

## CHILD AND FAMILY SERVICES AGENCY

NOTICE OF FINAL RULEMAKING

The Director of the Child and Family Services Agency ("CFSA"), acting pursuant to § 2(o) of the Child and Family Services Agency Establishment Amendment Act of 2000, effective April 4, 2001, D.C. Law 13-277, D.C. Official Code § 4-1303.03(a-1), (10), (12) (2001) and § 4 of the Youth Residential Facilities Licensure Act of 1986, effective August 13, 1986, D.C. Law 6-139, D.C. Official Code § 7-2103 (2001), hereby gives notice of the adoption of the following amendment to Chapter 60 of Title 29 DCMR, "Foster Homes", by adding a new § 6027, by renumbering §§ 6027 through 6031 as §§ 6028 through 6032, respectively, by striking and inserting in its place a defined term in § 6099, and by adding two new defined terms to § 6099. The new section and its accompanying new definitions will permit the issuance of a temporary license to operate a foster home to certain kin.

The rules were previously published as emergency and proposed rulemaking on both March 26, 2004, at 51 DCR 3311, and January 28, 2005, at 52 DCR 738. No comments were received and no changes have been made to the rulemaking since its publication on January 28, 2005.

These final rules were adopted on April 30, 2005.

Chapter 60 (Foster Homes) of Title 29 (Public Welfare) is amended to read as follows.

*A new § 6027 is added as follows:*

6027            TEMPORARY LICENSE FOR KIN

6027.1        CFSA may issue a temporary license to operate a foster home only if:

- (a) The applicant is kin to each foster child who would be placed in her or his home;
- (b) The applicant has submitted an application for a license to operate a foster home;
- (c) The applicant has:
  - (1) Received a satisfactory criminal records check from the Interstate Identification Index System of the National Crime Information Center (III);
  - (2) Applied for a criminal records check in accordance with § 6008 of this Chapter;

- (3) Complied with the requirements of § 6009 of this Chapter concerning the Child Protection Register check;
  - (4) Received a satisfactory safety assessment of the prospective foster home; and
  - (5) Demonstrated the willingness and ability to provide a safe and secure environment for a foster child;
- (d) All individuals eighteen (18) years of age or older residing in the prospective foster home have:
- (1) Received a satisfactory criminal records check from the III;
  - (2) Applied for a criminal records check in accordance with § 6008 of this Chapter; and
  - (3) Complied with the requirements of § 6009 of this Chapter concerning the Child Protection Register check; and
- (e) There exist exigent circumstances as set forth in § 6027.2 of this Chapter.

6027.2

Exigent circumstances exist if a child who would be placed in the home if it had a temporary license:

- (a) Must be removed from her or his home immediately because of suspected or supported child abuse or neglect;
- (b) Is in CFSA's custody and must be removed from her or his placement immediately; or
- (c) Has been removed from her or his home because of child abuse and neglect; and
  - (1) A petition alleging neglect of the child has been filed before the Family Division of the Superior Court of the District of Columbia pursuant to D.C. Official Code § 16-2305; and
  - (2) A disposition of the neglect petition pursuant to D.C. Official Code § 16-2320 has not yet occurred.

6027.3

An applicant is kin to a foster child if the applicant is:

- (a) At least 21 years of age; and
- (b) Either:
  - (1) A relative of the foster child by blood, marriage, or adoption; or
  - (2) Identified by a relative of the foster child by blood, marriage, or adoption, in a sworn affidavit, to have close personal or emotional ties with the foster child or the foster child's family, which pre-dated the foster child's placement with the individual.

6027.4 A temporary license:

- (a) Permits a foster home to operate prior to issuance of an annual license and while the foster parent(s) attempts to satisfy the requirements for a license; and
- (b) Expires in one hundred twenty (120) days from the date of the temporary license, unless renewed.

6027.5 A temporary license may be renewed once and for no more than ninety (90) days if the:

- (1) Applicant is making a good faith effort to comply with all elements of the foster home licensing process as set forth in this Chapter;
- (2) Renewal is needed to complete the licensing process;
- (3) Licensing process is not completed for a reason that is beyond the control of the applicant; and
- (4) Applicant has otherwise complied with the requirements of this Chapter.

6027.6 A temporary licensee under this section shall actively and promptly take all steps required for full licensure under this Chapter.

6027.7 A foster child who is not kin to the applicant may not be placed in a foster home that has a temporary license.

6027.8 Except as specifically set forth in § 6027, all sections of this Chapter shall apply to a foster parent or foster home that has a temporary license except that the denial of a temporary license shall not be grounds for an appeal pursuant to § 6032 of

of a temporary license shall not be grounds for an appeal pursuant to § 6032 of this Chapter.

*The following sections and their subsections are renumbered as follows:*

Current section/subsections	Title	Renumbered as
6027	Licensing process	6028
6028	Denial of license or renewal	6029
6029	Annual re-evaluation and license renewal	6030
6030	Suspension or revocation of license	6031
6031	Appeal procedure	6032

*The definition of “ applicant” is struck in its entirety, and the following definition is inserted in its place:*

6099 DEFINITIONS

“Applicant” -- the person(s) applying to be licensed as a foster parent, including as appropriate the person applying for a temporary license, under this Chapter.

*The following definitions are added to 29 DCMR § 6099 following the definition of “revocation”.*

6099 DEFINITIONS

“Safety assessment” -- an assessment of an applicant’s residence, including but not limited to its general physical environment, sanitation and external environment.

“Temporary license” -- a license to operate a foster home for a temporary period issued to a foster home that has complied with the requirements of § 6027 of this Chapter.

## DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the D.C. Health Occupations Revision Act of 1985, effective March 15, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendments of Chapter 46 of the District of Columbia Municipal Regulations (DCMR). The purpose of the amendments is to clarify the educational and training requirements; simplify the application process by eliminating the requirement to provide proof of completing undergraduate science coursework; clarify rules for medical record retention and release; clarify the rules for practice by postgraduate physicians; provide for acceptance of credentialing services. These rules were previously published in the D.C. Register at 52 DCR 2739 on March 18, 2005. No comments were received and no changes have been made. These rules will become effective upon publication in the D.C. Register.

**Chapter 46 (Medicine) of Title 17 (Business, Occupations & Professions) (May 1990) is amended as follows:**

**Section 4600.3 is amended as follows:**

4600.3 The Board shall only accept applications for licensure by one of the following means notwithstanding anything in Chapter 40 to the contrary:

- (a) National examination;
- (b) Waiver of national examination;
- (c) Reactivation of an inactive license;
- (d) Reinstatement of an expired, suspended, or revoked license; or
- (e) Eminence pursuant to D.C. Official Code § 3-1205.09a (2001).

**A new subsection 4600.9 is added to read as follows:**

An applicant or licensee shall communicate with the Board through typed or legibly written documentation. Any applicant or licensee who fails to submit typed or legibly written documents, as determined by the Board, shall have those documents returned to him or her.

**Section 4602.1 is amended as follows:**

4602.1 An applicant for licensure by examination educated in a foreign country other than Canada, shall furnish proof satisfactory to the Board that the applicant successfully completed educational and training requirements pursuant to § 4603.

**Section 4602.2 is amended as follows:**

4602.2 Pursuant to § 4602.1 and § 504(e) of the Act, D.C. Official Code § 3-1205.04(e) (2001) applicants shall meet the following requirements:

- (a) Two years of premedical studies at an accredited institution; and
- (b) The equivalent of four (4) years of instruction and training in an accredited medical school and receipt of a degree of Doctor of Medicine or Doctor of Osteopathy.

**Section 4602.5 is amended as follows:**

4602.5 An applicant shall arrange for certified transcripts of the applicant's medical education records to be sent directly from the educational institutions to the Board or its designees.

**Section 4603.2 is repealed.****Section 4603.6 is amended as follows:**

4603.6 An applicant shall arrange for a certified transcript of the applicant's medical education record to be sent directly from the educational institution to the Board or its designees, except as provided by §4603.8.

**Section 4605.13 is amended as follows:**

4605.13 An applicant shall complete all remaining portions of the USMLE within seven (7) years after passing Step 1 or Step 2 of the examination. However, the seven (7) year time frame may be extended at the discretion of the Board.

**Section 4607.3 is amended as follows:**

4607.3 The Board may approve continuing education program and activities for Category 1 credit, according to the following conditions:

- (a) The programs and activities meet the requirements of §§ 4607.1 and 4607.2; and
- (b) The programs and activities are through providers approved by:
  - (1) The Accreditation Council for Continuing Medical Education (ACCME);
  - (2) A state medical society; or
  - (3) A sponsoring organization or the American Osteopathic Association (AOA) that awards the program or activity with an American Medical Association Physicians Recognition Award (AMA/PRA).

**Section 4607.4 is repealed.**

**Section 4611.4 is amended as follows:**

4611.4 A postgraduate physician may practice medicine in a clinical training program approved by the ACGME or the Board, if the graduate meets the following requirements:

**Section 4611.7 is amended as follows:**

4611.7 A postgraduate physician may practice pursuant to this section for a maximum of five (5) years in a postgraduate clinical training program if the postgraduate physician has a valid agreement with the institution, organization, or agency sponsoring the clinical training program:

- (a) The five (5) year period for graduates of U.S. and Canadian medical schools shall begin with the graduation from medical school; and
- (b) The five (5) year period for graduates of foreign medical schools, other than Canadian medical schools, shall begin at the beginning of an approved U.S. postgraduate training program.

**Section 4611.8 is amended as follows:**

4611.8 A postgraduate physician shall obtain a license to practice medicine in the District after five (5) years or the completion of a postgraduate clinical training program, which ever comes first.

**Section 4611.9 is amended as follows:**

4611.9 A student or a postgraduate physician shall identify himself or herself as such at all times when practicing medicine.

**Section 4611.10 is amended as follows:**

A student or postgraduate physician shall comply with the standards of conduct for a licensed physician set forth in § 4612.

**Section 4611.11 is amended as follows:**

4611.11 A student or postgraduate physician may be disciplined for conduct that violates the Act or this chapter. The Board may deny an applicant a license, or take other disciplinary action against a student or postgraduate physician who is found to have violated the Act or this chapter, in accordance with Chapter 41 of this title.

**Section 4611.12 is amended as follows:**

4611.12 If the Board finds that a student or postgraduate physician has violated the Act or this chapter, the Board may, in addition to any other disciplinary action permitted by the Act, revoke, suspend, or restrict the privilege of the student or postgraduate physician to practice.

**Section 4611.13 is amended as follows:**

4611.13 For purposes of this section, “postgraduate physician” means a person who holds a degree in medicine or osteopathy, who is enrolled in a postgraduate clinical training program prior to licensure in any jurisdiction in the United States.

**Section 4612.1 is amended as follows:**

4612.1 A licensed physician shall maintain a record for each patient that accurately reflects the evaluation and treatment of each patient. These records shall be kept for three (3) years after last seeing the patient, or three (3) years after a minor patient reaches eighteen (18) years of age.

**Section 4612.2 is amended as follows:**

4612.2 Subject to §§ 4612.3 and 4612.4, a licensed physician shall provide to a patient or the patient’s representative a copy of the patient’s medical record at the request of the patient or the patient’s representative within 30 days of

the request according to the following:

- (a) A licensed physician may provide a summary report of the patient's medical record in lieu of copying the record if the patient consents.
- (b) A licensed physician may charge a reasonable fee for duplicating records and the fee may be required prior to providing the records in non-emergency situations.

**Section 4612.8 is amended as follows:**

A licensed physician shall conform to the prevailing standards of acceptable medical practice as determined by the Board or a peer review panel appointed by the Board.

**A new section 4613 is added to read as follows:**

**4613 CREDENTIALING**

- 4613.1 The Board may accept credentialing documentation from commercial or professional credentialing services that are certified as primary sources by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) or other organizations the Board approves in its discretion.
- 4613.2 Any credentialing organizations that desire to provide services to applicants shall be pre-approved by the Board.
- 4613.3 The Board may deny approval of any credentialing organizations through its discretion for the following reasons:
- (a) The documents submitted for pre-approval are of poor quality;
  - (b) The organization has lost its certification as a primary source; and
  - (c) The Board is unable to verify the accuracy or authenticity of the credentials provided by the organization.

## DEPARTMENT OF HEALTH

## NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to section 4902 (c) of the Department of Health Functions Clarification Act of 2001 (Act), effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(c)), and Mayor's Order 2005-81, dated May 25, 2005, hereby gives notice of his intent to adopt the following amendment to Title 25 (Food and Food Operations) of the District of Columbia Municipal Regulations (DCMR). The rulemaking adds a new Chapter 50 (Schedule of Fees for Services) to Title 25 of the DCMR to defray costs incurred by the Department of Health in implementing the Act.

No comments were received and no changes were made to the Notice of Proposed Rulemaking published in the D.C. Register on June 3, 2005 at 52 DCR 5312. These rules will become effective upon publication of this notice the D.C. Register.

## TITLE 25, DCMR, IS AMENDED AS FOLLOWS:

A new chapter is added to read as follows:

## CHAPTER 50 SCHEDULE OF FEES FOR SERVICES

## 5000 FEES

5000.1 The following fee is applicable to Certified Food Protection Managers, Certified Limited Food Protection Managers, and Food Establishments:

**DESCRIPTION OF SERVICES:****FEES:**

Issuance of Food Manager Identification Cards (Valid for a 3-year period)

New ID Card	\$ 35.00
Renewal ID Card	\$ 35.00

5000.2 All fees shall be paid by certified check, money order, business check, or personal check made payable to the "District of Columbia Treasurer."

**D.C. OFFICE OF PERSONNEL****NOTICE OF FINAL RULEMAKING**

The Director, D.C. Office of Personnel, with the concurrence of the City Administrator, pursuant to Mayor's Order 2000-83, dated May 30, 2000, and in accordance with sections 951 through 958 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-609.51 *et seq.*) (2001), hereby gives notice that final rulemaking action was taken to adopt the following rules. These rules amend section 3811 of Chapter 38, Management Supervisory Service, of Title 6 of the District of Columbia Municipal Regulations, to delete the language concerning Performance Improvement Plans from that section, and make other modifications to the section. Management Supervisory Service employees are no longer subject to Performance Improvement Plans; however, due to an oversight, the language on Performance Improvement Plans in section 3811 of the chapter was not deleted from that section when final rules were adopted on January 25, 2005 (52 DCR 1913, February 25, 2005 – Errata Notice). Among other changes, the final rules adopted under that notice deleted the language concerning Performance Improvement Plans from section 3816 of the chapter. No comments were received and no changes were made under the notice of emergency and proposed rulemaking published at 52 DCR 5317 (June 3, 2005). Final rulemaking action was taken on July 7, 2005.

**CHAPTER 38****MANAGEMENT SUPERVISORY SERVICE**

*Section 3811 is amended to read as follows:*

**3811 PLACEMENT BY REASSIGNMENT OR DEMOTION**

- 3811.1 A personnel authority may fill a vacancy within the Management Supervisory Service by reassignment of a Management Supervisory Service employee to another position of the same grade, either competitively or non-competitively, as provided in this section.
- 3811.2 When, as a result of attrition, reductions in force, reorganizations, or approved realignments within an agency, a Management Supervisory Service employee ceases to perform managerial or supervisory functions or duties, the employing agency may reassign or demote the employee to a vacant Management Supervisory Service position for which he or she qualifies; provided that there is no reduction in the benefits of the employee, and the position has no greater promotion potential than the position previously held.

- 3811.3 An agency may determine that it is necessary to reassign or demote a Management Supervisory Service employee to a vacant Management Supervisory Service position for which he or she qualifies, for reasons other than those listed in section 3811.2 of this section; provided that there is no reduction in the benefits of the employee, and the position has no greater promotion potential than the position previously held.
- 3811.4 A time-limited reassignment may be made for a period not to exceed one (1) year.
- 3812.5 A time-limited reassignment exceeding one hundred twenty (120) days to a position with established promotion potential higher than the currently held position will be effected competitively.
- 3811.6 Any reassignment or demotion under the circumstances described in sections 3811.2 or 3811.3 of this section will be effected non-competitively.
- 3811.7 An employee may voluntarily accept a reassignment or demotion pursuant to sections 3811.2 or 3811.3 of this section, or be terminated as specified in section 3818 of this chapter.

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

NOTICE OF FINAL RULEMAKING

ET00-2, IN THE MATTER OF POTOMAC ELECTRIC POWER COMPANY'S  
PUBLIC OCCUPANCY SURCHARGE ELECTRICITY TARIFF, P.S.C.-D.C. No.

1

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Section 2-505 of the District of Columbia Code,<sup>1</sup> of its final rulemaking action taken in the above-captioned proceeding. On July 11, 2005, the Commission released Order No. 13636, approving Potomac Electric Power Company's ("PEPCO") updated Public Space Occupancy Surcharge Rider.<sup>2</sup>

2. Pursuant to D.C. Code Section 10-1141.6,<sup>3</sup> PEPCO filed with the Commission an updated Public Space Occupancy Surcharge Rider ("PSOS") on February 1, 2005.<sup>4</sup> In the tariff filing, PEPCO shows the process to be used to recover from its customers the D.C. Public Rights-of-Way fees paid by PEPCO the District Columbia Government.

**ELECTRICITY TARIFF, P.S.C.-D.C. No. 1**  
**6<sup>th</sup> Revised Page R-33**

3. In its filing, PEPCO indicates that the revised PSOS supports calculations for a decrease in the surcharge rate by 4.8% percent. In addition, PEPCO states that its revised Rights-of-Way surcharge will become effective with meter readings on or after March 1, 2005.<sup>5</sup>

---

<sup>1</sup> D. C. Code, 2001 Ed. § 2-505.

<sup>2</sup> *ET00-2, In The Matter Of Washington Gas Light Company's Public Occupancy Surcharge Electricity Tariff, P.S.C.-D.C. No. 1*, Letter to Christine D. Brooks, Commission Secretary, from Paul H. Harrington, Associate General Counsel, re: ET00-2, filed February 1, 2005 (hereinafter referred to as "Application").

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

<sup>4</sup> *ET00-2*, Application at 1.

<sup>5</sup> *Id.*

4. A Notice of Proposed Rulemaking was published in the *D.C. Register* on April 29, 2005.<sup>6</sup> No comments were filed in response to the filing. Subsequently, the Commission approved PEPCO's surcharge filing by Order No. 13636. PEPCO's Public Space Occupancy Surcharge Rider will become effective upon the date of publication of the Notice of Final Rulemaking in the *D.C. Register*.

---

<sup>6</sup> 52 D.C. Reg. 4231-4232 (April 29, 2005).

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

NOTICE OF FINAL RULEMAKING

GT00-2, IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY'S  
PUBLIC OCCUPANCY SURCHARGE GENERAL REGULATIONS TARIFF,  
P.S.C.-D.C. No. 3

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Section 2-505 of the District of Columbia Code,<sup>1</sup> of its final rulemaking action taken in the above-captioned proceeding. On July 11, 2005, the Commission released Order No. 13635, approving Washington Gas Light Company ("WGL") updated Public Space Occupancy Surcharge Rider.<sup>2</sup>

2. Pursuant to D.C. Code Section 10-1141.6,<sup>3</sup> WGL filed with the Commission an updated Public Space Occupancy Surcharge Rider ("PSOS") on March 25, 2005.<sup>4</sup> In the tariff filing, WGL shows the process to be used to recover from its customers the D.C. Public Rights-of-Way fees paid by WGL to the District Columbia Government.

**GENERAL SERVICES TARIFF, P.S.C.-D.C. No. 3**

**Section 22**

**2<sup>nd</sup> Revised Page 56**

3. WGL states that its Rights-of-Way surcharge will become effective commencing with the April 2005 billing cycle.<sup>5</sup>

---

<sup>1</sup> D. C. Code, 2001 Ed. § 2-505.

<sup>2</sup> *GT00-2, In The Matter Of Washington Gas Light Company's Public Occupancy Surcharge General Regulations Tariff, P.S.C.-D.C. No. 3*, Letter to Christine D. Brooks, Commission Secretary, from Bernice K. McIntyre, Department Head of Regulatory, re: GT00-2, filed March 25, 2005 (hereinafter referred to as "Application").

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

<sup>4</sup> *GT00-2*, Application at 1.

<sup>5</sup> *Id.*

4. A Notice of Proposed Rulemaking was published in the *D.C. Register* on April 29, 2005.<sup>6</sup> No comments were filed in response to the filing. Subsequently, the Commission approved WGL's surcharge filing by Order No. 13635. WGL's Public Space Occupancy Surcharge Rider will become effective upon the date of publication of the Notice of Final Rulemaking in the *D.C. Register*.

---

<sup>6</sup> 52 D.C. Reg. 4235-4236 (April 29, 2005).