

THE OFFICE OF CONTRACTING AND PROCUREMENT

NOTICE OF PROPOSED RULEMAKING

The Chief Procurement Officer of the District of Columbia, pursuant to authority granted by sections 204 and 321 of the District of Columbia Procurement Practices Act of 1985, as amended, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code §§ 2-302.04 and 2-303.21 (2001 and 2005 Supp.)) (PPA), and Mayor's Order 2002-207 (dated December 18, 2002), hereby gives notice of the intent to adopt final rulemaking amending Chapter 18 of Title 27 of the District of Columbia Municipal Regulations (Contracts and Procurements). The rules amend sections 1801 and 1802 of Chapter 18 to reduce the threshold limit for non-competitive small purchases.

The Chief Procurement Officer gives notice of intent to take final rulemaking action in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The Chief Procurement Officer will submit the rules to the Council of the District of Columbia for a sixty (60) day period of review pursuant to subsection 205(b) of the PPA (D.C. Official Code § 2-302.05(b)), and will not take final rulemaking action until completion of the 60-day review period or Council approval of the rules by resolution before the end of the review period.

CHAPTER 18**SMALL PURCHASE AND OTHER SIMPLIFIED PURCHASE PROCEDURES**

Sections 1801 and 1802 are amended to read as follows:

1801 NON-COMPETITIVE SMALL PURCHASES

- 1801.1 A contracting officer may make a procurement for an amount of five thousand dollars (\$5,000) or less without obtaining competitive quotations.
- 1801.2 A contracting officer shall distribute non-competitive small purchases equitably among suppliers.

1802 COMPETITIVE SMALL PURCHASES

- 1802.1 Except as provided in §§ 1802.2 and 1802.3, in order to promote competition to the maximum extent practicable, and to ensure that the purchase is in the best interest of the District government, considering price and other factors (including the administrative cost of the purchase), a contracting officer shall solicit quotations as follows:
- (a) For each procurement of goods and services in an amount greater than five thousand dollars (\$5,000) and less than or equal to twenty-five thousand dollars (\$25,000), the contracting officer shall obtain at least three (3) oral quotations from vendors for the goods and services to be purchased;

- (b) For each procurement of goods and services for more than twenty-five thousand dollars (\$25,000) and less than or equal to one hundred thousand dollars (\$100,000), the contracting officer shall obtain at least three (3) written quotations from vendors for the goods and services to be purchased; and
 - (c) The contracting officer shall, unless the award is to take into consideration factors other than price or price-related factors, award the contract to the vendor providing the lowest priced quotation for the goods or services solicited.
- 1802.2 Except as provided in § 1802.3, for small purchases for MPD and OCTO, a contracting officer shall solicit quotations as follows:
 - (a) For each procurement for goods and services in the amount greater than five thousand dollars (\$5,000) and less than or equal to twenty-five thousand dollars (\$25,000), the contracting officer shall obtain at least three (3) oral quotations from vendors for the goods and services to be purchased;
 - (b) For each procurement for goods and services for more than twenty-five thousand dollars (\$25,000) and less than or equal to five hundred thousand dollars (\$500,000), the contracting officer shall obtain at least three (3) written quotations from vendors for the goods or services to be purchased; and
 - (c) The contracting officer shall, unless the award is to take into consideration factors other than price or price-related factors, award the purchase order to the vendor providing the lowest priced quotation for the goods or services solicited.
- 1802.3 If the contracting officer determines that it is impractical under the circumstances to obtain the number of quotations required under §§ 1802.1 or 1802.2 due to time constraints, lack of available sources, or other factors set forth in § 1802.5, or if the contracting officer, despite a good faith effort, is unable to obtain the required number of quotations, the contracting officer may obtain quotations from fewer vendors than required in §§ 1802.1 or 1802.2. The contracting officer must document his or her attempts to obtain the required number of quotations.
- 1802.4 If the contracting officer determines that the best interest of the District or other factors set forth in § 1802.5 indicate that quotations should be obtained from more than the number of sources required under §§ 1802.1 or 1802.2, the contracting officer shall obtain additional quotations.
- 1802.5 In determining whether or not to obtain quotations from more or fewer vendors than required in §§ 1802.1 or 1802.2, the contracting officer shall consider the following factors:
 - (a) The nature of the item or service to be purchased and whether it is highly competitive and readily available in several makes or brands, or if it is relatively non-competitive;
 - (b) Information obtained in making recent purchases of the same or similar item;
 - (c) The urgency of the proposed purchase;
 - (d) The dollar value of the proposed purchase; and
 - (e) Past experience concerning specific contractor prices.
- 1802.6 For procurements in excess of the amounts specified in § 1801, a contracting officer

may award a small purchase solicitation on a sole source basis when the contracting officer determines that one (1) of the conditions in section 305(a) of the Act is satisfied, in accordance with chapter 17 of title 27 DCMR.

1802.7 A contracting officer may orally solicit quotations for procurements valued at twenty-five thousand dollars (\$25,000) or less. However, a contracting officer shall use a written solicitation in the following circumstances:

- (a) When the contracting officer determines that obtaining oral quotations is not considered economical or practical; or
- (b) When extensive specifications are involved.

1802.8 A contracting officer shall, to the greatest extent practicable under the circumstances, maximize competition for small purchases and shall not limit solicitations to suppliers of well known and widely distributed makes or brands, or solicit on a personal preference basis.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Hand-delivered comments should be delivered, and mailed comments should be postmarked, no later than thirty (30) days after publication of this notice in the *D.C. Register*. Comments should be delivered or mailed to the Chief Procurement Officer, Office of Contracting and Procurement, 441 Fourth Street, N.W., Suite 700 South, Washington, D.C. 20001. Copies of the proposed rules may be obtained from the above address.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under section 302(14) of the District of Columbia 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 to Chapter 73 of Title 17 of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The purpose of these amendments is to add continuing education credit requirements for the profession of Addiction Counselor.

Chapter 73 (Addiction Counselors) of Title 17 DCMR (Business, Occupations & Professions) is amended as follows:

New sections 7305, 7306, 7307, 7308, and 7309 are added to read as follows:

7305 CONTINUING EDUCATION REQUIREMENTS

- 7305.1 This section shall apply to applicants for reactivation or reinstatement of a registration, for renewal of a registration expiring December 31, 2010, and for subsequent terms.
- 7305.2 This section shall not apply to applicants for first time renewal of a registration.
- 7305.3 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with § 7306.
- 7305.4 An applicant for renewal of a registration shall submit proof of having completed forty (40) hours of approved continuing education credit during the two-year (2) period preceding the date the registration expires. Six (6) of the forty (40) hours shall be in Ethics and three (3) shall be in Trauma Counseling.
- 7305.5 To qualify for a registration, a person in inactive status within the meaning of D.C. Official Code § 3-1205.11 and who submits an application to reactivate a registration shall submit proof of having completed twenty (20) hours of approved continuing education credit within one (1) year prior to application for each registration year after December 31, 2000, that the applicant was in inactive status. A minimum of six (6) of the twenty (20) hours shall be in Ethics.

- 7305.6 To qualify for a registration, an applicant for reinstatement of a registration 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 registered. A minimum of six (6) of the twenty (20) hours shall be in Ethics.
- 7305.7 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; and
 - (e) Verification by the sponsor of completion, by signature or stamp.
- 7305.8 An applicant shall prove completion of continuing education course work, if taken at a college or university, by submitting with the application a signed statement from the instructor on college university stationery for each class attended.
- 7305.9 An applicant under this section shall prove completion of individualized learning under § 7306.7(c) by submitting a signed statement from the supervisor which sets forth course descriptions detailing the subject matter of the courses.
- 7305.10 An applicant for renewal of a registration who fails to submit proof of having completed continuing education requirements by the date the registration expires may renew the registration up to sixty (60) days after expiration by submitting proof and paying the required additional late fee.
- 7305.11 Upon submitting proof and paying the late fee, the applicant shall be deemed to have possessed a valid registration during the period between the expiration of the registration and the submission of the required documentation and payment of the late fee.
- 7305.12 If an applicant for renewal of a registration 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 registration, the registration shall be deemed to have lapsed on the date of expiration.

7305.13 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.

7306 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

7306.1 The Board may, in its discretion, approve continuing education programs and activities that contribute to the professional development and competence in the addiction counseling field and which meet the other requirements of this section.

7306.2 The continuing education shall be directly related to or supportive of addiction counseling practice.

7306.3 The Board may approve the following types of continuing education programs, if the program meets the requirements of § 7306.4:

- (a) An undergraduate or 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.

7306.4 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 undergraduate or 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; or
- (d) Workshops, refresher courses, professional conferences, seminars, educational programs presented by NAADAC, AAHCPAD, ICRC, or

educational, national, or state health organizations.

- 7306.5 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.

7306.6 The Board may issue and update a list of approved continuing education programs.

7306.7 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.

- 7306.8 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, 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.

7307 ACCEPTABLE CONTINUING EDUCATION COURSES

7307.1 The Board may, in its discretion, approve courses that contribute to the competency of an addiction counselor in one or more of the following areas:

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

- professions);
- (b) Child abuse;
- (c) Compulsive gambling;
- (d) Grief;
- (e) Dually-diagnosed clients;
- (f) Stress management;
- (g) Sexuality;
- (h) Chemical dependency program administration or management; or
- (i) Research or other functional areas of chemical dependency treatment programs related to client care.

7308 NON-ACCEPTABLE CONTINUING EDUCATION COURSES

7308.1 The following continuing education courses shall not be acceptable for continuing education credit:

- (a) Courses leading to basic addiction counselor training;
- (b) Courses dealing with the participant's self-improvement, personal growth, changes in attitude, self-therapy and self-awareness, such as:
 - (1) Therapy workshops dealing with the participant's personal issues or problems;
 - (2) Chemical dependency education courses designed for lay people (public education);
 - (3) Parenting classes or other programs designed for non-professional participants;
 - (4) Liberal arts courses in music, education, art and other courses unrelated to chemical dependency counseling;
 - (5) Orientation programs, such as specific series of activities designed to familiarize employees with policies and procedures of an institution or agency; and
 - (6) Courses in marketing, business, personal enrichment, time

management, supervisory sessions, technology enhancement, CPR classes, or computer-related workshops.

7309 CONTINUING EDUCATION CREDITS

- 7309.1 The Board may grant continuing education credit for whole hours only, with a minimum of fifty (50) minutes constituting one (1) credit hour.
- 7309.2 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.
- 7309.3 For undergraduate or 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.
- 7309.4 The Board may grant a maximum of five (5) hours of continuing education credits per year to an applicant who attends in-service education programs.
- 7309.5 The Board may grant a maximum of fifty percent (50%) of an applicant's continuing education requirement for completing continuing education activities under § 7306.8.
- 7309.6 The Board may grant credit for preparation and presentation time to an applicant who serves as a speaker at an approved program.
- 7309.7 The maximum amount of credit that may be granted for preparation time is twice the amount of the associated presentation time.
- 7309.8 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 substantially more research and preparation concerning the same subject.
- 7309.9 The presentation shall have been completed during the period for which credit is claimed.
- 7309.10 The Board may grant continuing education credit under § 7306.8(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.
- 7309.11 The Board may grant continuing education credits for the following:

- (a) New program development 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) Completing a dissertation shall count for a maximum of eighteen (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 (10) hours.
- (d) Leadership positions shall count for a maximum of ten (10) hours.

7309.12 The following leadership positions are acceptable for continuing competency credit:

- (1) Officer of state or national addiction counseling organization;
- (2) Editor and or reviewer of an addiction counseling journal;
- (3) Member of a national ethics disciplinary review committee rendering licenses;
- (4) Active member of an addiction counseling committee producing a substantial written product; and
- (5) Chair of a major addiction counseling conference or convention;
or
- (6) Other leadership positions with justifiable professional learning experiences.

7309.13 To receive credit for a leadership position pursuant to § 7309.11(d), the position must last for a minimum of one (1) year after the date of first licensure.

7309.14 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 registrant submits proof of attendance, plus a written justification of how the activity assists him or her in his or her direct service to clients.

7309.15 Membership in a state addiction counseling licensure or certification board shall count for a maximum of ten (10) hours of continuing education credit for each year of membership.

Section 7399.1 is amended by adding the following new definitions to read as follows:

AAHCPAD – the American Academy of Health Care Providers in the Addictive Disorders.

ICRC – the International Certification and Reciprocity Consortium.

NAADAC - the National Association of Alcoholism and Drug Abuse Counselors.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained from the Department at the same address during the hours of 9:00 a.m. to 5 p.m., Monday through Friday, excluding holidays.