

DEPARTMENT OF HEALTH
NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under section 302(14) of the D.C. Health Occupations Revision Act of 1985, 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 intent to adopt the following amendments to chapter 66 of Title 17 of the District of Columbia Municipal Regulations (DCMR). The Proposed Rulemaking was published on April 4, 2008 at 55 DCMR 003491. No comments were received and no changes have been made to the proposed rulemaking. These final rules will become effective upon publication of this notice in the D. C. Register.

Chapter 66 (Professional Counseling) of Title 17 DCMR (Business, Occupations & Professions) (May 1994) is amended by adding new sections 6610, 6611, and 6612 to read as follows:

Add new sections 6610, 6611, 6612 and 6613 to read as follows:

6610 CONTINUING EDUCATION REQUIREMENTS

- 6610.1 This section shall apply to applicants for the renewal, reactivation, or reinstatement of a license expiring December 31, 2008, and for subsequent terms.
- 6610.2 This section shall not apply to applicants for an initial license by examination, reciprocity, or endorsement, nor shall it apply to applicants for the first renewal of a license granted by examination.
- 6610.3 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with § 6611.
- 6610.4 An applicant for renewal of a license shall submit proof of having completed forty (40) hours of approved continuing education credit during the two-year (2) period preceding the date the license expires. Six of the forty (40) hours shall be in Ethics and four (4) of the forty (40) hours shall be in Trauma Counseling.
- 6610.5 To qualify for a license, a person in inactive status within the meaning of § 511 of the Act, D.C. Official Code § 3-1205.11, who submits an application to reactivate a license shall submit proof of having completed twenty (20) hours of approved continuing education credit within one (1) year prior to application for each license year after December 31, 2000, that the applicant was in inactive status. A minimum of six (6) hours shall

be in Ethics and four (4) hours shall be in Trauma Counseling.

- 6610.6 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 after December 31, 2000, that the applicant was not licensed. A minimum of six (6) hours shall be in Ethics and four (4) hours shall be in Trauma Counseling.
- 6610.7 An applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:
- (a) The name and address of the sponsor of the program;
 - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
 - (c) The dates on which the applicant attended the program;
 - (d) The hours of credit claimed;
 - (e) Verification by the sponsor of completion, by signature or stamp; and
 - (f) An applicant under this section shall prove completion of continuing education course work by submitting with the application a signed statement from the instructor on university stationery for each class attended.
- 6610.8 An applicant under this section shall prove completion of individualized learning under § 6611.7(c) by submitting a signed statement from the supervisor which sets forth the information required by § 6602.4.
- 6610.9 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 expiration by submitting proof and paying the required additional late fee.
- 6610.10 Upon submitting proof and paying the late fee, the applicant shall be deemed to have possessed a valid license during the period between the expiration of the license and the submission of the required documentation and payment of the late fee.
- 6610.11 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.

6610.12 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.

6611 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

6611.1 The Board may, in its discretion, approve continuing education programs and activities that contribute to the growth of an applicant in professional competence in the professional counseling field and which meet the other requirements of this section.

6611.2 The Board may approve the following types of continuing education programs, if the program meets the requirements of § 6611.4:

- (a) A graduate course given at an accredited college or university;
- (b) A seminar or workshop;
- (c) An educational program given at a conference;
- (d) In-service training; and
- (e) Formally organized learning activities including distance learning and home study.

6611.3 Formally organized learning activities including distance learning and home study shall be counted at their full hour value. Hours shall be obtained from one or a combination of the following board-approved mental health related activities:

- (a) Regionally accredited university graduate level academic courses in a behavioral health discipline;
- (b) Continuing education programs offered by universities or colleges;
- (c) Workshops, seminars, conferences, or courses in the behavioral health field offered by federal, state, or licensed health facilities and licensed hospitals;
- (d) Workshops, seminars conferences, or courses in the behavioral health field offered by an individual or organization that has been certified or

approved by one of the following:

- (1) The American Mental Health Counselors Association (AMHCA) including state and local affiliates;
- (2) The International Association of Marriage and Family Counselors and its state affiliates;
- (3) The American Association of Marriage and Family Therapists and its state affiliates;
- (4) The American Association of State Counseling Boards;
- (5) The American Counseling Association and its state and local affiliates;
- (6) The American Psychological Association and its state affiliate;
- (7) The Commission on Rehabilitation Counselor Certification;
- (8) The Association for Addiction Professionals and its state and local affiliates;
- (9) The National Association of Social Workers;
- (10) The National Board for Certified Counselors;
- (11) A national behavioral health organization or certification body;
- (12) Individuals or organizations that have been approved as continuing competency sponsors by the American Association of State Counseling Boards or a counseling board in another state;
- (13) The Association for Play and Art Therapy; and
- (14) The American School Counselor Association and its state affiliates.

6611.4 To qualify for approval by the Board, a continuing education program shall:

- (a) Be current in its subject matter;
- (b) Be developed and taught by qualified individuals; and

(c) Meet one of the following requirements:

(1) Be administered or approved by a recognized professional counseling organization, accredited health care facility, or accredited college or university; or

(2) Be submitted by the program sponsors to the Board for review no less than sixty (60) days prior to the date of the presentation and be approved by the Board.

6611.5 The Board may issue and update a list of approved continuing education programs.

6611.6 An applicant shall have the burden of verifying whether a program is approved by the Board pursuant to this section prior to attending the program.

6611.7 The Board may approve the following continuing education activities:

(a) Serving as a speaker at a conference, seminar, workshop, or in-service training;

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

(c) Individualized learning under the immediate supervision of a professional counselor, psychologist, psychiatrist, or independent clinical social worker licensed in a jurisdiction of the United States.

6612 CONTINUING COMPETENCY COURSES

6612.1 The Board may, in its discretion, approve courses that contribute to the competency of a professional counselor in one or more of the following areas:

(a) Ethics (standards of practice or laws governing behavioral science professions);

(b) Counseling theory;

(c) Human growth and development;

(d) Social and cultural foundations;

(e) The helping relationship;

- (f) Group dynamics, processing and counseling;
- (g) Lifestyle and career development;
- (h) Appraisal of individuals;
- (i) Research and evaluation;
- (j) Professional orientation;
- (k) Clinical supervision;
- (l) Marriage and family therapy;
- (m) Addictions; or
- (n) Trauma.

6613 CONTINUING EDUCATION CREDITS

- 6613.1 The Board may grant continuing education credit for whole hours only, with a minimum of fifty (50) minutes constituting one (1) credit hour.
- 6613.2 The Board may, in its discretion, audit up to five percent (5%) of the renewal applications to ensure that the continuing education requirement has been met.
- 6613.3 For graduate courses that are taken for educational credit, each semester hour of credit shall constitute ten (10) hours of continuing education credit, and each quarter hour of credit shall constitute fifteen (15) hours of continuing education credit.
- 6613.4 The Board may grant a maximum of five (5) continuing education credits per year to an applicant who attends in-service education programs.
- 6613.5 The Board may grant a maximum of fifty percent (50%) of an applicant's continuing education requirement for completing continuing education activities under § 6611.6
- 6613.6 The Board may grant credit for preparation and presentation time to an applicant who serves as a speaker at an approved program.
- 6613.7 The maximum amount of credit that may be granted for preparation time is twice the amount of the associated presentation time.

- 6613.8 If an applicant has previously received 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.
- 6613.9 The presentation shall have been completed during the period for which credit is claimed.
- 6613.10 The Board may grant continuing education credit under § 6611.6(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.
- 6613.11 The Board may grant continuing education credits for the following:
- (a) New program development that shall count for a maximum of eight (8) hours. New program development includes a new course, seminar, or workshop. New courses shall be graduate or undergraduate level college or university courses.
 - (b) Dissertation that shall count for a maximum of 18 hours. Dissertation credit may only be counted once.
 - (c) Clinical supervision or consultation given or received outside of the place of employment shall count for a maximum of ten hours.
 - (d) Leadership positions that shall count for a maximum of ten (10) hours.
- 6613.12 The following leadership positions are acceptable for continuing competency credit:
- (1) Officer of state or national counseling organization;
 - (2) Editor and or reviewer of professional counseling journal;
 - (3) Member of a national ethics disciplinary review committee rendering licenses;
 - (4) Active member of a counseling committee producing a substantial written product; and
 - (5) Chair of a major counseling conference or convention;
 - (6) Other leadership positions with justifiable professional learning experiences.

- 6613.13 Pursuant to § 6613.12, to receive credit for the leadership position, the position shall last for a minimum of one (1) year after the date of first licensure.
- 6613.14 Practice-related programs shall count up to a maximum of eight (8) hours. The board may allow up to eight (8) contact hours of continuing competency as long as the licensee submits proof of attendance plus a written justification of how the activity assists him or her in his or her direct service to clients. Examples include: language courses, software training, medical topics, etc.
- 6613.15 Membership in a state counseling licensure or certification board shall count for a maximum of ten (10) hours of continuing education credit for each year of membership.

**D.C. DEPARTMENT OF HUMAN RESOURCES
METROPOLITAN POLICE DEPARTMENT**

NOTICE OF FINAL RULEMAKING

The Director, D.C. Department of Human Resources, and the Chief, Metropolitan Police Department, with the concurrence of the City Administrator, pursuant to Mayor's Order 2000-83, dated May 30, 2000; in accordance with the provisions of section 801 (a) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-608.01 (a)) (2007 Supp.); and the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), as amended by the Human Rights Clarification Amendment Act of 2005, effective March 8, 2006 (D.C. Law 16-58; D.C. Official Code § 2-1401.01 (2007 Repl.)) (Collectively referred to as the Act), hereby gives notice of final rulemaking action. The rules amend section 803.2 of Chapter 8, Career Service, of Title 6 of the District of Columbia Municipal Regulations (DCMR), to add *gender identity or expression, familial status, genetic information, disability (instead of physical handicap), and status as victim of an intrafamily offense*, to the list of prohibited discriminatory personnel practices under the Act. Additionally, the following amendments were made: amendments to section 802.1; amendments to sections 803.3 through 803.5; an amendment to section 813.2 *on probationary period requirements*, to provide that correctional officers first hired after the effective date of this provision shall be required to complete an eighteen-month (18-month) probationary period; amendments to section 823, *Term Appointment*; and an amendment to section 838, *Time-In-Grade Requirements for Positions under Career Service Salary Schedules (Union and Non-Union)*, to provide criteria to allow waivers of the one-year (1-year) time-in-grade restriction for promotions within the Career Service. No comments were received and no changes were made under the notice of proposed rulemaking published on May 2, 2008 (55 DCR 5286). Final rulemaking action was taken on July 8, 2008.

CHAPTER 8

CAREER SERVICE

Chapter 8 of the D.C. Personnel Regulations is amended as follows:

Section 802.1 is amended to read as follows:

802.1 As provided in section 801 (a) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 2, 1979 (D.C. Official Code § 1- 608.01 (a)) (2007 Supp.), and except as otherwise provided by law or regulation, all initial appointments to the Career Service and all subsequent assignments and promotions of employees in the Career Service shall be made by open competition, involving positive recruitment and examining procedures designed to achieve maximum objectivity, reliability, and validity. All such initial appointments and subsequent assignments and promotions shall be made on the basis of merit by

selection from the highest qualified available eligibles based on specific job requirements with appropriate regard for affirmative action goals, veterans preference, and residency preference.

Sections 803.2 through 803.5 are amended to read as follows:

- 803.2 In accordance with the D.C. Human Rights Act of 1977 (Act), effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), as amended (2001 and 2007 Supp.), the District government does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, and place of residence or business.
- 803.3 No public official may appoint, employ, promote, advance, or advocate for appointment, employment, or promotion, in or to a Career Service position in the agency in which he or she is serving or over which he or she exercises jurisdiction or control an individual who is a relative of the public official.
- 803.4 A personnel authority may not appoint, employ, promote, or advance an individual in or to a Career Service position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official who is serving in or exercising jurisdiction or control over the agency and is a relative of the individual.
- 803.5 A public official who appoints, employs, promotes, advances, or advocates the appointment, employment, promotion, or advancement of any individual in violation of section 803.3 of this section, shall be required to reimburse the District government for any funds improperly paid to the individual.

Section 813.2 is amended to read as follows:

- 813.2 An employee who is appointed to a Career Appointment (Probationary), including initial appointment with the District government in a supervisory position, shall be required to serve a probationary period of one (1) year, except in the case of an individual appointed on or after the effective date of this provision to an entry-level police officer position in the Metropolitan Police Department or an entry-level correctional officer position in the Department of Corrections or Department of Youth Rehabilitation Services, who shall be required to serve a probationary period of eighteen (18) months.

Section 823 is amended to read as follows:

823 TERM APPOINTMENT

- 823.1 A personnel authority may make a term appointment for a period of more than one (1) year when the needs of the service so require and the employment need is for a limited period of four (4) years or less.
- 823.2 Term appointments may be extended beyond the four (4) year limit with the prior approval of the personnel authority.
- 823.3 Term appointments at and above grade level CS-13 or equivalent shall result from open competition, except in the case of a candidate who is eligible for reinstatement.
- 823.4 An agency may make a non-competitive term appointment to a position at or below grade level CS-12, or equivalent; except that the Chief, Metropolitan Police Department, is authorized to make non-competitive term appointments to positions at any grade level.
- 823.5 Except as provided in section 823.6 of this section, a person appointed to a term appointment shall meet the minimum qualification requirements for the position.
- 823.6 A veteran who is an applicant for a term appointment at grade level CS-3 or below, or equivalent, shall be considered to be qualified to perform the duties of the position on the basis of his or her total experience, including military service, without regard to the qualification requirements.
- 823.7 An employee serving under a term appointment shall not acquire permanent status on the basis of the term appointment, and shall not be converted to a regular Career Service appointment without further competition, unless eligible for reinstatement.
- 823.8 Employment under a term appointment shall end automatically on the expiration of the appointment, unless the employee has been separated earlier.
- 823.9 Except as specified in section 813.2 of this chapter in the case of correctional officers, a term employee shall serve a probationary period of one (1) year upon initial appointment.
- 823.10 A term employee may be promoted and reassigned to another term position by new term appointment; provided that the competitive and non-competitive promotion provisions in sections 829 and 830 of this chapter are followed.
- 823.11 Notwithstanding any other provision of this section and this chapter, in the case of grant-funded positions, promotions and reassignments of term employees paid under the grant shall be made by new term appointment with specific time limitations coterminous (same) with the expiration date of the grant.

Section 838.6 is amended to read as follows:

- 838.6 Notwithstanding the provisions of section 838.5 of this section, the one (1) year time-in-grade restriction may be waived in the case of an employee who does not meet the time in grade requirement but meets the qualifications requirements for the position and

is ranked among the best qualified candidates and within reach for selection, based on the following criteria:

- (a) On the basis of the employee's total work history;
- (b) When the employee has performed work related to the higher grade position at a level at least commensurate (equivalent) to the higher grade position;
- (c) On the basis of the employee's education, superior academic credentials, or superior academic achievements; or
- (d) For reasons of hardship, inequity, or in especially meritorious cases.

A new section 838.7 is added to read as follows:

838.7 While an employee's salary history (i.e., previous higher salary) shall not automatically be considered the determining factor in waiving the time-in-grade restriction under section 838.6 of this section, it may be considered along with the criteria specified in that section.

Section 838.7 is renumbered as 838.8 and amended to read as follows:

838.8 An employee promoted under the conditions described in section 838.6 of this section may be advanced more than two (2) grade levels at a time.

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

NOTICE OF FINAL RULEMAKING

FORMAL CASE NO. 1002, IN THE MATTER OF THE JOINT APPLICATION OF
PEPCO AND THE NEW RC, INC. FOR AUTHORIZATION AND APPROVAL OF
MERGER TRANSACTION

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice pursuant to District of Columbia Official Code Section 2-505,¹ of the final rulemaking action taken on July 2, 2008, approving the Potomac Electric Power Company (“Pepco” or “Company”) and the District of Columbia Smart Meter Pilot Program, Inc.’s (“SMPPI”) Revised Tariff Application.²

2. On May 9, 2008, Pepco filed a Revised Tariff on behalf of the Smart Meter Pilot Program (“SMPPI”).³ In its Revised Tariff Application, the Company proposes to correct page R-44-2 of the PowerCentsDC Project Rider by changing the LMP price factor for the HP-AE rate from 127.27% to 127.75%.⁴

3. Accordingly, Pepco/SMPPI seeks authority to revise the following tariff page:

POTOMAC ELECTRIC POWER COMPANY, P.S.C. of D.C. No. 1

3rd Revised Page No. R-44.2

4. A Notice of Proposed Rulemaking (“NOPR”) was published in the *D.C. Register* on May 23, 2008 inviting public comment on Pepco/SMPPI’s Revised Tariff Application.⁵ No comments were received. The Commission, in Order No. 14853, approved Pepco/SMPPI’s Revised Tariff Application, effective upon the date of publication of this Notice of Final Rulemaking in the *D.C. Register*. A copy of Pepco/SMPPI’s final rate schedules may be

¹ D.C. Official Code, § 2-505 (2001 Ed.).

² *Formal Case No. 1002, In the Matter of the Joint Application of Pepco and the New RC, Inc. for Authorization and Approval of Merger Transaction (“F.C. 1002”),* SMPPI Revised Tariff, filed May 9, 2008 (“Revised Tariff Application”).

³ *F.C. 1002, Revised Tariff Application.* SMPPI is comprised of the following entities: Pepco; District of Columbia Office of the People’s Counsel (“OPC”); District of Columbia Consumer Utility Board (“CUB”); International Brotherhood of Electrical Workers Local 1900 (“IBEW”); and the Commission. The SMPPI program, operating under the name PowerCentsDC™, is a pilot program to test the concept of different types of time-based rates in assisting residential customers in the District of Columbia to better manage their electricity bill.

⁴ *F.C. 1002, Revised Tariff Application.*

⁵ 55 D.C. Reg. 6013-6014 (May 23, 2008).

obtained by contacting Dorothy Wideman, Commission Secretary, Office of the Commission Secretary at 1333 H Street, N.W, 2nd Floor, West Tower, Washington, D.C. 20005 or from the Commission's website at www.dcpsc.org.

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

NOTICE OF FINAL RULEMAKING

FORMAL CASE NO. 1002, IN THE MATTER OF THE JOINT APPLICATION OF
PEPCO AND THE NEW RC, INC. FOR AUTHORIZATION AND APPROVAL OF
MERGER TRANSACTION

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice pursuant to District of Columbia Official Code Section 2-505,¹ of the final rulemaking action taken on July 2, 2008, approving the Potomac Electric Power Company (“Pepco” or “Company”) and the District of Columbia Smart Meter Pilot Program, Inc.’s (“SMPPI”) Corrected Smart Meter Revised Tariff Application.²

2. On April 25, 2008, Pepco filed a Corrected Smart Meter Revised Tariff Application on behalf of SMPPI³ proposing revisions to the pricing options contained in its Smart Meter Pilot Residential Tariff.⁴ Specifically, the Company/SMPPI seeks to revise its pricing options so that the average residential customer will not pay more on the program pricing plans (critical peak pricing, critical rebate pricing, and hourly pricing) than the average residential customer on the standard offer service (SOS) pricing plan.⁵

3. Accordingly, Pepco/SMPPI seeks authority to revise the following tariff pages:

POTOMAC ELECTRIC POWER COMPANY, P.S.C. of D.C. No. 1

39th Revised Page No. R-1

39th Revised Page No. R-2

32nd Revised Page No. R-2.1

¹ D.C. Official Code, § 2-505 (2001 Ed.).

² *Formal Case No. 1002, In the Matter of the Joint Application of Pepco and the New RC, Inc. for Authorization and Approval of Merger Transactions (“F.C. 1002”)*, Application of the Potomac Electric Power Company on Behalf of the Smart Meter Pilot Program, Inc. Revised Tariff Substitute, filed April 25, 2008 (“Corrected Smart Meter Revised Tariff Application”).

³ SMPPI is comprised of the following entities: Pepco; District of Columbia Office of the People’s Counsel (“OPC”); District of Columbia Consumer Utility Board (“CUB”); International Brotherhood of Electrical Workers Local 1900 (“IBEW”); and the Commission. The SMPPI program, operating under the name PowerCentsDC™, is a pilot program to test the concept of different types of time-based rates in assisting residential customers in the District of Columbia to better manage their electricity bill.

⁴ *F.C. 1002*, Corrected Smart Meter Revised Tariff Application.

⁵ *Id.*

8th Revised Page No. 2.2

3rd Revised Page No. R-44

3rd Revised Page No. R-44.1

3rd Revised Page No. R-44.3

3rd Revised Page No. R-44.4

3rd Revised Page No. R-44.5

3rd Revised Page No. R-44.6

4. A Notice of Proposed Rulemaking (“NOPR”) was published in the *D.C. Register* on May 16, 2008 inviting public comment on Pepco/SMPPPI’s Corrected Revised Tariff Application.⁶ No comments were received. The Commission in Order No. 14853, approved Pepco/SMPPPI’s Corrected Revised Tariff Application, effective upon the date of publication of this Notice of Final Rulemaking in the *D.C. Register*. A copy of Pepco/SMPPPI’s final rate schedules may be obtained by contacting Dorothy Wideman, Commission Secretary, Office of the Commission Secretary at 1333 H Street, N.W, 2nd Floor, West Tower, Washington, D.C. 20005 or from the Commission’s website at www.dcpsc.org.

⁶ 55 D.C. Reg. 5786-5788 (May 16, 2008).