a portion of the public alley system in Square 776, as shown on the Surveyor's plat filed under S.O. 06-9227, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all conditions by District agencies and affected public utilities set forth in the official file of S.O. 06-9227.

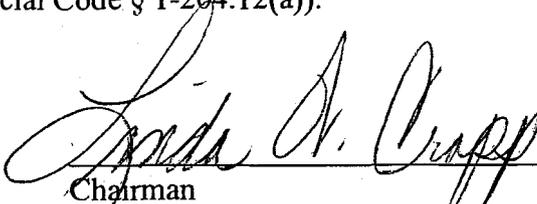
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Closing of Public Alleys in Square 776, S.O. 06-9227, Act of 2006, passed on 2nd reading on December 5, 2006 (Enrolled version of Bill 16-817), 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)).

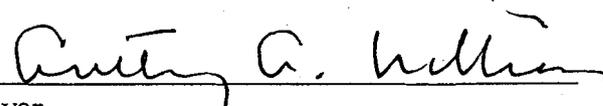
Sec. 4. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Mayor, the Office of the Surveyor, the Office of Planning, the Building and Land Regulation Administration of the Department of Consumer and Regulatory Affairs, and the District of Columbia 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 shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 19, 2006

AN ACT
D.C. ACT 16-563

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

West Group
Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2006

To establish, on an emergency basis, due to Congressional review, within the Office of the Attorney General a loan assistance repayment program to encourage law students and lawyers to practice in poverty areas of the law, and to ensure access to the justice system for the impoverished and underserved citizens of the District of Columbia; and to amend section 47-1803.02(a)(2) of the District of Columbia Official Code to exclude loans subsequently forgiven under the loan assistance repayment program from a recipient's gross income for tax purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Poverty Lawyer Loan Assistance Repayment Program Congressional Review Emergency Act of 2006".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Adjusted gross annual income" shall have the same meaning as provided in D.C. Official Code § 47-1803.02(b).

(2) "Administrator" means the person appointed to administer the Program.

(3) "Applicant" means an individual who applies for assistance from the Program.

(4) "Attorney General" means the Attorney General of the District of Columbia.

(5) "Eligible debt" means outstanding principal, interest, and related expenses from loans obtained for reasonable educational expenses associated with obtaining a law degree made by government and commercial lending institutions or educational institutions but not loans extended by a private individual or group of individuals, including families.

(6) "Eligible employment" means those areas of legal practice certified by the Attorney General to serve the public interest, including employment with legal organizations that qualify for District of Columbia Bar Foundation funding. The term "eligible employment" shall not include employment with the District of Columbia or federal government or with or as

ENROLLED ORIGINAL

the Administrator.

(7) "Lawyer" mean a graduate of an accredited law school who is:

(A) Licensed to practice in the District of Columbia;

(B) Authorized under the provisions of Rule 49 (c)(9) of the District of Columbia Court of Appeals to practice law before that court; or

(C) A member in good standing of the highest court of any state and has submitted an application for admission to the District of Columbia Bar.

(8) "Participant" means a lawyer whose application to the Program has been approved.

(9) "Program" means the District of Columbia Poverty Lawyer Loan Assistance Repayment Program.

(10) "Reasonable educational expenses" means the cost of tuition for law school as well as the costs of education considered to be required by the school's degree program, such as fees for room, board, transportation and commuting costs, books, supplies, and educational equipment and materials that are part of the estimated student budget of the school in which the participant was enrolled.

(11) "Service obligation" means the duration of eligible employment necessary to sustain participation in the Program.

Sec. 3. Establishment of District of Columbia Poverty Lawyer Loan Assistance Repayment Program.

(a) There is established within the Office of the Attorney General a District of Columbia Poverty Lawyer Loan Assistance Repayment Program.

(b) The sole purpose of the Program shall be to provide loan repayment assistance to lawyers working in eligible employment.

Sec. 4. Administration of the Program.

(a) Within 30 days of the effective date of this act, the Attorney General shall:

(1) Establish an application and eligibility review process for the Program, including a semiannual review of the continued eligibility of participants;

(2) Certify a list of eligible employment;

(3) Determine levels of participant contribution; and

(4) Appoint an Administrator.

(b) The Attorney General may enter into an agreement with a third party to serve as the Administrator.

(c) The Administrator shall provide loans to participants, who maintain eligible employment, for the purpose of repaying eligible debt from reasonable education expenses associated with obtaining a law degree. The Administrator shall forgive these loans upon a participant's completion of the required service obligation.

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(d) The Attorney General shall perform an annual finance and management audit of the Program.

Sec. 5. Eligibility.

(a) To be eligible to participate in the Program, an applicant shall, at the time of application and throughout participation in the Program:

- (1) Hold, or presently plan to secure, eligible employment; provided, that a participant must hold eligible employment before any payments may be disbursed;
- (2) Be a resident of the District of Columbia
- (3) Be a lawyer;
- (4) Have an adjusted gross annual income of less than \$65,000.
- (5) Exhaust all other available avenues for loan repayment assistance, including through participation in any available undergraduate or law school debt forgiveness programs;
- (6) Have no current service obligation from scholarships;
- (7) Submit a timely and completed application to participate in the Program;
- (8) Be in satisfactory repayment status on all eligible debt; and
- (9) Execute a release to allow the Administrator access to records, credit information, and information from lenders necessary to verify eligibility of debt and to determine loan repayments.

(b) A law student attending the David A. Clarke School of Law at the University of the District of Columbia who is in his or her final year of school may apply and be approved for loan repayment assistance if the applicant demonstrates that he or she will meet all eligibility requirements at the time of the first award disbursement.

Sec. 6. Award of Program loans.

(a) The Administrator shall award loans to participants during the period of service obligation in accordance with section 8. Subject to the availability of funds and within the limits established by subsection (c) of this section, participants shall be granted loans sufficient to repay all eligible debt.

(b) If the needs of all participants exceed the financing available in any fiscal year, preference shall be given to participants who:

- (1) Are graduates of accredited public schools of law in the District of Columbia;
- (2) Have committed to a longer service obligation;
- (3) Have graduated from an accredited school of law within the last 3 years; or
- (4) Have a high debt to adjusted gross annual income ratio as compared to other participants.

(c)(1) Participants shall not receive loan repayment assistance under the Program in excess of \$60,000 for the period of service obligation or \$1000 for a single month.

ENROLLED ORIGINAL

(2) The Mayor may increase the award limits in this subsection to reflect changes in reasonable education expenses.

Sec. 7. Participant obligations.

(a) Participants shall be obligated to:

(1) Maintain eligible employment of at least 35 hours per week for 45 weeks per year for each year of the service obligation; and

(2) Sign a promissory note setting forth their obligation to the Program to repay assistance loans that are not subsequently forgiven pursuant to section 4(c) because of a failure to sustain eligible employment or other noncompliance with the eligibility requirements set forth in section 5.

(b) The Administrator shall cause the participants to verify eligible employment and adjusted gross annual income at least semiannually during their participation in the Program. Participants shall make timely notification to the Administrator of any changes in status that would make them ineligible for an award under section 5.

(c) Participants who fail to fulfill the required service obligation shall be required to repay loans disbursed in accordance with the terms of the promissory note required by subsection (a) of this section and the regulations promulgated pursuant to section 9.

Sec. 8. Disbursement of loans.

(a) Disbursement of loan repayment assistance under this act shall begin no later than 90 days after an individual becomes a participant. Subject to the availability of appropriations, assistance payments shall be made semiannually to the participant until repayment of the eligible debt is complete or the participant no longer meets the eligibility requirements set forth in section 5, whichever occurs first.

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

Sec. 9. 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.*), shall issue rules to implement the provisions of this act.

Sec. 10. Appropriations contingency.

Sections 6 and 8(a) shall be subject to the availability of appropriations.

ENROLLED ORIGINAL

Sec. 11. Section 47-1803.02(a)(2) of the District of Columbia Official Code is amended by adding a new subparagraph (X) to read as follows:

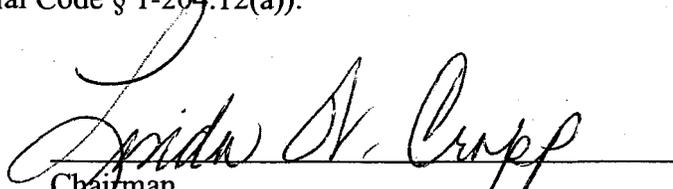
“(X) Loans awarded and subsequently forgiven under the District of Columbia Poverty Lawyer Loan Assistance Repayment Program Act of 2006, signed by the Mayor on October 25, 2006 (D.C. Act 16-503; 53 DCR 9055).”.

Sec. 12. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the District of Columbia Poverty Lawyer Loan Assistance Repayment Program Act of 2006, signed by the Mayor on October 25, 2006 (D.C. Act 16-503; 53 DCR 9055), 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. 13. 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 shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 19, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-564

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 19, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis, Chapter 5 of Title 24 of the District of Columbia Municipal Regulations to authorize the Director of the Department of Transportation to designate street vending sites, charge street vendors rental fees, issue public space permits to street vendors, establish insurance requirements for the use of public space by street vendors, waive vending stand locations, and develop design standards for vending stands, food carts and roadway vehicles, and to authorize the Director of the Department of Consumer and Regulatory Affairs to coordinate vending activities in the District of Columbia; to amend the Department of Transportation Establishment Act of 2002 to authorize the Director of the Department of Transportation to issue public space occupancy permits and charge public space rental fees to vendors and for sidewalk cafes; and to amend section 47-2834(c) of the District of Columbia Official Code to authorize the Director of the Department of Consumer and Regulatory Affairs to establish appropriate license fees.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Transportation and Department of Consumer and Regulatory Affairs Vending Consolidation of Public Space and Licensing Authorities Emergency Amendment Act of 2006".

Sec. 2. Chapter 5 of Title 24 of the District of Columbia Municipal Regulations is amended as follows:

(a) Section 501 (24 DCMR § 501) is amended as follows:

DCMR

(1) Subsection 501.15 is amended by striking the word "Director" and inserting the phrase "of the Director, Department of Transportation" in its place.

(2) Subsection 501.16 is amended to read as follows:

"501.16 The Director of the Department of Transportation shall be authorized to determine all vending site locations, including the addition, deletion, and relocation of a vending site. The listing of sidewalk vending sites in the central vending zone and the neighborhood commercial zones or any other subzones established by the Director of the Department of Transportation, roadway vending sites, and the fee schedule for public space

ENROLLED ORIGINAL

rental shall be adopted by the Director of the Department of Transportation by regulation. The Director of the Department of Transportation may revoke any public space permit issued pursuant to this chapter at any time and require the permittee to vacate.”.

(3) A new subsection 501.19 is added to read as follows:

“501.19 The Director of the Department of Consumer and Regulatory Affairs shall be authorized to coordinate all vending activities in the District of Columbia, including the distribution of public space permits authorized by the Director of the Department of Transportation. District residents shall receive preference points. The Director of the Department of Consumer and Regulatory Affairs and the Director of the Department of Transportation shall consult with each other for the efficient issuance of vending public space permits.”.

(b) Section 502.2 (24 DCMR § 502.2) is amended by adding a new second sentence to read as follows:

“502.2 No person, so licensed, may vend from public space in the District of Columbia without a public space occupancy permit issued by the Department of Transportation pursuant to subsection 501.16 and D.C. Official Code § 50-921.04 (4)(G).”.

(c) Section 510.24 (24 DCMR § 510.24) is amended to read as follows:

“510.24 The provisions of this chapter shall not apply to vending designs or sites approved for evaluation in a vending demonstration zone hereafter created and authorized. When authorizing vending demonstration zones designated by the Director of the Department of Consumer and Regulatory Affairs, the Director of the Department of Transportation may waive the provisions of section 510 and 515 (Restricted Vending Locations) if the Director of Transportation determines that waiver is in the public interest.”.

(d) Section 512.1 (24 DCMR § 512.1) is amended to read as follows:

“512.1 The Director of the Department of Transportation, with the approval of the Director of the Department of Consumer and Regulatory Affairs, may develop design standards for vending stands, food carts (including ice cream), and roadway vehicles.”.

Sec. 3. Section 5(4) of The Department of Transportation Establishment Act of 2002, D.C. Law 14-137, May 21, 2002 (D.C. Official Code § 50-921.04), is amended as follows:

Note,
§ 50-921.04

- (a) Subparagraph (E) is amended by striking the word “and” at the end.
- (b) Subparagraph (F) is amended by inserting the word “and” at the end.
- (c) A new subparagraph (G) is added to read as follows:

“(G) Authorize permits and establish permit fees to occupy public space, for distribution by the Director of the Department of Consumer and Regulatory Affairs, including permits and fees for sidewalk cafes and sidewalk and roadway vendors; and”.

Sec. 4. Section 47-2834(c) of the District of Columbia Official Code is amended to read as follows:

Note,
§ 4-2834

“(c) The Director of the Department of Consumer and Regulatory Affairs may, by rule,

ENROLLED ORIGINAL

establish and revise every 2 years a site specific schedule of license fees to replace the fees listed under subsection (a) of this section to reflect the adoption of a regulatory system that assigns specific vending sites and assesses a license fee that reflects the administrative cost of licensure and periodic inspection of food and merchandise vendors.”.

Sec. 5. Rulemaking.

Pursuant to Title 1 of the District of Columbia Administrative Procedures Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), the Department of Transportation, the Department of Consumer and Regulatory Affairs, the Department of Health, and the Metropolitan Police Department may promulgate rules specific to their vending responsibilities, incorporating the best practices for the planning, cart design, management, site identification, fees and applicable taxes, and enforcement of sidewalk and roadway vendors to ensure public health and safety. The proposed rules shall be submitted to the Council for a 30-day period of review. If the Council does not approve or disapprove the proposed rules by resolution within the 30-day review period, the proposed rules shall be deemed disapproved. In no event shall there be an interpretation of this section that rulemaking shall be necessary for the issuance of licenses or permits.

Sec. 6. Fiscal impact statement.

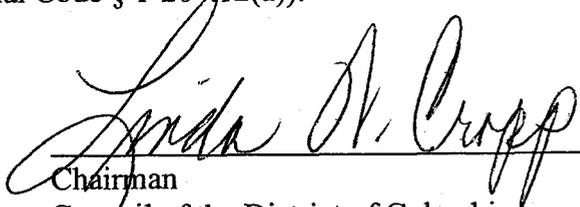
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. Effective date.

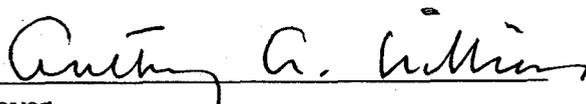
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 19, 2006

**COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR
FISCAL IMPACT STATEMENT**

**ENROLLED ORIGINAL
DEC 29 2006**

DISTRICT OF COLUMBIA REGISTER

Bill Number:	Type: Emergency (X) Temporary () Permanent ()	Date Reported:
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Subject/Short Title: The "District of Columbia Department of Transportation and Department of Consumer and Regulatory Affairs Vending Consolidation of Public Space and Licensing Authorities Emergency Act of 2006"

Part I: Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(X)
a) It will affect local expenditures.	()	(X)
b) It will affect federal expenditures.	()	(X)
c) It will affect private/other expenditures.	()	(X)
d) It will affect intra-District expenditures.	()	(X)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(X)
a) It will impact local revenue.	()	(X)
b) It will impact federal revenue.	()	(X)
c) It will impact private/other revenue.	()	(X)
d) It will impact intra-District revenue.	()	(X)
3. The bill will have NO or little fiscal impact on spending or revenue. (If "Yes," explain below).	(X)	()

Explanation for NO fiscal impact:

This emergency legislation is necessary to prevent a gap in the licensing process for vendors. The Council has already authorized DDOT to map public space for assignment to vendors, but the vending license moratorium will expire before the rulemaking process has been completed, and so it is necessary to specify that a new vendor must have both a vending license and public space permit to operate so that the first new vendors licensed post-moratorium are not subject to different rules as later vendors. No expenditure of District money is required.

Part II: Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet.

	YES	NO
1. It will affect an agency and/or agencies in the District.	()	(X)
2. Will there be performance measures/output for this bill?	()	(X)
3. Will it have results/outcome, i.e., what would happen if this bill is enacted or not enacted?	()	(X)
4. Will the Budget and Financial Plan be affected by this bill?	()	(X)
5. The bill will have NO performance or outcome impact.	(X)	()

Sources of information:	Councilmember: Jim Graham
	Staff Person & Tel: David Vacca, 202-727-8229
	Reviewed by Budget Director: <i>[Signature]</i>
	Budget Office Tel: 202-724-8139 <i>12/1/06</i>

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-565

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 19, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis, the Rental Housing Conversion and Sale Act of 1980 to clarify that tenants who become owners only after the exercise of their rights under the Tenant Opportunity to Purchase Act of 1980 are qualified to vote in a condominium or cooperative conversion election.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Tenant-Owner Voting in Conversion Election Clarification Emergency Amendment Act of 2006".

Sec. 2. Section 203(d) of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3402.03), is amended by striking the phrase "required by this act" and inserting the phrase "required by this act; provided, that tenants who meet the other requirements of this section and become owners only after the exercise of their rights under Title IV shall be qualified to vote" in its place.

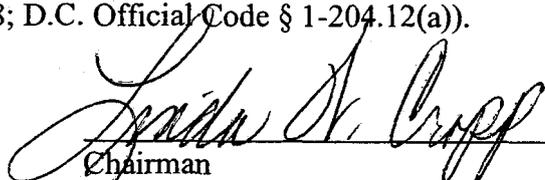
Amend
§ 42-3402.03

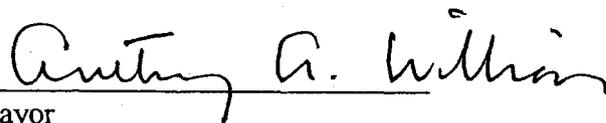
Sec. 3. The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. 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 shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia

ENROLLED ORIGINAL

in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 19, 2006

**COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR
FISCAL IMPACT STATEMENT**

ENROLLED ORIGINAL

Bill Number:	Type: Emergency (X) Temporary () Permanent ()	Date Reported:
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Subject/Short Title: The "Tenant-Owner Voting in Conversion Election Clarification Emergency Amendment Act of 2006"

Part I: Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(X)
a) It will affect local expenditures.	()	(X)
b) It will affect federal expenditures.	()	(X)
c) It will affect private/other expenditures.	()	(X)
d) It will affect intra-District expenditures.	()	(X)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(X)
a) It will impact local revenue.	()	(X)
b) It will impact federal revenue.	()	(X)
c) It will impact private/other revenue.	()	(X)
d) It will impact intra-District revenue.	()	(X)
3. The bill will have NO or little fiscal impact on spending or revenue. (If "Yes," explain below).	(X)	()

Explanation for NO fiscal impact:

This emergency legislation is necessary to clarify that in addition to other qualified tenants, tenants who become owners only after the exercise of their rights under the Tenant Opportunity to Purchase Act (TOPA), are qualified to vote in a condominium or cooperative conversion election. No expenditure of District money is required.

Part II: Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet.

	YES	NO
1. It will affect an agency and/or agencies in the District.	()	(X)
2. Will there be performance measures/output for this bill?	()	(X)
3. Will it have results/outcome, i.e., what would happen if this bill is enacted or not enacted?	()	(X)
4. Will the Budget and Financial Plan be affected by this bill?	()	(X)
5. The bill will have NO performance or outcome impact.	(X)	()

Sources of information:	Councilmember: Jim Graham
	Staff Person & Tel: Barry Weise 202-727-0068
	Reviewed by Budget Director: <i>ADW/BJA</i>
	Budget Office Tel: 202-724-8139 <i>12/4/06</i>

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-566

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis, due to Congressional review, Chapter 20 of Title 21 of the District of Columbia Official Code to clarify presumption of incapacity, to add definitions of “best interests”, “emergency care”, “incapacitated individual for health-care decisions”, and “substituted judgment”, to amend the definition of “guardian”, to permit the court to waive the appointment of a visitor and examiner in certain circumstances, to prohibit the appointment of a guardian with a conflict of interest, to require guardians to limit their caseload, to require the court to appoint the type of guardian which is least restrictive to the individual, to authorize the court to appoint a health-care guardian, to clarify the powers and duties of guardians, and to clarify the reasons that the court may remove a guardian; to amend Chapter 22 of Title 21 of the District of Columbia Official Code to authorize psychologists to certify incapacity to make a health-care decision, to provide that nothing in this chapter condones mercy-killing or conflicts with the Emergency Medical Treatment and Labor Act, to permit court-appointed mental retardation advocates to provide substituted consent for health-care decisions for incapacitated customers, and to authorize a health-care provider, the District of Columbia, or an interested person to file a petition for the appointment of a limited guardian if there is no individual who can act as a substitute health-care decision-maker for an incapacitated customer; and to amend the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978 to add definitions of “behavioral plan”, “best interests”, “comprehensive evaluation”, “psychotropic medication”, and “substituted judgment”, to repeal a provision providing a process for authorizing emergency medical surgery for a customer that is inconsistent with federal law, and to require initial and periodic evaluations of the decision-making capacity of and the availability of health-care decision-making supports for Mental Retardation and Developmental Disabilities Administration (“MRDDA”) customers, to require informed consent for services and to establish a process for informed consent for psychotropic medications, to require MRDDA to complete a comprehensive review of psychotropic medication use for all MRDDA customers within one year, to establish an MRDDA health-care decisions policy and to require the MRDDA Administrator to issue reports on those evaluations and the agency’s health-care decision-making activities.

ENROLLED ORIGINAL

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health-Care Decisions for Persons with Developmental Disabilities Congressional Review Emergency Amendment Act of 2006".

Sec. 2. Chapter 20 of Title 21 of the District of Columbia Official Code is amended as follows:

(a) Section 21-2002 is amended by adding a new subsection (d) to read as follows:

Note,
§ 21-2002

“(d) An individual shall be presumed competent and to have the capacity to make legal, health-care, and all other decisions for himself or herself, unless certified otherwise under section 21-2204 or deemed incapacitated or incompetent by a court. Incapacity shall not be inferred from the fact that an individual:

“(1) Has been voluntarily or involuntarily hospitalized for mental illness pursuant to Chapter 5 of Title 21; or

“(2) Has mental retardation or has been determined by a court to be incompetent to refuse commitment under Chapter 13 of Title 7.”.

(b) Section 21-2011 is amended as follows:

Note,
§ 21-2011

(1) Redesignate paragraph (1) as paragraph (1A).

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

“(1) “Best interests” means promoting personal well-being by assessing:

“(A) The reason for the proposed action, its risks and benefits, and any alternatives considered and rejected; and

“(B) The least intrusive, least restrictive, and most normalizing course of action possible to provide for the needs of the individual.”.

(3) A new paragraph (5C) is added to read as follows:

“(5C) “Emergency care” means immediate treatment, including diagnostic treatment, provided in response to a sudden, acute, and unanticipated medical crisis in order to avoid injury, extreme pain, impairment, or death.”.

(4) Paragraph (8) is amended to read as follows:

“(8) “Guardian” means a person other than a guardian ad litem who has qualified as a guardian of an incapacitated individual pursuant to court appointment, and includes:

“(A) A limited guardian whose powers are limited by the court as described in section 21-2044(c);

“(B) A temporary guardian appointed as described in section 21-2046 for a finite period of time to serve as:

“(i) An emergency guardian whose authority may not extend beyond 15 days and who may exercise any powers granted by court order and not prohibited by law;

“(ii) A health-care guardian whose authority is granted for up to 90 days and may be extended for up to an additional 90 days to provide substituted consent in accordance with section 21-2210 for an individual certified as incapacitated for a health-care

ENROLLED ORIGINAL

decision; or

“(iii) A provisional guardian whose authority is granted for a specified period not to exceed 6 months, upon the court’s finding that any guardian is not effectively performing duties and that the welfare of the incapacitated individual requires immediate action; and

“(C) A general guardian not limited by the court in scope as described in section 21-2044(c) or in time as described in section 21-2046.”.

(5) A new paragraph (11A) is added to read as follows :

“(11A) “Incapacitated individual for health-care decisions” means an adult individual who lacks sufficient mental capacity to:

“(A) Appreciate the nature and implications of a health-care decision;

“(B) Make a choice regarding the alternatives presented; or

“(C) Communicate that choice in an unambiguous manner.”.

(6) A new paragraph (25A) is added to read as follows:

“(25A) “Substituted judgment” means making a decision that conforms as closely as possible with the decision that the individual would have made, based upon knowledge of the beliefs, values, and preferences of the individual.”.

(c) Section 21-2041 is amended as follows:

(1) Subsection (a) is amended by striking the word “limited” and inserting the phrase “limited, temporary,” in its place.

Note,
§ 21-2041

(2) Subsection (d) is amended by adding the following sentence at the end: “The court shall waive the appointments of a visitor and examiner if the petition seeks appointment of an emergency guardian or a health-care guardian and the petition is supported by the certification of incapacity made pursuant to section 21-2204.”.

(3) Subsection (f) is amended by striking the second and third sentences and inserting the following sentence in their place: “The court may waive the appointment of a visitor and, where a current individual habilitation plan prepared pursuant to section 7-1304.03 is submitted to the court, the court may waive the appointment of an examiner.”.

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

(A) Strike the phrase “other individual” and insert the word “individual” in its place.

(B) Add the following sentence at the end: “For an individual alleged to be incapacitated for health-care decisions, the certification of incapacity made pursuant to section 21-2204 shall be presented as evidence to the court.”.

(d) Section 21-2043 is amended as follows:

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

“(a-1)(1) Except as provided in paragraph (2) of this subsection, a person may not be appointed as a guardian if the person:

Note,
§ 21-2043

“(A) Provides substantial services to the incapacitated individual in a professional or business capacity;

“(B) Is a creditor of the incapacitated individual; or

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“(C) Is employed by any person or entity that provides services to the incapacitated individual in a professional or business capacity.

“(2) Notwithstanding the provisions of subsection (a-1) of this section, a person may be appointed as a guardian if the person is the incapacitated individual’s spouse, domestic partner, adult child, parent, adult sibling, or relative with whom the incapacitated individual has resided for more than 6 months prior to the filing of the petition and the court determines that the potential conflict of interest is insubstantial and that the appointment would clearly be in the best interests of the incapacitated individual. The court may not appoint a guardian in any other circumstance in which a conflict of interest may occur.”.

(2) Subsection (c) is amended by adding a new paragraph (3A) to read as follows:

“(3A) An adult sibling of the incapacitated individual or a person nominated by will of a deceased sibling or by other writing signed by an adult sibling and attested by at least 2 witnesses;”.

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

“(e) A guardian shall limit his or her caseload to a size that allows the guardian:

“(1) To accurately and adequately support and protect each ward;

“(2) To make a minimum of one visit per month with each ward; and

“(3) To have regular contact with service providers.”.

(e) Section 21-2044(a) is amended to read as follows:

“(a) The court shall exercise the authority conferred in this subchapter so as to encourage the development of maximum self-reliance and independence of the incapacitated individual. The court, on appropriate findings, may appoint a limited guardian, a temporary guardian, or a general guardian. When the court appoints a guardian, it shall appoint the type of guardianship which is least restrictive to the incapacitated individual in duration and scope, taking into account the incapacitated individual’s current mental and adaptive limitations or other conditions warranting the procedure.”.

Note,
§ 21-2044

(f) Section 21-2046 is amended to read as follows:

“§ 21-2046. Temporary guardians.

“(a) Temporary guardians are guardians appointed for a finite period of time. Temporary guardians include emergency guardians, health-care guardians, and provisional guardians. All provisions of this chapter apply to temporary guardians unless otherwise specified.

Note,
§ 21-2046

“(b)(1) The court, on appropriate petition, may appoint an emergency guardian, whose authority may not extend beyond 15 days, if:

“(A) An incapacitated individual has no guardian;

“(B) A life-threatening situation or situation involving emergency care exists; and

“(C) No other person appears to have authority to act within the circumstances.

“(2) An emergency guardian appointed pursuant to this subsection may exercise

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those powers granted in the order

“(3) Immediately upon receipt of the petition, the court shall appoint counsel for the individual alleged to be incapacitated and provide notice to the individual alleged to be incapacitated and to interested persons, pursuant to section 21-2042.

“(4) The individual alleged to be incapacitated, counsel for that individual, or any other interested person may request a hearing at any time within the period of the temporary guardianship. The hearing shall be held no later than 48 hours after the request.

“(5) The court may extend the authority of an emergency guardian appointed pursuant to this subsection to authorize the emergency guardian to serve as a health-care guardian consistent with subsection (c) of this section.

“(c)(1) The court, on appropriate petition, may appoint a health-care guardian for the individual alleged to be incapacitated for a specified period of time of up to 90 days if:

“(A) An individual has been determined to be incapacitated under section 21-2204;

“(B) The individual has no guardian; and

“(C) No other person appears to have authority to act within the circumstances.

“(2) The health-care guardian shall have the powers and duties set forth at section 21-2047b(b).

“(3) An appropriate petition shall include the certification of incapacity made pursuant to section 21-2204. Immediately upon receipt of the petition, counsel shall be appointed for the individual alleged to be incapacitated, and notice provided to the individual alleged to be incapacitated and to interested persons, pursuant to section 21-2042. The hearing shall be held within 7 days of receipt of the petition.

“(4) The court may extend the authority of a health-care guardian for one additional period of up to 90 days:

“(A) Upon determination of continued incapacity and determination of a continued need for the provision of substituted consent for any health-care service, treatment, or procedure pursuant to section 21-2210; or

“(B) If a petition for a permanent limited guardian or general guardian, pursuant to section 21-2041, has been filed with the court prior to the expiration of the appointment of the temporary guardian.

“(d) If the court finds that any appointed guardian is not effectively performing duties and that the welfare of the ward requires immediate action, it may appoint, with notice to interested parties within 14 day after the appointment, a provisional guardian. The provisional guardian shall have the powers set forth in the previous order of appointment for a specified period not to exceed 6 months. The authority of any permanent guardian previously appointed by the court is suspended as long as a provisional guardian has authority.”

(g) Section 21-2047 is amended as follows:

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

“§ 21-2047. Powers and duties of general guardian and limited guardian.”

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(2) The lead-in text is amended by striking the word “guardian” and inserting the phrase “a general guardian or a limited guardian” in its place.

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

(A) The lead-in text is amended by striking the word “guardian” and inserting the phrase “general guardian or limited guardian” in its place.

(B) Paragraph (4) is amended by striking the word “and” at the end.

(C) Paragraph (5) is amended by striking the phrase “as required by court rule, but at least semi-annually.” and inserting the phrase “on any order of the court, but at least semi-annually;” in its place.

(D) New paragraphs (6) and (7) are added to read as follows:

“(6) Make decisions on behalf of the ward by conforming as closely as possible to a standard of substituted judgment or, if the ward’s wishes are unknown and remain unknown after reasonable efforts to discern them, make the decision on the basis of the ward’s best interests; and

“(7) Encourage the ward to participate with the guardian in the decision-making process to the maximum extent of the ward’s ability in order to encourage the ward to act on his or her own behalf whenever he or she is able to do so, and to develop or regain capacity to make decisions in those areas in which he or she is in need of decision-making assistance, to the maximum extent possible.”.

(4) The lead-in text of subsection (b) is amended by striking the word “guardian” and inserting the phrase “general guardian or limited guardian” in its place.

(5) Subsection (c) is repealed.

(h) New sections 21-2047a and 21-2047b are added to read as follows:

“§ 21-2047a. Limitations on temporary, limited, and general guardians.

“A guardian shall not have the power:

“(1) To consent to an abortion, sterilization, psycho-surgery, or removal of a bodily organ except to preserve the life or prevent the immediate serious impairment of the physical health of the incapacitated individual, unless the power to consent is expressly set forth in the order of appointment or after subsequent hearing and order of the court;

“(2) To consent to convulsive therapy, experimental treatment or research, or behavior modification programs involving aversive stimuli, unless the power to consent is expressly set forth in the order of appointment or after subsequent hearing and order of the court;

“(3) To consent to the withholding of non-emergency, life-saving, medical procedures unless it appears that the incapacitated person would have consented to the withholding of these procedures and the power to consent is expressly set forth in the order of appointment or after subsequent hearing and order of the court;

“(4) To consent to the involuntary or voluntary civil commitment of an incapacitated individual who is alleged to be mentally ill and dangerous under any provision or proceeding occurring under Chapter 5 of Title 21, except that a guardian may function as a petitioner for the commitment consistent with the requirements of Chapter 5 of Title 21 or

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Chapter 13 of Title 7;

“(5) To consent to the waiver of any substantive or procedural right of the incapacitated individual in any proceeding arising from an insanity acquittal; or

“(6) To prohibit the marriage or divorce, or consent to the termination of parental rights, unless the power is expressly set forth in the order of appointment or after subsequent hearing and order of the court.

“§ 21-2047b. Powers and duties of emergency and health-care guardians.

“(a) Except as limited by sections 21-2046 and 21-2047a, an emergency guardian or health-care guardian is responsible for providing substituted consent for an incapacitated individual and for any other duties authorized by the court, but is not personally liable to third persons by reason of that responsibility or acts of the incapacitated individual.

“(b) An emergency or health-care guardian shall:

“(1) Become or remain personally acquainted with the ward and maintain sufficient contact with the ward to know of his or her capacities, limitations, needs, opportunities, and physical and mental health;

“(2) Make decisions on behalf of the ward by conforming as closely as possible to a standard of substituted judgment or, if the ward’s wishes are unknown and remain unknown after reasonable efforts to discern them, make the decision on the basis of the ward’s best interests;

“(3) Encourage the ward to participate with the guardian in the decision-making process to the maximum extent of the ward’s ability in order to encourage the individual to act on his or her own behalf whenever he or she is able to do so, and to develop or regain capacity to make decisions in those areas in which he or she is in need of decision-making assistance, to the maximum extent possible; and

“(4) Make any report the court requires.

“(c) An emergency or health-care guardian may:

“(1) Grant, refuse, or withdraw consent to medical examination and health-care treatment for which the individual has been deemed incapacitated pursuant to section 21-2204;

“(2) Obtain medical records for the purpose of providing substituted consent pursuant to section 21-2210; and

“(3) Have the status of a legal representative under Chapter 12 of Title 7.”.

(i) Section 21-2049(a) is amended to read as follows:

“(a)(1) On petition of the guardian, the court, after hearing, may accept a resignation of a guardian.

“(2) The court may remove a temporary guardian at any time.

“(3) On petition of the ward or any interested person, or on the court’s own motion, the court, after hearing, may remove a limited guardian or a general guardian for any of the following reasons:

“(A) Failure to discharge his or her duties, including failure to conform as closely as possible to a standard of substituted judgment or, if the ward’s wishes are unknown and remain unknown after reasonable efforts to discern them, to make a decision on

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the basis of the ward's best interests, pursuant to section 21-2047(a)(6) or 21-2047b(b)(2);

"(B) Abuse of his or her powers;

"(C) Failure to comply with any order of the court;

"(D) Failure to educate or provide for the ward as liberally as the ward's financial situation permits, if education and financial management fall within the scope of the guardianship;

"(E) Interference with the ward's progress or participation in programs in the community; or

"(F) For any other good cause."

Sec. 3. Chapter 22 of Title 21 of the District of Columbia Official Code is amended as follows:

(a) Section 21-2202 is amended by adding a new paragraph (6A) to read as follows:

"(6A) "Qualified psychologist" means a person who is licensed pursuant to § 3-1205.01 and has:

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§ 21-2202

"(A) One year of formal training within a hospital setting; or

"(B) Two years of supervised clinical experience in an organized health-care setting, one year of which must be post-doctoral."

(b) Section 21-2204(a) is amended as follows:

(1) Strike the word "physicians" wherever it appears and insert the word "professionals" in its place.

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§ 21-2204

(2) Strike the second sentence and insert the sentence "One of the 2 certifying professionals shall be a physician and one shall be a qualified psychologist or psychiatrist." in its place.

(c) Section 21-2210 is amended as follows:

(1) Subsection (a) is amended to add a new paragraph (1A) to read as follows:

"(1A) A court-appointed mental retardation advocate of the patient, if the ability to grant, refuse, or withdraw consent is within the scope of the advocate's appointment under section 7-1304.13."

Note,
§ 21-2210

(2) A new subsection (h) is added to read as follows:

"(h) If no person listed in subsection (a) of this section is reasonably available, mentally capable, and willing to act, the health-care provider, or the District of Columbia, for those persons committed or admitted to receive habilitation or other services pursuant to Chapter 13 of Title 7, or any interested person may petition the Superior Court of the District of Columbia for appointment of a health-care guardian pursuant to section 21-2044 or section 21-2046."

(d) Section 21-2212 is amended to read as follows:

"§ 21-2212. Effect of chapter.

"(a) Nothing in this chapter shall be construed to condone, authorize, or approve mercy-killing or to permit any affirmative or deliberate act to end a human life other than to permit the natural dying process.

Note,
§ 21-2212

"(b) Nothing in this chapter shall be construed to conflict with or supersede, the

Emergency Medical Treatment and Labor Act, approved April 17, 1986 (100 Stat. 164; 42 U.S.C. § 1395dd).

“(c) Emergency health care may be provided without consent to a patient who is certified incapacitated under § 21-2204 if no authorized person is reasonably available or if, in the reasonable medical judgment of the attending physician, attempting to locate an authorized person would cause:

- “(1) A substantial risk of death;
- “(2) The health of the incapacitated individual to be placed in serious jeopardy;
- “(3) Serious impairment to the incapacitated individual’s bodily functions; or
- “(4) Serious dysfunction of any bodily organ or part.”.

Sec. 4. The Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.02 *et seq.*), is amended as follows:

(a) Section 103 (D.C. Official Code § 7-1301.03) is amended as follows:

(1) Redesignate paragraph (2A) as paragraph (2C).

(2) New paragraphs (2A) and (2B) are added to read as follows:

“(2A) “Behavioral plan” means a written plan that, at a minimum:

“(A) Identifies challenging or problematic behavior;

“(B) States the working hypothesis about the cause of the individual’s behavior and uses the working hypothesis as the basis for the selected intervention;

“(C) Identifies strategies to teach or encourage the individual to adopt adaptive behavior as an alternative to the challenging or problematic behavior;

“(D) Considers the potential for environmental or programmatic changes which could have a positive impact on challenging or problematic behaviors; and

“(E) Addresses the individual’s need for additional technological or supervisory assistance to adapt or cope with day to day activities.

“(2B) “Best interests” means promoting personal well-being by assessing:

“(A) The reason for the proposed action, its risks and benefits, and any alternatives considered and rejected; and

“(B) The least intrusive, least restrictive, and most normalizing course of action possible to provide for the needs of the individual.”.

(3) Paragraph (6) is amended to read as follows:

“(6) “Comprehensive evaluation” means an assessment of a person with mental

retardation by persons with special training and experience in the diagnosis and habilitation of persons with mental retardation, which includes a documented sequence of observations and examinations intended to determine the person's strengths, developmental needs, and need for

Note,
§ 7-1301.03

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services. The initial comprehensive evaluation shall include, but not be limited to,

documentation of:

- “(A) A physical examination that includes the person's medical history;
- “(B) An educational evaluation, vocational evaluation, or both;
- “(C) A psychological evaluation, including an evaluation of cognitive and adaptive functioning levels;
- “(D) A social evaluation;
- “(E) A dental examination;
- “(F) An evaluation of whether the person has the capacity to grant, refuse, or withdraw consent to any ongoing medical treatment; and
- “(G) A determination of whether the person:
 - “(i) Has executed or could execute a durable power of attorney in accordance with D.C. Official Code § 21-2205;
 - “(ii) Has been offered an opportunity to execute a durable power of attorney pursuant to D.C. Official Code § 21-2205 and declined; or
 - “(iii) Has an individual reasonably available, mentally capable, and willing to provide substituted consent pursuant to D.C. Official Code § 21-2210.”.

(4) A new paragraph (20A) is added to read as follows:

“(20A) “Psychotropic medication ” means a medication prescribed for the treatment of symptoms of mental or emotional disorders or to influence and modify behavior, cognition, or affective state. The term “psychotropic medication” includes the following categories of medications:

- “(A) Antipsychotics or neuroleptics;
- “(B) Antidepressants;
- “(C) Agents for control of mania or depression;
- “(D) Antianxiety agents;
- “(E) Sedatives, hypnotics, or other sleep-promoting drugs; and
- “(F) Psychomotor stimulants.”.

(5) A new paragraph (24C) is added to read as follows:

“(24C) “Substituted judgment” means making a decision that conforms as closely as possible with the decision that the individual would have made, based upon knowledge of the beliefs, values, and preferences of the individual.”.

(b) Section 413 (D.C. Official Code § 7-1304.13) is amended by adding a new subsection (n) to read as follows:

“(n) If so authorized by the Court, the mental retardation advocate shall be permitted to grant, refuse, or withdraw consent on behalf of his or her client with respect to the provision of any health-care service, treatment, or procedure, consistent with the provisions of Chapter 22 of Title 21 of the District of Columbia Official Code.”.

(c) Section 504(a) (D.C. Official Code § 7-1305.04(a)) is amended to read as follows:

Note,
§ 7-1304.13

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"(a)(1) Prior to each customer's commitment under this act, the customer shall receive, pursuant to section 403, a comprehensive evaluation or screening and an individual habilitation plan. Within 30 days of a customer's admission pursuant to section 302, the customer shall have a comprehensive evaluation or screening and an individual habilitation plan.

Note, § 7-1305.04

"(2) All individual habilitation plans shall include information on whether the person has the capacity to grant, refuse, or withdraw consent to any ongoing medical treatment and shall identify whether the person:

"(A) Has executed or could execute a durable power of attorney in accordance with D.C. Official Code § 21-2205;

"(B) Has been offered an opportunity to execute a durable power of attorney pursuant to D.C. Official Code § 21-2205 and declined; or

"(C) Has an individual reasonably available, mentally capable, and willing to provide substituted consent pursuant to D.C. Official Code § 21-2210.

"(3) Annual reevaluations or screenings of the customer shall be provided as determined by the customer's interdisciplinary team. Annual reevaluations and screenings shall include a review and update to the individual habilitation plan information on whether the person has the capacity to grant, refuse, or withdraw consent to any ongoing medical treatment and whether the person:

"(A) Has executed or could execute a durable power of attorney in accordance with D.C. Official Code § 21-2205;

"(B) Has been offered an opportunity to execute a durable power of attorney pursuant to D.C. Official Code § 21-2205 and declined; or

"(C) Has an individual reasonably available, mentally capable, and willing to provide substituted consent pursuant to D.C. Official Code § 21-2210.

"(4) By no later than January 1, 2007, MRDDA shall establish written procedures for incorporating a review of all mental health services, including psychotropic medications, behavioral plans, and any other psychiatric treatments, into the annual reevaluations and screenings conducted by the customer's interdisciplinary team.

"(5) Nothing in this subsection shall be construed as requiring any person to execute a durable power of attorney for health care."

(d) New sections 506a, 506b, and 506c are added to read as follows:

"Sec. 506a. Informed consent.

"(a) Except in accordance with the procedures described in subsections (b) and (c) of this section, in D.C. Official Code § 21-2212, or as otherwise provided by law, no MRDDA customer shall be given services pursuant to this act absent the customer's informed consent. In seeking informed consent, the provider or MRDDA shall present the customer with available options and all material information necessary to make the decision, including information about the proposed service, potential benefits and risks of the proposed service, potential benefits and risks of no service, side effects, and information about feasible alternative services, if any.

Note, § 7-1305.06

"(b) If the provider or MRDDA reasonably believes that the customer lacks the

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capacity to provide informed consent for the proposed service, the provider or MRDDA promptly shall seek a determination of the individual's capacity in accordance with D.C. Official Code § 21-2204. If the individual is certified as incapacitated for health-care decisions in accordance with D.C. Official Code § 21-2204, MRDDA or the provider shall promptly seek the provision of substituted consent from the customer's attorney-in-fact pursuant to D.C. Official Code § 21-2206 or, if no attorney-in-fact has been authorized pursuant to D.C. Official Code § 21-2205 or is reasonably available, mentally capable, and willing to act, from an individual authorized to provide substituted consent pursuant to D.C. Official Code § 21-2210.

"(c) If the customer is certified as incapacitated and unable to consent to the proposed service in accordance with D.C. Official Code § 21-2204, and no attorney-in-fact or person listed in D.C. Official Code § 21-2210(a) is reasonably available, mentally capable, and willing to act:

"(1) For any proposed services except psychotropic medications, the District shall petition the Court for appointment of a guardian pursuant to Chapter 20 of Title 21. The District's petition shall request the form of guardianship which is least restrictive to the incapacitated individual in duration and scope, taking into account the incapacitated individual's current mental and adaptive limitations or other conditions warranting the procedure. This subsection does not preclude any other party from petitioning the Court for appointment of a guardian; or

"(2) For all proposed psychotropic medications, beginning 90 days after September 25, 2006, the provider may administer medication only when the administration of medication is accompanied by a behavioral plan and only after receiving approval from an independent panel appointed by the MRDDA Administrator pursuant to section 506b.

"Sec. 506b. Review panel for administration of psychotropic medications.

"(a) Subject to the availability of appropriations, the MRDDA Administrator shall establish an independent panel to review all proposals to administer psychotropic medications to customers made pursuant to section 506a(c) and in accordance with the procedures set forth in this section and those to be developed by the Administrator as required by this section.

"(b) The panel shall be comprised of 3 members. The members of the panel and their employers shall be immune from suit for any claim arising from any good faith act or omission under this section. The members of the panel shall not be affiliated with the individual, the provider, or the physician seeking to administer the medication, but shall include:

"(1) A board-certified psychiatrist;

"(2) A licensed professional; and

"(3) A customer, or, if unavailable, a Mental Retardation Advocate or other customer advocate.

"(c) The administrative procedure established by MRDDA for the panel shall include, at a minimum:

"(1) A meeting by the panel no later than one week after MRDDA receives a request for consent;

"(2) Written and oral notice to the customer not less than 48 hours prior to when

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the panel will meet;

“(3) The right of the customer to be present when the panel meets and to have a representative present during any such meeting;

“(4) The opportunity, at the meeting of the panel, for the customer and his or her representative to present information and to discuss the wishes of the customer;

“(5) The issuance of a written decision by the panel no later than one week after the meeting of the panel, to be provided to the customer, the customer’s representative, and the provider; and

“(6) The right of the customer to request that the MRDDA Human Rights Advisory Committee review the decision of the panel.

“(d) If the customer requests a review by the MRDDA Human Rights Advisory Committee before the decision of the panel has been implemented, the decision shall not be implemented until after the MRDDA Human Rights Advisory Committee responds to the requested review. The MRDDA Human Rights Advisory Committee shall conduct the review at its next meeting or no later than 30 days after the request, whichever is earlier, and shall issue a response promptly.

“(e) The panel shall issue a written decision which may grant, refuse, or withdraw consent to the prescription of the proposed psychotropic medication. The panel shall seek to conform as closely as possible to a standard of substituted judgment or, if the individual’s wishes are unknown and remain unknown after reasonable efforts to discern them, make the decision on the basis of the individual’s best interests. If the panel grants consent, the consent shall be granted for a limited period of time and shall last no longer than 9 consecutive months.

“(f) For individuals for whom the panel has provided consent, MRDDA shall offer the individual the opportunity to execute a durable power of attorney in accordance with D.C. Official Code § 21-2205 and shall continue to seek to identify one or more individuals listed in D.C. Official Code § 21-2210(a) who may be reasonably available, mentally capable, and willing to act.

“(g) For individuals for whom the panel has provided consent for 3 or more consecutive months, and for whom there is a reasonable likelihood that no decision-maker will become available and that the individual will not achieve capacity during the next 6 months to make decisions regarding psychotropic medications on his or her own behalf, the District shall petition the Court for appointment of a guardian pursuant to Chapter 20 of Title 21 of the District of Columbia Official Code. The District’s petition shall request the type of guardianship which is least restrictive to the incapacitated individual in duration and scope, taking into account the incapacitated individual’s current mental and adaptive limitations or other conditions warranting the procedure. This subsection does not preclude any other party from petitioning the Court for appointment of a guardian.

“(h) Refusal to consent to psychotropic medications shall not be used as evidence of an individual’s incapacity.

“(i) Refusal to consent to services on the basis of a valid religious objection shall not be overridden absent a specific court order requiring the provision of services.

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“Sec. 506c. Psychotropic medication review.

“(a) No later than one year after September 25, 2006, the MRDDA shall complete a psychotropic medication review for all MRDDA customers.

“(b) No later than 90 days after September 25, 2006, the MRDDA shall establish written procedures, which shall include timelines and shall identify responsible entities or individuals, for promptly implementing the recommendations for each customer identified by the psychotropic medication review.

“(c) The psychotropic medication review shall be conducted by a review team that includes professionals with expertise in the prescription, use, and side effects of psychotropic medications as therapy for individuals who have been dually diagnosed with mental retardation and mental illness.

“(d) The review team shall establish in writing:

“(1) Procedures for an initial administrative review of psychotropic medication prescriptions for all MRDDA customers;

“(2) Procedures and criteria for determining which customers receive only an initial administrative review of psychotropic medications, and which customers also receive a more detailed clinical review of psychotropic medications; and

“(3) Criteria for screening and determining the clinical appropriateness of each psychotropic medication prescribed for each customer.

“(e) The review team shall complete the initial administrative review of psychotropic medications within 90 days of September 25, 2006. The initial administrative review of psychotropic medications shall determine, at minimum, for each MRDDA customer:

“(1) All prescribed psychotropic medications;

“(2) The diagnosis justifying each prescription;

“(3) The provision of informed consent for each prescription;

“(4) The presence of an accompanying behavioral plan; and

“(5) Any other mental health services being provided to the customer.

“(f) The review team shall conduct a clinical review of psychotropic medications when the initial administrative review meets the review team’s criteria indicating that a detailed clinical review of the customer’s psychotropic medication is warranted. The clinical review shall seek to determine the clinical appropriateness of each prescribed psychotropic medication and the potential for alternative approaches. The clinical review shall include, at a minimum, interviews with the customer, the prescribing physician, and the customer’s residential and day service providers, if any.

“(g) By no later than 30 days after completing a psychotropic medication review of a customer, the review team shall issue a written report, which shall include recommendations for:

“(1) Continued use, modification, or termination of psychotropic medication;

“(2) Potential use of alternative approaches including therapies, behavioral plans, skill development, and environmental modifications;

“(3) Informed consent, if informed consent has not been provided; and

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“(4) Development of a behavioral plan, if no behavioral plan is present.

“(h) A copy of the written report of the review team shall be appended to the customer’s individual habilitation plan and shall be provided to:

“(1) The customer;

“(2) The customer’s legal representative, if any;

“(3) The customer’s mental retardation advocate, if any;

“(4) The customer’s MRDDA case manager;

“(5) The individuals identified in the customer’s individual habilitation plan as reasonably available, mentally capable, and willing to provide substituted consent pursuant to D.C. Official Code § 21-2210, if any;

“(6) The customer’s residential service provider; and

“(7) The Quality Trust for Individuals with Disabilities, Inc.”.

(e) Section 507 (D.C. Official Code § 7-1305.07) is repealed.

(f) A new section 507a (to be codified at D.C. Official Code § 7-1305.07a) is added to read as follows:

“Sec. 507a. Health-care decisions policy, annual plan, and quarterly reports.

“(a) It shall be the policy of the District government to ensure that all persons who become incapable of making or communicating health-care decisions for themselves have available health-care decision-makers. In addition, it shall be the policy of MRDDA to ensure that every MRDDA customer has the opportunity to execute a durable power of attorney pursuant to D.C. Official Code § 21-2205, and has one or more individuals identified as reasonably available, mentally capable, and willing to provide substituted consent pursuant to D.C. Official Code § 21-2210, if the customer were to become certified as incapacitated to make a health-care decision in accordance with D.C. Official Code § 21-2204.

“(b) The MRDDA Administrator shall issue by November 1 of each year an annual plan describing how MRDDA will comply with subsection (a) of this section during the current fiscal year. The plan shall include data from the prior fiscal year which assess the current and potential health-care decision-making needs of all MRDDA customers. The plan shall include, at a minimum:

“(1) Aggregate statistics summarizing the numbers of MRDDA customers who:

“(A) Have a general guardian, a limited guardian, a health-care guardian, or an emergency guardian as of the end of the prior fiscal year;

“(B) At any time during the prior fiscal year, had an emergency guardian authorized to make health-care decisions or a health-care guardian;

“(C) Have executed a durable power of attorney in accordance with D.C. Official Code § 21-2205;

“(D) Have been offered an opportunity to execute a durable power of attorney pursuant to D.C. Official Code § 21-2205 and declined;

“(E) Have an individual identified as reasonably available, mentally capable, and willing to provide substituted consent pursuant to D.C. Official Code § 21-2210; and

Note, Repeal
§ 7-1305.07
Note,
§ 7-1305.07

“(F) Lack any available substitute health-care decision-maker;

“(2) Aggregate statistics describing the numbers of customers taking psychotropic medications as of the end of the previous fiscal year, and an assessment of the degree to which health-care decision-making support for the prescription of psychotropic medication may be required for these customers;

“(3) Aggregate statistics describing the requests for consent reviewed during the prior fiscal year by the independent psychotropic medication panel authorized in section 506b, analyzing outcomes, monthly and yearly trends, and requests for review by the MRDDA Human Rights Committee;

“(4) Aggregate statistics describing for the prior fiscal year:

“(A) The number of substitute decisions which required intervention by MRDDA to identify an individual to provide substituted consent pursuant to D.C. Official Code § 21-2210;

“(B) The nature of the health-care needs and medical treatments; and

“(C) The average time elapsed between a request for a substituted decision and the provision of substituted consent; and

“(5) An analysis of the statistics described in this subsection, identification of yearly and multiyear trends, and a plan for remedial measures to be taken when the statistics identify process or service deficiencies.

“(c) The MRDDA Administrator shall produce a quarterly report on all substituted consent activities pursuant to subsection (a) of this section until October 2008. Quarterly reports shall be complete by the 15th day of October, January, April, and July and shall include:

“(1) Statistics describing:

“(A) The number of substitute decisions during the prior quarter which required intervention by MRDDA to identify an individual to provide substituted consent pursuant to D.C. Official Code § 21-2210;

“(B) The nature of the health-care needs and medical treatments for each substituted decision;

“(C) The time elapsed between each request for a substituted decision and the provision of substituted consent; and

“(D) If the process for identifying an individual to provide substituted consent pursuant to D. C. Official Code § 21-2210 is not complete, a summary of the specific barriers currently identified and the specific action needed; and

“(2) An analysis of the statistics described in this subsection, and a plan for remedial measures to be taken, when the statistics identify process delays.

“(d)(1) The MRDDA Administrator shall submit the annual plan described in subsection (b) of this section and the quarterly report described in subsection (c) of this section to:

“(A) The Committee of the Council under whose purview MRDDA falls;

“(B) The Mayor; and

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“(C) The designated state protection and advocacy agency for the District of Columbia established pursuant to the Protection and Advocacy for Mentally Ill Individuals Act of 1986, approved May 23, 1986 (100 Stat. 478; 42 U.S.C. § 10801 *et seq.*), and section 509 of the Rehabilitation Act of 1973, approved October 29, 1992 (106 Stat. 4430; 29 U.S.C. § 794e);

“(2) The MRDDA Administrator shall make copies of the annual plan and quarterly reports described in this section available to members of the public upon request.

“(e) Nothing in this section shall be construed as requiring any person to execute a durable power of attorney for health care.”.

Sec. 5. Applicability.

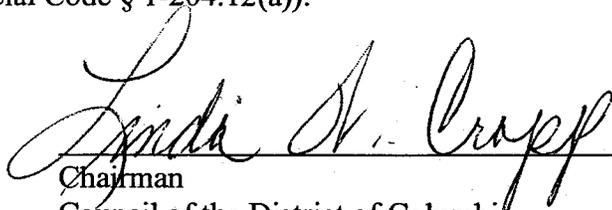
This act shall apply as of December 21, 2006.

Sec. 6. Fiscal impact statement.

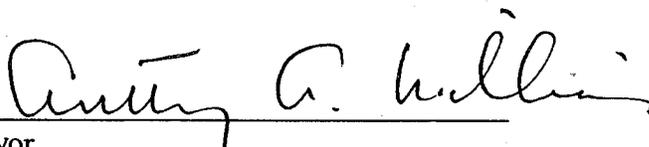
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. 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 shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 19, 2006