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 District of Columbia Health Occupations Revision Act of 1985 ("Act"), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02 (14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 42 of Title 17 of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments is to amend the education requirements for licensure in the District of Columbia to require that all foreign trained graduates must have obtained a U.S. or Canadian issued DDS or DMD degree in order to be licensed; to add regulations for licensure by endorsement; to accept for licensure a passing score from any regional board examination for applicants that have been actively engaged in the practice of Dentistry in another state for the five (5) years prior to applying for licensure in the District; to repeal the foreign graduate education section since the same education requirements now apply to all licensees, and to change the name of the District Examination to the District of Columbia Dental Law Examination.

Proposed Rulemaking was published on June 3, 2005, at 52 DCR 5300. No written comments were received from the public in connection with that notice. After publication the Board of Dentistry made additional amendments to the regulations to further ensure that all applicants for dental licensure in the District would be properly educated and trained before obtaining licensure. Specifically, the proposed rulemaking was amended to require that all applicants must have obtained a U.S. or Canadian issued Doctor of Dental Surgery (DDS) or Doctor of Dental Medicine (DMD) degree without exception. Additionally, the proposed rulemaking was amended to required that applicants who have passed a regional board examination other than the North East Regional Board examination must also have been actively engaged in the practice of Dentistry in another state for the five (5) years prior to applying for licensure in the District in order to obtain licensure. Therefore, the proposed rulemaking was republished on October 7, 2005, at 52 DCR 8951. No written comments were received in connection with this notice.

These final rules will be effective upon publication of this notice in the D.C. Register.

17 DCMR Chapter 42, DENTISTRY, is amended to read as follows:

Section 4202.1 is amended to read as follows:

4202.1 All applicants without exception shall furnish proof satisfactory to the Board that the applicant has:

(a) Successfully completed an educational program in the practice of dentistry at an institution recognized by the Commission on Dental Accreditation of the American Dental Association (ADA) at the time the applicant graduated in

accordance with § 504(d) of the Act, D.C. Official Code § 3-1205.04(d) (1985); and

(b) Received a U.S., including U.S. territories, or Canadian issued Doctor of Dental Surgery (DDS) or Doctor of Dental Medicine (DMD) degree.

A new section 4202.3 is added to read as follows:

4202.3 If a document required by this chapter is in a language other than English, an applicant shall arrange for its translation into English by a translation service acceptable to the Board and shall submit a translation signed by the translator attesting to its accuracy.

Section 4203 is repealed

The section heading for 4204 is amended to read as follows:

4204 LICENSURE BY EXAMINATION

Section 4204.1 is amended to read as follows:

4204.1 To qualify for a license by examination, an applicant shall:

(a) Meet the education requirements set forth under § 4202 of this chapter; and

(b) Receive a passing score on the following:

(1) Part I and Part II of the examination of the Joint Commission on National Dental Examinations;

(2) The Northeast Regional Board (NERB) examination; and

(3) The District of Columbia Dental Law Examination.

Section 4204.2 is amended to read as follows:

4204.2 To apply for a license by examination, an applicant shall:

(a) Submit a completed application to the Board on the required forms and include:

(1) The applicant's social security number on the application; and

(2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly expose the area from the top of the forehead to the bottom of the chin.

(b) Submit an official certificate of graduation in a sealed envelope from the educational institution(s) to the Board, which shall verify that the applicant meets the educational requirements set forth under § 4202 of this chapter;

(c) Submit the applicant's examination results, which have been certified or validated by the NERB and the Joint Commission of National Dental Examinations;

(d) Pass the District of Columbia Dental Law Examination; and

(e) Pay all required fees.

Section 4204.4 is amended to read as follows:

4204.4 An applicant who has successfully completed the NERB examination ten (10) or more years prior to the date of receipt by the Board of the application for licensure shall be required to retake the NERB examination, unless the applicant is applying for licensure by endorsement pursuant to § 4209 of this chapter.

Section 4205 is amended to read as follows:

4205 DISTRICT OF COLUMBIA DENTAL LAW EXAMINATION

4205.1 To qualify for a license under this chapter, all applicants without exception shall receive a passing score on a written examination developed by the Board on laws and rules pertaining to the practice of dentistry (the District of Columbia Dental Law Examination).

4205.2 Repealed.

4205.3 The District of Columbia Dental Law Examination may consist of questions on general District laws pertaining to dentistry and dental hygiene including the Act, this chapter, and chapters 40, 41, and 43 of this title.

Section 4206.2 is amended to read as follows:

4206.2 This section shall not apply to applicants for an initial license by examination or endorsement, nor does it apply to applicants for the first renewal of a license granted by examination.

Section 4209 is amended to read as follows:

4209 LICENSURE BY ENDORSEMENT

4209.1 An applicant is eligible to apply for licensure by endorsement in the District of

Columbia if the applicant:

(a) Meets the education requirements set forth under § 4202 of this chapter;

(b) Has successfully completed Part I and Part II of the examination of the Joint Commission on National Dental Examinations;

(c) Is currently licensed, in good standing, to practice dentistry in another state of the United States; and

(d) Has passed the NERB examination; or

(e) Has passed a regional board examination, other than the NERB examination, and meets the active practice requirements set forth in § 4209.3(f) of this chapter.

4209.2 An applicant, holding an active license to practice dentistry in any other state, who has passed the NERB examination, shall apply for licensure by endorsement as follows:

(a) Submit a completed application to the Board on the required forms and include:

(1) The applicant's social security number on the application; and

(2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly expose the area from the top of the forehead to the bottom of the chin.

(b) Submit a copy of his or her current license with the application;

(c) Obtain verification from each state in which the applicant holds or has ever held a professional health occupation license, that the license is current and in good standing, or if the license is no longer active, that it was in good standing immediately prior to its expiration. The licensure verification form must be sent directly to the Board, by the verifying Board;

(d) Submit the applicant's NERB examination results, which have been certified or validated by the NERB;

(e) Submit the applicant's examination results which have been certified or validated by the Joint Commission of National Dental Examinations;

(f) Pass the District of Columbia Dental Law Examination; and

(g) Pay all required fees.

4209.3 An applicant, holding an active license to practice dentistry in any other state, who has passed a regional board examination, other than the NERB examination, shall apply for

licensure by endorsement as follows:

(a) Submit a completed application to the Board on the required forms and include:

(1) The applicant's social security number on the application; and

(2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly expose the area from the top of the forehead to the bottom of the chin.

(b) Submit a copy of his or her current license with the application;

(c) Obtain verification from each state in which the applicant holds or has ever held a professional health occupation license, that the license is current and in good standing, or if the license is no longer active, that it was in good standing immediately prior to its expiration. The licensure verification form must be sent directly to the Board, by the verifying Board;

(d) Submit the applicant's regional board examination results, which have been certified or validated by the regional board;

(e) Submit the applicant's examination results, which have been certified or validated by the Joint Commission of National Dental Examinations;

(f) Submit evidence satisfactory to the Board establishing that the applicant has been actively engaged in the practice of dentistry, in another U.S. state, in good standing, for the five (5) years immediately preceding the application, and has at least eight hundred and fifty (850) hours of active dental practice. The practice of dentistry in the armed forces, state and federal programs, and intern and residency programs may be counted toward the required hours of active practice;

(g) Pass the District of Columbia Dental Law Examination; and

(h) Pay all required fees.

4209.4 In addition to the requirements set forth in this section, the Board may, in its discretion, require an applicant for licensure by endorsement to take and successfully complete a competency examination, or any portion thereof deemed necessary by the Board, as a prerequisite to licensure if the applicant's licensure in any state was ever denied, revoked, or suspended for incompetency or inability to practice in a safe manner.

4209.5 An application that remains incomplete for ninety (90) days or more from the date of submission shall be considered abandoned, and closed by the Board. The applicant shall thereafter be required to reapply, submit the required documents and completed forms, and pay the required fees.

4209.6 Nothing is this section shall be construed to prohibit the Board from utilizing other authorized databases to verify an applicant's current licensure standing in other jurisdictions of the U.S. or to review disciplinary records.

Section 4299.1 is amended as follows:

a) The following terms with the ascribed meanings are added as follows:

NERB- the North East Regional Board of Dental Examiners, Inc.

NERB Examination—the examination in dentistry offered by the North East Regional Board of Dental Examiners, Inc.

Regional Board—the examination in dentistry offered by any of the following dental examination organizations:

(a) The Central Regional Dental Testing Service;

(b) The North East Regional Board of Dental Examiners, Inc.;

(c) The Southern Regional Testing Agency, Inc.; and

(d) The Western Regional Examining Board, Inc.

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 District of Columbia Health Occupation Revision Act of 1985 ("Act"), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02 (14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 70 of Title 17 of the District of Columbia Municipal Regulations (DCMR). The purpose of the amendments is to clarify supervisor qualifications, clarify the requirements for and meaning of supervision, clarify the post-master's or postdoctoral experience requirement for licensure as an independent social worker or independent clinical social worker, permit students to apply for licensure during their final semester of an accredited social work program; permit the use of interactive internet courses for continuing education credits; increase the number of required continuing education credits; and simplify the process for obtaining licensure by endorsement.

Notice of Proposed Rulemaking was published in the D.C. Register on September 30, 2005, at 52 DCR 8818. No comments were received.

These final rules will be effective upon publication of this notice in the D.C. Register.

17 DCMR Chapter 70, SOCIAL WORK, is amended as follows:

Section 7000.3 is repealed.

Section 7001 is amended to read as follows:

7001.1 A license issued pursuant to this chapter shall expire on July 31st of each odd-numbered year.

7001.2 [REPEALED]

Section 7002.2 is amended to read as follows:

7002.2 The degree program upon which an applicant relies shall appear in the edition of the "List of Colleges and Universities with Accredited Social Work Degree Programs" published by the Council on Social Work Education applicable to the year in which the degree was conferred.

Sections 7002.3-7002.5 are repealed.

Section 7004.1 is amended to read as follows:

7004.1 Except as otherwise provided in this subtitle, an applicant shall receive a passing score on the required level of the examination sponsored by the Association of Social Work Boards (the "national examination") or on another examination determined by the Board to be equivalent.

Section 7004.2 is amended to read as follows:

7004.2 An applicant who has passed the examination required under § 7004.1 more than five (5) years prior to the application date, shall be required to retake the examination unless the applicant demonstrates to the satisfaction of the Board that the applicant has been continuously licensed and practicing as a social worker in the United States since the date the applicant passed the examination.

Section 7004.7 is amended to read as follows:

7004.7 An applicant shall submit the applicant's examination results, which have been certified or validated by the Association of Social Work Boards (ASWB), to the Board with the completed application.

A new section 7004.8 is added to read as follows:

7004.8 The Board may require an applicant who fails to pass the examination after two (2) consecutive attempts to complete a review course approved by the Board or any remediation as determined by the Board to be appropriate, prior to retaking the examination.

A new section 7005 is added to read as follows:

7005 ELIGIBILITY TO TAKE NATIONAL EXAMINATION

7005.1 An individual may be eligible to take the national examination if the individual:

(a) Has completed a social work program accredited by the Council of Social Work Education; or

(b) Is enrolled in his or her final semester or quarter of a social work program accredited by the Council of Social Work Education, and is expected to receive the applicable social work degree at the end of the semester or quarter.

7005.2 A student enrolled in his or her final semester or quarter of a social work program accredited by the Council of Social Work Education, who is a candidate for a degree in Social Work, may request approval from the Board to sit for the national examination as follows:

(a) By submitting an application to the Board for a license by examination on the required forms, which includes the following:

(1) The applicant's social security number or if the applicant does not have a social security number, a sworn affidavit, under penalty of perjury, stating that he or she does not have a social security number; and

(2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly expose the area from the top of the forehead to the bottom of the chin.

(b) By submitting a written request to the Board for authorization to take the national examination prior to graduation;

(c) By arranging for the education institution to submit to the Board, official evidence under seal of the university or school indicating:

(1) The degree that the student is expected to receive; and

(2) The date that the student is expected to receive the degree.

(d) By meeting any other requirements as set forth by the Board; and

(e) By paying all required fees.

7005.3 Approval to take the national examination shall be effective for two (2) examinations or one hundred and twenty (120) days, which ever comes first.

7005.4 After graduating from the social work program, and taking the national examination, the student shall submit to the Board the required documents as set forth under § 7006.2(b)-(e) of this chapter to complete the applicant's application for a license by examination.

7005.5 An application that remains incomplete for one hundred and twenty (120) days or more from the date of submission shall be considered abandoned, and closed by Board. The applicant shall thereafter be required to reapply, comply with the current requirements for licensure, and pay the required fees.

7005.6 A license may not be granted until the Board receives proof of graduation.

Section 7006 is amended to read as follows:

7006 LICENSE BY EXAMINATION

7006.1 To qualify for a license by examination, an applicant shall:

(a) Be a graduate of a social work program accredited by the Council of Social Work Education at the time the applicant graduated;

(b) Receive a passing score on the required level on the national examination or on another examination determined by the Board to be equivalent;

(c) Meet the training requirements for the level of licensure sought; if any, and

(d) Meet any other requirements as set forth by the Board.

7006.2 To apply for a license by examination, an applicant shall:

(a) Submit a completed application to the Board on the required forms and include:

(1) The applicant's social security number on the application. If the applicant does not have a social security number, the applicant shall submit with the application a sworn affidavit, under penalty of perjury, stating that he or she does not have a social security number; and

(2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly expose the area from the top of the forehead to the bottom of the chin.

(b) Submit to the Board a certified transcript from an education institution which shall appear in the edition of the "List of Colleges and Universities with Accredited Social Work Degree Programs", published by the Council on Social Work Education applicable to the year in which the degree was conferred;

(c) Submit to the Board the applicant's certified or validated national examination results;

(d) Submit to the Board two (2) professional references and one (1) personal reference;

(e) Submit any other required documents; and

(f) Pay all required fees.

7006.3 An applicant for a license as an independent social worker or independent clinical social worker shall submit with the application the following:

(a) Proof satisfactory to the Board that:

(1) The applicant has completed the applicable supervised practice requirements of the Act under the supervision of a qualified supervisor as set forth under § 7013 of this chapter; and

(2) At least one hundred (100) hours of the applicant's three thousand (3000) hours of supervised practice was completed under the immediate face-to-face supervision of a qualified supervisor as set forth under § 7013 of this chapter.

(b) The name(s) of the applicant's supervisor(s);

(c) A statement detailing the nature and locations of the applicant's experience; and

(d) A signed statement from each supervisor during the required period of supervised practice on a form approved by the Board, which sets forth the following:

(1) The location at which and period of time during which the supervised practice took place;

(2) The hours of supervision of the applicant;

(3) The hours of immediate supervision of the applicant;

(4) The specific nature of and responsibilities included in the applicant's practice;

(5) A rating of the applicant's performance; and

(6) The qualifications of the supervisor to act as such pursuant to the Act and this chapter.

7006.4 The performance of an applicant subject to § 7006.3 during the required period of supervised practice shall at all times have been rated as satisfactory or better.

7006.5 An applicant for licensure in the District of Columbia who has obtained his or her required three thousand (3000) hours of post-master's or postdoctoral experience outside of the District of Columbia:

(a) Shall submit proof satisfactory to the Board that the hours were valid or legally recognized in the jurisdiction in which they were obtained; and

(b) Shall submit proof satisfactory to the Board that the applicant's supervisor met one of the following requirements:

(1) The supervisor was licensed in good standing in the United States as an independent social worker or independent clinical social worker, as applicable;

(2) The supervisor was licensed in good standing in the United States at a level equivalent to that of an District of Columbia independent social worker or independent clinical social worker, as applicable; or

(3) The supervisor was qualified for licensure, in good standing, as an independent social worker or independent clinical social worker in the District of Columbia, as applicable, regardless of whether or where the supervisor was licensed.

7006.6 If the applicant has obtained less than the required thousand (3000) hours of post-master's or postdoctoral experience, the applicant must obtain the remaining hours in or out of the District of Columbia before he or she will be granted licensure. If the applicant elects to complete the hours in the District of Columbia, the applicant must first obtain licensure under the Act at the next lower level, for which the applicant is qualified, in order to engage in supervised practice within the District.

7006.7 The Board shall recognize the hours validly or legally obtained outside of the District of Columbia and apply the hours toward the applicant's required total for licensure.

Section 7007 is amended to read as follows:

7007 LICENSE BY ENDORSEMENT

7007.1 An applicant is eligible for a license by endorsement if the applicant:

(a) Obtained initial licensure in the United States by an examination equivalent to the level of licensure for which the applicant is applying; and

(b) Is currently licensed in good standing as a social worker under the laws of a state or territory of the United States pursuant to licensure requirements which, as determined by Board, were substantially equivalent at the time of licensure to the requirements of this chapter.

7007.2 To apply for a license by endorsement, an applicant shall:

(a) Submit a completed application to the Board on the required forms and include:

(1) The applicant's social security number on the application. If the applicant does not have a social security number, the applicant shall submit a sworn affidavit, under penalty of perjury, with the application stating that he or she does not have a social security number; and

(2) Two (2) recent passport-type photographs of the applicant's face measuring

two inches by two inches (2" x 2") which clearly expose the area from the top of the forehead to the bottom of the chin.

(b) Submit a copy of his or her current license with the application;

(c) Obtain licensure verification from the original state or territory of licensure that the license is current and in good standing. The licensure verification form must be sent directly to the Board, by the verifying Board;

(d) Submit the applicant's certified or validated examination results, which shall confirm that the applicant has received a passing score on the required level of the national examination or on another examination determined by the Board to be equivalent;

(e) Meet any other requirements as set forth by the Board; and

(f) Pay all required fees.

7007.3 An application that remains incomplete for ninety (90) days or more from the date of submission shall be considered abandoned, and closed by the Board. The applicant shall thereafter be required to reapply, submit the required documents and completed forms, and pay the required fees.

7007.4 Nothing in this section shall be construed to prohibit the Board from utilizing other authorized databases to verify an applicant's current licensure standing in other jurisdictions of the U.S. or to review disciplinary records.

Section 7008 is amended to read as follows:

7008 CONTINUING EDUCATION REQUIREMENTS

7008.1 Except as provided in § 7008.2, this section shall apply to applicants for the renewal, reactivation, or reinstatement of a license.

7008.2 This section shall not apply to applicants for an initial District of Columbia license, nor to applicants for the first renewal of a license granted by examination.

7008.3 Continuing education credits (CEUs) may be granted only for programs or activities approved by the Board.

7008.4 Beginning with the renewal period of 2007, an applicant for renewal of a license shall have completed forty (40) hours of approved continuing education credit during the two-year period preceding the date the license expires. A minimum of six (6) hours of the total continuing education credits shall have been in ethics.

7008.5 To qualify for a license, an applicant in inactive status within the meaning of § 511 of the Act, D.C. Official Code § 3-1205.11 (2001), who submits an application to reactivate a license shall submit proof of having completed twenty (20) hours of approved continuing education credit for each year that the applicant was in active status.

7008.6 To qualify for a license, an applicant for reinstatement of a license shall submit proof of having completed twenty (20) hours of approved continuing education credit for each year that the license was expired.

7008.7 An applicant under this section shall submit with the application a completed form approved by the Board for each program for which continuing education credit is claimed, and shall maintain for a period of at least five (5) years the following information with respect to each program:

(a) The name and address of the sponsor of the program;

(b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;

(c) The dates on which the applicant attended the program;

(d) The hours of credit claimed; and

(e) Verification by the sponsor of completion, by signature or stamp.

7008.8 An applicant for renewal of a license who fails to submit proof of having completed continuing education requirements by the date the license expires may renew the license up to sixty (60) days after the expiration by submitting this proof and paying the required additional late fee.

7008.9 Upon submission of proof and payment, the applicant shall be deemed to have possessed a valid license during the period between the expiration of the license and the submission of the proof and payment.

7008.10 If an applicant for renewal of a license fails to submit proof of completion of continuing education requirements or pay the late fee within sixty (60) days after the expiration of the applicant's license, the license shall be considered to have lapsed on the date of expiration.

7008.11 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to submit proof of completion was for good cause.

7008.12 An applicant under this section shall prove completion of continuing education course work which was audited under § 7010.3 by submitting with the application

a verification of registration from the office of the registrar of the institution at which the course was audited.

Section 7009 is amended to read as follows:

7009 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

7009.1 The Board shall approve only continuing education programs and activities that contribute to the growth of an applicant in professional competence in the practice of social work and which meet the other requirements of this section.

7009.2 The Board may approve the following types of continuing education programs, if the programs meet the requirements of § 7009.6:

(a) An undergraduate or graduate course given at an accredited college or university;

(b) A seminar or workshop; and

(c) An educational program given at a conference.

7009.3 The Board may approve the following independent home studies and distance learning continuing education activities:

(a) Serving as an instructor or speaker at a conference, seminar, or workshop;

(b) Publication of an article in a professional journal, publication of a book or a chapter in a book, or publication of a book review in a professional journal or bulletin;

(c) Internet courses, video courses, telecourses, videoconferences, and teleconferences offered by accredited colleges or universities, or pre-approved by the ASWB; and

(d) Independent study programs directly related to social work approved by accredited college or university schools of social work, local or national professional social work organizations, the ASWB, or the Board.

7009.4 No more than twelve (12) CEUs may be accepted in any renewal period, or for reinstatement or reactivation of a license, for approved independent home studies and distance learning continuing education activities.

7009.5 Independent study programs shall not be used to satisfy the continuing education ethics requirement.

7009.6 To qualify for approval by the Board, a continuing education program shall meet the following requirements:

(a) Be current in its subject matter;

(b) Be developed and taught by qualified individuals in consultation with a licensed social worker; and

(c) Meet one of the following requirements:

(1) Be administered or approved by:

(A) A recognized social work, mental health, or human services organization that is approved by the Board; or

(B) A college or university that is accredited by an accrediting body recognized by the Secretary of the United States Department of Education or the Council on Postsecondary Accreditation; or

(2) Be submitted by the program sponsors to the Board for review no less than three (3) months prior to the date of the presentation and be approved by the Board.

7009.7 Requests for approval of continuing education programs received by the Board after the continuing education program has already occurred will not be approved or accepted.

7009.8 The Board may issue and update a list of approved continuing education organizations and programs.

7009.9 An applicant shall have the burden of verifying whether a program or activity is approved by the Board pursuant to this section prior to attending the program or engaging in the activity.

A new section 7010 is added to read as follows:

7010 CONTINUING EDUCATION CREDITS

7010.1 The Board may grant continuing education credit in whole hours only, with a minimum of fifty (50) minutes constituting one (1) credit hour.

7010.2 For approved undergraduate or graduate courses that are taken for educational credit, each semester hour of credit constitutes twenty (20) hours of continuing education credit, and each quarter hour of credit constitutes fourteen (14) hours of continuing education credit.

7010.3 For approved undergraduate or graduate courses that are audited, each semester hour shall constitute fifteen (15) hours of continuing education credit, and each quarter hour shall constitute ten (10) hours of continuing education credit.

7010.4 The Board may grant a maximum of six (6) continuing education credits per year for completing continuing education activities under § 7009.6.

7010.5 The Board may grant credit for preparation and presentation time to an applicant who serves as an instructor or speaker at an approved program under § 7009.6(a) subject to the following restrictions:

(a) The maximum amount of credit that may be granted for preparation time shall be twice the amount of the associated presentation time;

(b) If an applicant has previously received a credit in connection with a particular presentation, the Board shall not grant credit for a subsequent presentation unless it involves either a different subject or substantial additional research concerning the same subject; and

(c) The presentation shall have been completed during the period for which credit is claimed.

7010.6 The Board may grant continuing education credit under § 7009.6(b) only if the applicant proves to the satisfaction of the Board that the work has been published or accepted for publication during the period for which credit is claimed.

Section 7011 is amended to read as follows:

7011 STANDARDS OF CONDUCT

7011.1 Any holder of a license under this Chapter or any person authorized to practice social work or to perform social work functions under this Chapter shall comply with the standards of ethical and professional conduct established by the National Association of Social Workers in its publication entitled "Code of Ethics," as it may be amended or republished from time to time.

A new section 7012 is added to read as follows:

7012 SUPERVISION OF PRACTICE BY STUDENTS, APPLICANTS, AND SOCIAL WORKERS

7012.1 Only the following persons may practice under supervision:

(a) Students fulfilling educational requirements in a program which meets the requirements of § 103(c) of the Act, D.C. Official Code § 3-1201.03 and 17 DCMR § 7002.2;

(b) An applicant who is applying for his or her first license in the District provided that he or she has submitted all required documents including a passing test score on an examination approved by the Board;

(c) A licensed social work associate;

(d) A licensed graduate social worker; or

(e) A social worker licensed under the Act, who is obtaining the required three thousand (3000) hours of post-master's or postdoctoral experience pursuant to § 803 or § 804 of the Act, D.C. Official Code § 3-1208.03(a) or D.C. Official Code § 3-1208.04(a).

7012.2 A person who has been denied a license or disciplined, or who is the subject of a pending denial or disciplinary action, in the District or other jurisdiction shall not practice pursuant to this section unless authorized by the Board in writing to do so.

7012.3 Only a supervisor, meeting the qualifications as set forth in § 7013 of this chapter, shall be authorized to supervise the practice of social work in the District of Columbia.

7012.4 A supervisor shall be responsible for ensuring that the individual(s) under his or her supervision is authorized to practice under supervision and may be subject to disciplinary action for supervising unlicensed or unauthorized personnel.

7012.5 A student, applicant, or social worker shall practice social work under supervision only in accordance with the Act and this chapter.

7012.6 All supervised practice shall take place under supervision.

7012.7 Supervision shall include personal observation, evaluation, oversight, review, and correction of services provided by the supervisee.

7012.8 The supervisor shall have sufficient knowledge of all social work contacts of the supervisee's social work practice, including face to face contact with the client when necessary, to develop and to monitor effective service delivery procedures and the supervisee's treatment or service plan.

7012.9 All decisions by a supervisee which require the special skill, knowledge, or training of a social worker shall be made in collaboration with and with the approval of the supervisor. Such decisions may include, but are not limited to: type, duration, effectiveness, and method of services provided; fees and billing procedures; and approval of cases.

7012.10 At least one (1) hour of every thirty-two (32) hours of supervised practice shall be under immediate supervision.

7012.11 A supervisor shall be fully responsible for supervised practice by a student, applicant, or social worker during the period of supervision, and shall be subject to disciplinary action for any violation of the Act or this chapter by the person being supervised.

7012.12 A student or applicant shall identify himself or herself as such before practicing as a social worker.

7012.13 A student or applicant shall not receive compensation of any nature, directly or indirectly, from a patient, except for a salary based on hours worked under supervision.

7012.14 A student or applicant shall be subject to all applicable provisions of the Act and this subtitle. The Board may deny an application for a license by, or take other disciplinary action against, a student or applicant who is found to have violated the Act or this subtitle, in accordance with Chapter 41 of this title.

7012.15 If the Board finds that a student or applicant has violated the Act or this title, the Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the student or applicant to practice.

Section 7013 is amended to read as follows:

7013 SUPERVISOR QUALIFICATIONS

7013.1 Only an independent social worker or independent clinical social worker licensed under the Act, in good standing, who is an appointed faculty member of the accredited school, college, or university, shall be authorized to supervise the practice of a student.

7013.2 Only an independent social worker or independent clinical social worker licensed under the Act, in good standing, shall be authorized to supervise the practice of:

(a) A licensed social work associate;

(b) A licensed graduate social worker;

(c) An applicant pending licensure in the District as a social work associate, graduate social worker, or independent social worker; or

(d) A social worker licensed under the Act, who is obtaining the required three thousand (3000) hours of post-master's or postdoctoral experience pursuant to § 803 of the Act, D.C. Official Code § 3-1208.03(a).

7013.3 Only an independent clinical social worker licensed under the Act, in good standing, shall be authorized to supervise the practice of:

(a) An applicant pending licensure in the District as an independent clinical social worker; or

(b) A social worker licensed under the Act, who is obtaining the required three thousand (3000) hours of post-master's or postdoctoral experience pursuant to § 804 of the Act, D.C. Official Code § 3-1208.04(a).

Section 7099.1 is amended as follows:

a) The following term is repealed:

General supervision- a supervision in which the supervisor is available on the premises or by communications device at the time the supervisee is practicing.

b) The following terms with the ascribed meanings are added as follows:

National Examination- the social work licensing examination sponsored by the Association of Social Work Boards.

Supervisee – a student, applicant, or social worker authorized to engage in supervised practice under § 7012.

Supervision- A formalized professional relationship between a supervisor and supervisee in which the supervisor directs, monitors, and evaluates the supervisee's social work practice while promoting development of the supervisee's knowledge, skills, and abilities to provide social work services in an ethical and competent manner.

Supervisor – a social worker licensed under the Act, or a qualified supervisor under § 7013, as the context requires, who is responsible for the supervision of a supervisee.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF FINAL RULEMAKING

The Director of the District of Columbia Department of Transportation (DDOT), pursuant to the authority of Section 7 of the Terrorism Prevention in Hazardous Materials Transportation Temporary Act of 2005, effective May 14, 2005 (D.C. Law 16-2), or any substantially identical successor legislation ("Act"); Mayor's Order 2005-34 (February 22, 2005); Section 3(b) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.02(b)); and Mayor's Order 2003-11 (January 16, 2003), hereby gives notice of the adoption of an amendment to Title 24, "Public Space and Safety," by adding a new Chapter 26. The new chapter requires that any carrier engaged in the transportation of certain ultra-hazardous materials within 2.2 miles of the United States Capitol obtain an Ultra-Hazardous Materials Transport Permit. The chapter further describes the permit application procedures; outlines enforcement and adjudication provisions; and establishes a schedule of fines associated with violations of the Act, chapter, and permit.

Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on April 1, 2005, at 52 DCR 3446. Only one set of comments was received with regard to these rules. The comments asserted that no substantive standard had been provided in the rules to determine whether there is no practical alternative route that can be used to move ultra-hazardous material through the District, and no timeframe had been proposed in the rules in which an Ultra-Hazardous Materials Transport Permit must be issued or denied. No changes have been made since publication as a Notice of Emergency and Proposed Rulemaking.

These final rules will be effective upon publication of this notice in the *D.C. Register*, however, this chapter will not be enforced against a carrier who owns a locomotive used in providing transportation of ultra-hazardous materials until thirty (30) days after a court has determined that the Act is not:

(a) A violation of the Commerce Clause of the U.S. Constitution;

(b) Preempted under the Interstate Commerce Clause Commission Termination Act, 49 U.S.C. § 10501(b);

(c) Preempted under the Federal Railroad Safety Act, 49 U.S.C. § 20106;

(d) Preempted under the Hazardous Materials Transportation Act, 49 U.S.C. § 5125; and

(e) An *ultra vires* act under the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*) (2001).

Further, this chapter will not apply to motor vehicle carriers until thirty (30) days after one of the provisions in Section 2604.2 has occurred.

TITLE 24 DCMR, Public Space and Safety, is amended by adding a new Chapter 26 to read as follows:

CHAPTER 26 TRANSPORTATION OF ULTRA-HAZARDOUS MATERIALS

2600 ULTRA-HAZARDOUS MATERIALS TRANSPORT PERMIT

2600.1 Except as provided in § 2600.4, no carrier shall move a rail car or motor vehicle containing any of the following within the Capitol Exclusion Zone without an Ultra-Hazardous Materials Transport Permit issued by the Department:

(a) Explosives of Class 1, Division 1.1, or Class 1, Division 1.2, as designated in 49 C.F.R. § 173.2, in a quantity greater than 500 kilograms;

(b) Flammable gasses of Class 2, Division 2.1, as designated in 49 C.F.R. § 173.2, in a quantity greater than 10,000 liters;

(c) Poisonous gasses of Class 2, Division 2.3, as designated in 49 C.F.R. § 173.2, in a quantity greater than 500 liters, and belonging to Hazard Zones A or B, as defined in 49 C.F.R. § 173.116; or

(d) Poisonous materials, other than gasses, of Class 6, Division 6.1, in a quantity greater than 1,000 kilograms, and belonging to Hazard Zones A or B, as defined in 49 C.F.R. § 173.133.

2600.2 Except as provided in § 2600.4, no carrier shall move a rail car or motor vehicle within the Capitol Exclusion Zone without a Hazardous Materials Transport Permit issued by the Department that:

(a) Is capable of containing explosives of Class 1, Division 1.1, or Class 1, Division 1.2, as designated in 49 C.F.R. § 173.2, in a quantity greater than 500 kilograms, and has exterior placarding or other markings indicating that it contains such materials;

(b) Is capable of containing flammable gasses of Class 2, Division 2.1, as designated in 49 C.F.R. § 173.2, in a quantity greater than 10,000 liters, and has exterior placarding or other markings indicating that it contains such materials;

(c) Is capable of containing poisonous gasses of Class 2, Division 2.3, as designated in 49 C.F.R. § 173.2, in a quantity greater than 500

liters, and belonging to Hazard Zones A or B, as defined in 49 C.F.R. § 173.116, and has exterior placarding or other markings indicating that it contains such materials; or

(d) Is capable of containing poisonous materials, other than gasses, of Class 6, Division 6.1, in a quantity greater than 1,000 kilograms, and belonging to Hazard Zones A or B, as defined in 49 C.F.R. § 173.133, and has exterior placarding or other markings indicating that it contains such materials.

2600.3 There shall be two (2) types of Ultra-Hazardous Materials Transport Permits:

(a) Single-trip permit: Covers a one-time movement by a carrier of:

(1) Ultra-hazardous material by rail car(s) or motor vehicle(s) within the Capitol Exclusion Zone; or

(2) Ultra-hazardous material by empty rail car(s) or motor vehicle(s) within the Capitol Exclusion Zone.

(b) Annual permit: Covers for one (1) year:

(1) Recurring movements within the Capitol Exclusion Zone by a carrier of an ultra-hazardous material moved from the same point of origination to the same point of termination; or

(2) All movements within the Capitol Exclusion Zone by a carrier of empty rail cars or motor vehicles, provided the carrier shall present documentation upon request by the Director or his designated representative sufficient to verify the empty rail cars or motor vehicles.

2600.4 No carrier shall be required to obtain an Ultra-Hazardous Materials Transport Permit if the Director has declared an emergency.

2601 ULTRA-HAZARDOUS MATERIALS TRANSPORT PERMIT APPLICATION PROCEDURES

2601.1 The carrier shall complete a permit application for an Ultra-Hazardous Materials Transport Permit provided by the Public Space Management Administration.

2601.2 In addition to such other information as the Public Space Management Administration may request, the permit application for an Ultra-Hazardous Materials Transport Permit shall include the following information:

(a) Type of ultra-hazardous material to be moved within the Capitol Exclusion Zone;

(b) Whether a rail car or motor vehicle will move the ultra-hazardous material within the Capitol Exclusion Zone;

(c) Route of the rail car or motor vehicle moving the ultra-hazardous material, including points of origination and termination;

(d) Statement and supporting documentation explaining why there is no practical alternative route that can be used to move the ultra-hazardous material;

(e) Emergency contact information; and

(f) Statement establishing that by signing the application, the carrier attests that the information provided on the application is true and complete.

2601.3 The carrier shall submit the completed Ultra-Hazardous Materials Transport Permit application to the Public Space Management Administration.

2601.4 After review and analysis of the information provided on the completed Ultra-Hazardous Materials Transport Permit application and upon receipt of the appropriate permit fee, the Director may:

(a) Issue a permit upon a demonstration that there is no practical alternative route; or

(b) Deny the permit.

2601.5 If the Director denies the permit application, the carrier may appeal the Director's denial by filing a request for a hearing with the Office of

Administrative Hearings within fifteen (15) days after the Director's denial was issued.

2601.6 If the Ultra-Hazardous Materials Transport Permit is denied by the Director, the carrier may request that the Director reconsider the permit application. A request for reconsideration shall not act to stay the time for filing a request for hearing under § 2601.5.

2601.7 The Ultra-Hazardous Materials Transport Permit shall expire:

(a) Single-trip permit: Seven (7) days after the designated date of movement of the ultra-hazardous material;

(b) Annual permit: Three hundred sixty-five (365) days after the date of issuance.

2601.8 The Ultra-Hazardous Materials Transport Permit fee shall be:

(a) Single-trip permit: Three hundred dollars ($300);

(b) Annual permit: One thousand dollars ($1,000).

2602 ENFORCEMENT AND ADJUDICATION

2602.1 An enforcement action for any violation of the Act, this chapter, or any condition of an Ultra-Hazardous Materials Transport Permit shall be commenced with a written Notice of Violation (NOV) issued to any person deemed appropriate by the Director.

2602.2 The NOV shall be in the form prescribed by the Director and shall contain:

(a) The name and address of the respondent;

(b) A citation to the law or rule that the respondent allegedly violated;

(c) The nature, time, and place of the violation;

(d) The amount of the penalty applicable to the violation;

(e) Notification that the penalty must be paid within fifteen (15) days from the date of service of the NOV; and

(f) A statement explaining that the respondent has a right to request a hearing on the violation charged in the NOV; and

(g) The procedure by which the respondent may request a hearing on the violation charged in the NOV.

2602.3 The Director shall effect service of the NOV on a respondent by one of the following methods:

(a) Personal service on the respondent or respondent's agent;

(b) Delivering the NOV to the last known home or business address of the respondent or respondent's agent and leaving it with a person over the age of sixteen (16) years old residing or employed therein; or

(c) Mailing the NOV to the last known home or business address of the respondent or respondent's agent. For purposes of this section, "respondent's agent" means a general agent, employee, or attorney of the respondent.

2602.4 A respondent shall answer the NOV in accordance with this section within fifteen (15) days from the date of service of the NOV. In response to an NOV, a respondent shall do the following:

(a) Admit the violation and enclose the amount of the fine stated on the NOV by use of a personal check, company check, certified check, cashier's check, postal money order, or bank money order made payable to the order of the District of Columbia Treasurer; or

(b) Deny the commission of the violation and request a hearing to contest the violation.

2602.5 If a respondent has been served an NOV and fails, without good cause, to answer within fifteen (15) days from the date of service, the respondent shall be liable for the penalty applicable to the violation.

2602.6 Upon receipt of a respondent's answer denying the commission of a violation and requesting a hearing, the Director shall commence a case before the Office of Administrative Hearings and that case shall be adjudicated pursuant to the regulations of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1821 *et seq.*).

2603 SCHEDULE OF FINES

2603.1 Any person found in violation of the Act, this chapter, or any condition of an Ultra-Hazardous Materials Transport Permit shall be subject to penalties in accordance with the following schedule:

(a) First offense: Ten thousand dollars ($10,000);

(b) Subsequent offenses: Twenty-five thousand dollars ($25,000).

2603.2 Each violation shall be treated separately. When the violation is a continuing one, each day of the violation constitutes a separate offense.

2603.3 The Director may temporarily suspend or revoke an Ultra-Hazardous Materials Transport Permit when it can be demonstrated that a carrier has violated the Act, this chapter, or any condition of an Ultra-Hazardous Materials Transport Permit.

2603.4 If any person fails to pay any penalty, costs, or interest due as the result of any violation of the Act, this chapter, or any condition of an Ultra-Hazardous Materials Transport Permit, the Director may use any method described in section 8(f) of the Litter Control Administration Act of 1985, effective March 6, 2002 (D.C. Law 14-78; D.C. Official Code § 8-807(f)) (2004 Supp.) to obtain payment.

2604 APPLICABILITY

2604.1 Beginning on April 11, 2005, this chapter shall apply to carriers who own locomotives used in providing transportation of ultra-hazardous materials.

2604.2 This chapter shall not apply to a carrier who owns a motor vehicle (excluding the trailer) used in providing transportation of ultra-hazardous materials until thirty (30) days after:

(a) A court or Federal agency with jurisdiction has determined that the Act is not preempted by 49 U.S.C. § 5125 or 49 C.F.R. § 397.69;

(b) The Director certifies that the criteria listed in 49 C.F.R. § 397.71 have been met; or

(c) A waiver of preemption has been granted pursuant to 49 C.F.R. §§ 397.213 and 397.219.

2699 DEFINITIONS

2699.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed below:

Act – the Terrorism Prevention in Hazardous Materials Transportation Temporary Act of 2005, effective May 14, 2005 (D.C. Law 16-2), or any substantially identical successor legislation.

Capitol Exclusion Zone – all points within 2.2 miles of the United States Capitol building, except for land located beyond the geographic boundaries of the District of Columbia.

Carrier – the person who owns the locomotive or motor vehicle (excluding the trailer) used in providing transportation of ultra-hazardous materials.

C.F.R. – Code of Federal Regulations.

Department – the District of Columbia Department of Transportation.

Director – the Director of the District of Columbia Department of Transportation.

District – the District of Columbia.

Emergency – an unanticipated, temporary situation that threatens the immediate safety of individuals or property.

Empty Rail Car or Motor Vehicle – A rail car or motor vehicle that is capable of containing ultra-hazardous material, has exterior placarding or other markings indicating that it contains such material, and contains less than one percent (1%) by capacity or volume of any ultra-hazardous material.

Motor Vehicle – any vehicle propelled by internal-combustion engine, electricity, or steam, other than a vehicle designed to run only on rails or tracks, that is intended or used for moving freight, merchandise, or other commercial loads or property. A motor vehicle shall include any trailer attached to the motor vehicle.

Person – an individual, corporation, company, firm, agency, association, partnership, organization, or commercial entity. The term also includes a trustee, receiver, assignee, personal representative, or authorized agent thereof.

Practical Alternative Route – a route that lies entirely outside of the Capitol Exclusion Zone and whose use would not make movement of ultra-hazardous material cost-prohibitive.

Public Space Management Administration – an administration within the Department that is responsible for the issuance of public space permits, or any successor District government entity.

Rail Car – any vehicle without motor power that is intended or used for moving freight, merchandise, or other commercial loads or property on rails or tracks and is drawn by locomotive.

Trailer – a vehicle without motor power intended or used for carrying freight, merchandise, or other commercial loads or property and drawn or intended to be drawn by a motor vehicle, whether such vehicle without motor power carries the weight of the property wholly on its own structure or whether a part of such weight rests upon or is carried by a motor vehicle.

Transportation – movement of a rail car or motor vehicle within the Capitol Exclusion Zone.

Ultra-Hazardous Material – explosives of Class 1, Division 1.1, or Class 1, Division 1.2, as designated in 49 C.F.R. § 173.2, in a quantity greater than 500 kilograms; flammable gasses of Class 2, Division 2.1, as designated in 49 C.F.R. § 173.2, in a quantity greater than 10,000 liters; poisonous gasses of Class 2, Division 2.3, as designated in 49 C.F.R. § 173.2, in a quantity greater than 500 liters, and belonging to Hazard Zones A or B, as defined in 49 C.F.R. § 173.116; or poisonous materials, other than gasses, of Class 6, Division 6.1, in a quantity greater than 1,000 kilograms, and belonging to Hazard Zones A or B, as defined in 49 C.F.R. § 173.133.

U.S.C. – United States Code.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF FINAL RULEMAKING

The District members of the Board of Directors ("the Board") of the District of Columbia Water and Sewer Authority ("the Authority"), pursuant to the authority set forth in the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11), (18), (30) and 216; D.C. Official Code §§ 34-2202.03(3), (11), (18), (30) and 34-2202.16) at its regular meeting held on December 1, 2005 took final action to adopt the following amendments to the Water and Sanitation Regulations (21 DCMR) Chapter 4, Section 407, as proposed in the Notice of Proposed Rulemaking. The rules revise the referenced section to establish new rules for the adjustment of water bills when leaks occur between the meter and the structures that are served by the meter, and underground leaks.

The Authority's proposed rulemaking was originally published in the July 22, 2005 edition of the D.C. Register, (52 DCR 6856). No comments were received on the proposed rulemaking.

This final rulemaking will be effective when published in the D.C. Register.

Title 21 DCMR Chapter 4 "Contested Water and Sewer Bills" Section 407 "Adjustment for Leaks Which Occur Between the Meter and the Structures that are Served by the Meter and for Underground Leaks" is amended to read as follows:

407 ADJUSTMENT FOR LEAKS WHICH OCCUR BETWEEN THE METER AND THE STRUCTURES THAT ARE SERVED BY THE METER AND FOR UNDERGROUND LEAKS

407.1 When a meter leak is discovered, the Authority shall make the repairs. A licensed plumber may make the necessary repairs at the expense of the Authority if the amount and nature of the repairs is approved in advance by the General Manager but only if the General Manager has not determined that the leak constitutes an emergency or unsafe condition.

407.2 The General Manager shall investigate the cause and location when notified of the possibility of leaks. If the investigation discloses a leak, other than a meter leak, of indeterminate location in the underground service, or at some other location where the leak is not apparent from visual or other inspection, the General Manager shall determine whether the leak is on public space, on private property, or

on property that is under the control of the occupant.

407.3 If, pursuant to § 407.2 the leak is determined to have been caused by the Authority, or is determined to be in public space, the Authority shall repair the leak and the General Manager shall adjust the bill to equal the average consumption of water at the same premises for up to three (3) previous comparable periods for which records are available. If the leak is determined to have been caused by the owner or occupant, no adjustment shall be made.

407.4 If, pursuant to § 407.2 the leak is determined to be on private property or on property that is under the control of the owner or occupant, the owner or occupant shall repair the leak. The General Manager may, at his discretion, upon request of the owner, adjust the bill(s) for the periods during which the leak occurred by an amount not to exceed 50% of the excess water usage over the average consumption of water at the same premises for up to three (3) previous comparable periods for which records are available. The General Manager may take the following into consideration in determining whether there should be a reduction in the bill(s):

(a) There has been no negligence on the part of the owner or occupant in notifying the Department of unusual conditions indicative of a waste of water;

(b) The owner has taken steps to have the leak repaired promptly upon discovery of a leak on private property;

(c) Repairs have been made by a District registered plumber and approved by the Chief, Plumbing Inspection Branch, Department of Consumer and Regulatory Affairs, or his or her designee in accordance with D.C. Code §8-205;

(d) Form ES-138 has been obtained from the Authority, completed in full, signed by the owner or occupant, and certified by the plumber who made the repairs; and

(e) The request for adjustment has been made promptly.

The General Manager may, at his discretion, adjust up to 100% of the excess sewer charges resulting from an underground leak if it is determined that the excess water usage did not enter the wastewater system.

407.5 No Adjustment shall be made if the leak is determined to have been caused by the owner or occupant.