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AN ACT

D.C. ACT 18-74

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 12, 2009

Codification District of Columbia Official Code

2001 Edition

2009 Summer Supp.

West Group Publisher

To amend the District of Columbia Health Occupations Revision Act of 1985 to define the Boards of Allied Health and Behavioral Health, to define the terms revocation and suspension, to establish the position of Executive Director for the Boards of Allied Health, to establish the position of Executive Director for the Boards of Behavioral Health, to redefine the term quorum, to define the terms reciprocity, endorsement, conviction, moral turpitude, and health care record, to amend administrative and credentialing requirements and procedures to ensure equal application to persons practicing health occupations requiring registrations or certifications, to sanction a licensee, registrant, or person certified for failing to provide health care records, for engaging in improper sexual conduct, abandoning a patient, failing to report suspected child abuse, withholding services because a person is HIV positive, refusing to provide services where refusal places an unreasonable burden on a patient, client, or customer, for attempting to cause a person to withhold testimony or prevent information from reaching a board or the Office of Administrative Hearings, for misrepresenting credentials, failing to keep adequate records, trying to influence or induce patronage, practicing under a name other than his or her own, making false or misleading statements regarding skills, being subject to repeated health or client liability claims, failing to cooperate in or obstructing an investigation ordered by a board, continuing to practice a health profession when the person licensed, registered, or certified knows he or she has an infectious or communicable disease and there is a high probability that the disease may be transmitted to a patient or client, for committing Medicaid, Medicare, or insurance fraud, for falsifying an application to establish or operate a school of nursing or nursing program, to prohibit a person from using or implying the use of any title as it relates to the practice of chiropractic, occupational therapy, psychology, addiction counseling, polysomnography, an occupational therapy assistant, or nursing assistive personnel unless authorized, to authorize the Office of the Attorney General for the District of Columbia to bring an action in the Superior Court of the District of Columbia to enjoin the unlawful practice of a health occupation that is grounds for a criminal penalty or disciplinary action under this act, to require health professionals to provide copies of records, and to require records to be maintained for a specific period of time.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health Occupations Revision General Amendment Act of 2009".

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

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

(1) Title II is amended by adding new designations for sections 219 and 220 to read as follows:

"Sec. 219. Boards of Allied Health executive director.

"Sec. 220. Boards of Behavioral Health executive director.".

(2) Title V is amended as follows:

(A) The heading is amended by striking the word "LICENSING" and inserting the phrase "LICENSING, REGISTRATION, OR CERTIFICATION" in its place.

(B) Strike the phrase "Sec. 501. License required." and insert the phrase "Sec. 501. License, registration, or certification required." in its place.

(C) Strike the phrase "Sec. 505. Application for license." and insert the phrase "Application for license, registration, or certification." in its place.

(D) Strike the phrase "Sec. 508. Issuance of license." and insert the phrase "Sec. 508. Issuance of license, registration, or certification." in its place.

(E) Add a new designation for section 508a to read as follows:

"Sec. 508a. Temporary license, registration, or certification.".

(F) Strike the phrase "Sec. 509. Scope of license." and insert the phrase "Scope of license, registration, or certification." in its place.

(G) Strike the phrase "Sec. 510. Term and renewal of licenses." and insert the phrase "Sec. 510. Term and renewal of licenses, registrations, or certifications." in its place.

(H) Strike the phrase "Sec. 512. Reinstatement of expired licenses." and insert the phrase "Sec. 512. Reinstatement of expired licenses, registrations, or certifications." in its place.

(I) Strike the phrase "Sec. 513. Display of licenses; change of address." and insert the phrase "Sec. 513. Professional requirements." in its place.

(J) Strike the phrase "Sec. 517. Voluntary surrender of license." and insert the phrase "Sec. 517. Voluntary surrender of license, registration, or certification." in its place.

(K) Strike the phrase "Sec. 518. Voluntary limitation or surrender of license by impaired health professional." and insert the phrase "Sec. 518. Voluntary limitation or surrender of a license, registration, or certification by impaired health professional." in its place.

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(L) Strike the phrase "Sec. 521. Reinstatement of suspended or revoked license." and insert the phrase "Sec. 521. Reinstatement of suspended or revoked license, registration, or certification." in its place.

(M) Add a new designation for section 523 to read as follows:

"Sec. 523. Suspension of license, registration, or certification during incarceration for felony or misdemeanor conviction.".

(3) Title X is amended as follows:

(A) Strike the phrase "Sec. 1001. Practicing without a license." and insert the phrase "Sec. 1001. Practicing without license, registration, or certification." in its place.

(B) Add a new designation for section 1011 to read as follows:

"Sec. 1011. Patient or client records.".

(b) Section 101 (D.C. Official Code § 3-1201.01) is amended as follows:

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

"(1A) "Boards of Allied Health" means the Board of Audiology and Speech-Language Pathology, the Board of Dentistry, the Board of Dietetics and Nutrition, the Board of Massage Therapy, the Board of Nursing Home Administration, the Board of Occupational Therapy, the Board of Optometry, the Board of Physical Therapy, the Board of Podiatry, and the Board of Respiratory Care.

"(1B) "Boards of Behavioral Health" means the Board of Marriage and Family Therapy, the Board of Professional Counseling, the Board of Psychology, and the Board of Social Work.".

(2) A new paragraph (12A) is added to read as follows:

"(12A) "Revocation" means termination of the right to practice a health profession and loss of licensure, registration, or certification for 5 years or more.".

(3) A new paragraph (15) is added to read as follows:

"(15) "Suspension" means termination of the right to practice a health profession for a specified period of time of less than 5 years or until such time that the specified conditions in an order are satisfied.".

(c) New sections 219 and 220 (to be codified at D.C. Official Code § 3-1202.19 and 3-1202.20) are added to read as follows:

"Sec. 219. Boards of Allied Health executive director.

"The Mayor shall appoint an executive director, who shall be a full-time employee of the District, to implement and administer the orders of the Boards of Allied Health in accordance with this act and rules and regulations issued pursuant to this act.

"Sec. 220. Boards of Behavioral Health executive director.

"The Mayor shall appoint an executive director, who shall be a full-time employee of the District, to implement and administer the orders of the Boards of Behavioral Health in accordance with this act and rules and regulations issued pursuant to this act.".

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(d) Title IV (D.C. Official Code § 3-1204.01 *et seq.*) is amended as follows:

(1) Section 403 (D.C. Official Code § 3-1204.03) is amended by striking the phrase "terms." and inserting the phrase "terms; provided, that the Mayor may appoint a member of a board to serve more than 3 full terms if considered necessary." in its place.

(2) Section 405 (D.C. Official Code § 3-1204.05) is amended as follows:

(A) Subsection (c) is amended by striking the word "members" and inserting the phrase "appointed members" in its place.

(B) A new subsection (d) is added to read as follows:

"(d) An affirmative vote of a majority of a quorum shall be required to approve a measure before a board.".

(e) Title V (D.C. Official Code § 3-1205.01 *et seq.*) is amended as follows:

(1) The title heading is amended by striking the phrase "Licensing of Health Professionals" and inserting the phrase "Licensing, Registration, or Certification of Health Professionals." in its place.

(2) Section 501 (D.C. Official Code § 3-1205.01) is amended to read as follows:

"Sec. 501. License, registration, or certification required.

"(a) A license issued pursuant to this act is required to practice medicine, acupuncture, chiropractic, registered nursing, practical nursing, dentistry, dental hygiene, dietetics, marriage and family therapy, massage therapy, naturopathic medicine, nutrition, nursing home administration, occupational therapy, optometry, pharmaceutical detailing, pharmacy, physical therapy, podiatry, psychology, social work, professional counseling, audiology, speech-language pathology, respiratory care, advanced practice addiction counseling, or to practice as an anesthesiologist assistant, physician assistant, physical therapy assistant, polysomnographic technologist, occupational therapy assistant, or surgical assistant in the District, except as otherwise provided in this act. Registration is required to practice as nursing assistive personnel, or as a psychology associate, polysomnographic technician or trainee, or dental assistant. Certification is required to practice as an addiction counselor I, or an addiction counselor II, and to practice advanced practice registered nursing.

"(b) A license, registration, or certification is the property of the District of Columbia and shall be surrendered on demand of the licensor.".

(3) Section 502 (D.C. Official Code § 3-1205.02) is amended as follows:

(A) The lead-in language is amended to read as follows:

"The provisions of this act prohibiting the practice of a health occupation without a District of Columbia license, registration, or certification shall not apply:".

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

"(3) To an individual, licensed, registered, or certified to practice a health occupation in a state, who is providing care to an individual or group for a limited period of time, or who is called from a state in professional consultation by or on behalf of a specific patient or client to visit, examine, treat, or advise the specific patient or client in the District, or

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to give a demonstration of a procedure or clinic in the District; provided, that the individual engages in the provision of care, consultation, demonstration, or clinic in affiliation with a comparable health professional licensed, registered, or certified pursuant to this act;".

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

"(3A) To an individual retained to testify as an expert witness in any court or administrative proceeding, hearing, or trial;".

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

(A) Subsection (a)(1) is amended by striking the phrase "licensed physician," and inserting the phrase "licensed physician or chiropractor," in its place.

(B) Subsection (b)(1) to is amended by striking the phrase "Education or the Straight Chiropractic Academic Standards Association; and" and inserting the phrase "Education or the Straight Chiropractic Academic Standards Association, or approved by the Board of Chiropractic; and" in its place.

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

"(e-2) An individual applying for a license to practice nursing under this act who was previously licensed in any jurisdiction and has not been actively practicing for 5 years or more shall submit proof of having completed a board-approved refresher course.".

(D) Subsection (q)(D) is amended as follows:

(i) Sub-subparagraph (i) is amended by striking the word "or" at the end.

(ii) Sub-subparagraph (ii) is amended by striking the phrase "Assistants." and inserting the phrase "Assistants; or" in its place.

(iii) A new sub-subparagraph (iii) is added to read as follows:

"(iii) The National Board of Surgical Technology and Surgical Assisting.".

(5) Section 505 (D.C. Official Code § 3-1205.05) is amended as follows:

(A) The heading is amended by striking the phrase "Application for license." and inserting the phrase "Application for license, registration, or certification." in its place.

(B) Subsection (a) is amended by striking the phrase "An applicant for a license shall:" and inserting the phrase "An applicant for a license, registration, or certification shall:" in its place.

(C) Subsection (b) is amended as follows:

(i) Strike the phrase "license issued" and insert the phrase "license, registration, or certification issued" in it place.

(ii) Strike the phrase "license, the issuing" and insert the phrase "license, registration, or certification, the issuing" in its place.

(6) Section 506 (D.C. Official Code § 3-1205.06) is amended as follows:

(A) Subsection (a) is amended by striking the word "license" and

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inserting the phrase "license, registration, or certification" in its place.

(B) Subsection (e)(1) is amended by striking the word "licensure" and inserting the phrase "licensure, registration, or certification" in its place.

(7) Section 507 (D.C. Official Code § 3-1205.07) is amended to read as follows:

"Sec. 507. Reciprocity and endorsement.

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

"(1) "Endorsement" means the process of issuing a license, registration, or certification to an applicant who is licensed, registered, certified, or accredited by an accrediting association or a state board and recognized by the Board as a qualified professional according to standards that were the substantial equivalent at the time of the licensing, registration, certification, or accreditation to the standards for that profession set forth in this act and who has continually remained in good standing with the licensing, registering, certifying, or accrediting association or state board from the date of licensure, registration, certification, or accreditation until the date of licensure, registration, or certification in the District.

"(2) "Reciprocity" means the process of issuing a license, registration, or certification to an applicant who is licensed, registered, or certified and in good standing under the laws of another state with requirements that, in the opinion of the Bboard, were substantially equivalent at the time of licensure, registration, or certification to the requirements of this act, and that state admits health professionals licensed, registered, or certified in the District of Columbia in a like manner.".

"(b) Each board shall issue a license, registration, or certification to an applicant who qualifies by reciprocity or endorsement and who pays the applicable fees established by the Mayor.".

(8) Section 508 (D.C. Official Code § 3-1205.08) is amended as follows:

(A) The heading is amended by striking the phrase "Issuance of license." and inserting the phrase "Issuance of license, registration, or certification." in its place.

(B) The existing text is amended by striking the word "license" and inserting the phrase " license, registration, or certification" in its place.

(9) A new section 508a (to be codified at D.C. Official Code § 3-1205.08a) is added to read as follows:

"Sec. 508a. Temporary license, registration, or certification.

"A board may issue a temporary license, registration, or certification to an applicant for a fixed period of time, under conditions prescribed by the Mayor through rulemaking, who is licensed, registered, or certified and in good standing to practice in another jurisdiction.".

(10) Section 509 (D.C. Official Code § 3-1205.09) is amended as follows:

(A) The heading is amended by striking the phrase "Scope of license." and inserting the phrase "Scope of license, registration, or certification." in its place.

(B) Subsection (a)(1) is amended as follows:

(i) Strike the word "licensed" and insert the phrase "licensed,

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registered, or certified" in its place.

(ii) Strike the word "license" and insert the phrase "license, registration, or certification" in its place.

(C) Subsection (b) is amended as follows:

(i) Strike the word "license" and insert the phrase "license, registration, or certification" in its place.

(ii) Strike the word "unlicensed" and insert the phrase "unlicensed, unregistered, or uncertified" in its place.

(11) Section 510 (D.C. Official Code § 3-1205.10) is amended as follows:

(A) The heading is amended by striking the phrase "Term and renewal of licenses." and inserting the phrase "Term and renewal of licenses, registrations, or certifications." in its place.

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

(i) Strike the word "license" and insert the phrase "license, registration, or certification" in its place.

(ii) Strike the word "licensure" and insert the phrase "licensure, registration, or certification" in its place.

(C) Subsection (b) is amended by striking the word "licenses" and inserting the phrase "licenses, registrations, or certifications" in its place.

(D) Subsection (c) is amended as follows:

(i) Strike the word "license" wherever it appears and insert the phrase "license, registration, or certification" in its place.

(ii) Strike the word "licensee," both times it appears and insert the phrase "licensee, registrant, or person certified," in its place.

(E) Subsection (d) is amended as follows:

(i) Strike the word "license" wherever it appears and insert the phrase "license, registration, or certification" in its place.

(ii) Strike the word "licensee" wherever it appears and insert the phrase "licensee, registrant, or person certified" in its place

(iii) Strike the word "licensed" and insert the phrase "licensed, registered, or certified" in its place.

(F) Subsection (e) is amended to read as follows:

"(e) Each board shall renew the license, registration, or certification of each licensee, registrant, or person certified who meets the requirements of this section.".

(12) Section 511 (D.C. Official Code § 3-1205.11) is amended as follows:

(A) Strike the word "licensee" wherever it appears and insert the phrase "licensee, registrant, or person certified" in its place.

(B) Strike the word "license" both times it appears and insert the phrase "license, registration, or certification" in its place.

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(C) Strike the word "licenses" and insert the phrase "a license, registration, or certification" in its place.

(13) Section 512 (D.C. Official Code § 3-1205.12) is amended as follows:

(A) The heading is amended by striking the phrase "Reinstatement of expired licenses." and inserting the phrase "Reinstatement of expired licenses, registrations, or certifications." in its place.

(B) Subsection (a) is amended by striking the word "license" wherever it appears and inserting the phrase "license, registration, or certification" in its place.

(C) Subsection (b) is amended as follows:

(i) Strike the word "license" wherever it appears and insert the phrase "license, registration, or certification" in its place.

(ii) The second sentence is amended to read as follows:

"The health professional may become licensed, registered, or certified by meeting the requirements then in existence for obtaining an initial license, registration, or certification under this title; except, that an individual applying for a license to practice nursing who has not been actively practicing for 5 years or more shall submit proof of having completed a board-approved refresher course in lieu of the requirements then in existence for obtaining an initial license.".

(14) Section 513 (D.C. Official Code § 3-1205.13) is amended to read as follows:

"Sec. 513. Professional requirements.

"(a) Each licensee, registrant, or person certified shall:

"(1) Display the board-issued license, registration, or certification conspicuously in each place of business or employment of the licensee, registrant, or person certified;

"(2) Wear a tag at all times, if practical, while acting in a professional capacity that displays his or her name and profession or title;

"(3) Practice only under the legal name that appears on his or her license, registration, or certification;

"(4) Notify the board in writing of any:

"(A) Change of address of place of residence or place of business or employment within 30 days after the change of address;

"(B) Legal change of name within 30 days after the change; or

"(C) Termination, revocation, suspension, or voluntary surrender ("separation event") of health care facility privileges by reason of incompetence or improper professional conduct, during any period while an application is pending or during the licensing, registration, or certification period by certified mail, return receipt, within 10 days of the separation event.

"(b) Each licensee, registrant, or person certified shall be subject to the penalties provided by this act for failure to comply with the requirements of this section.".

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(15) Section 514 (D.C. Official Code § 3-1205.14) is amended as follows:

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

(i) The lead-in language is amended to read as follows:

"(a) Each board, subject to the right of a hearing as provided by this title, on an affirmative vote of a majority of a quorum of its appointed members may take one or more of the disciplinary actions provided in subsection (c) of this section against any applicant for a license, registration, or certification, an applicant to establish or operate a school of nursing or nursing program, or a person permitted by this title to practice a health occupation regulated by the board in the District who:".

(ii) Paragraphs (1) through (4) are amended to read as follows:

"(1) Fraudulently or deceptively obtains or attempts to obtain a license, registration, or certification for himself, herself, or another person;

"(2) Fraudulently or deceptively uses a license, registration, or certification;

"(3) Is disciplined by a licensing or disciplinary authority or peer review body or convicted or disciplined by a court of any jurisdiction for conduct that would be grounds for disciplinary action under this section; for the purposes of this paragraph, the term "convicted" means a judgment or other admission of guilt, including a plea of nolo contendere or an Alford plea;

"(4) Has been convicted in any jurisdiction of any crime involving moral turpitude, which for the purposes of this paragraph means a crime that:

"(A) Offends the generally accepted moral code of mankind;

"(B) Is one of baseness, vileness, or depravity in the conduct of the private and social duties that an individual owes to his or her fellow man or to society in general; or

"(C) Is one of conduct contrary to justice, honesty, modesty, or good morals.".

(iii) Paragraph (10) is amended to read as follows:

"(10) Upon proper request, and payment of a reasonable copy fee, if required, fails to provide, within a reasonable period of time, a copy or summary report, if the patient or client consents, of the patient's or client's health care record to the patient or client, his or her legal representative or guardian, a hospital or third-party health professional licensed under this act or under the laws of another jurisdiction; for the purposes of this paragraph, the term "health care record" means any document, or combination of documents, except for a birth or death record or a record of admission to or discharge from a hospital or other health-care facility, that pertains to the history, diagnosis, or health condition of a patient or client and is generated and maintained in the process of providing health-care treatment, regardless of whether the health care record originated with or was previously in the possession of another health-care provider;".

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(iv) Paragraph (23) is amended to read as follows:

"(23) Engages in:

"(A) Sexual harassment of a patient or client;

"(B) Sexual contact with a patient or client concurrent with and by virtue of the practitioner-patient or practitioner-client relationship;

"(C) At any time during the course of the practitioner-patient or patient-client relationship, in conduct of a sexual nature that a reasonable patient or client would consider lewd or offensive; or

"(D) Sexual contact with a former patient or client when the patient or client may still be vulnerable by virtue of the power imbalance that existed in the practitioner-patient or practitioner-client relationship, even if the relationship may appear to be or is mutually consensual when such contact is likely to have an adverse impact on the patient or client;".

(v) Paragraph (25) is amended by striking the phrase "drugs;" and inserting the phrase "drugs, or fails to conduct business with honesty and fair dealing with employees or students in his or her school of nursing or nursing program, the District of Columbia, a state, the federal government, or the public;" in its place.

(vi) Paragraph (28) is amended by striking the word "or" at the end of the sentence.

(vii) Paragraph (29) is amended by striking the phrase "the Mayor." and inserting the phrase "the Mayor;" in its place.

(viii) New paragraphs (30) through (45) are added to read as follows:

"(30) Abandons a patient; for the purposes of this paragraph, the term "abandons" means termination, without adequate notice, of the professional relationship between a health care provider and a patient or client at a time when the patient or client is in need
of further emergency care;

"(31) Knowingly fails to report suspected child abuse in violation of section 2 of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 5, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02);

"(32) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services that the licensee, registrant, or person certified is licensed and qualified to render because the individual is HIV positive;

"(33) Refuses on ethical, moral, or religious grounds to provide services to a patient, customer, or client;

"(34) By corrupt means, threats, or force, intimidates or influences, or attempts to intimidate or influence, any person for the purpose of causing the person to withhold or

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change his or her testimony in a hearing or proceeding before a board, court, or the Office of Administrative Hearings;

"(35) By corrupt means, threats, or force, hinders, prevents, or otherwise delays any person from making information available to a board, court, or the Office of Administrative Hearings in furtherance of any investigation of a board, court, or the Office of Administrative Hearings;

"(36) Intentionally misrepresents credentials for the purpose of testifying or rendering an expert opinion in a hearing or proceeding before a board, court, or the Office of Administrative Hearings;

"(37) Fails to keep adequate medical, dental, health, or client records, as determined by a review of a board;

"(38) Makes a misrepresentation or false promise, directly or indirectly, to influence, persuade, or induce patronage;

"(39) Practices under a name other than the name under which the individual is licensed, registered, or certified;

"(40) Makes a false or misleading statement regarding his or her skill or the efficacy or value of a medicine, treatment, or remedy prescribed or recommended by him or her, at his or her discretion, in the treatment of any disease or other condition of the body or mind;

"(41) Is subject to recurrent health claims or client-liability claims, which in a board's opinion evidences professional incompetence likely to injure the public;

"(42) Fails to cooperate in an investigation or obstructs an investigation ordered by a board;

"(43) Continues to practice a health profession when the licensed, registered, or certified individual knows he or she has an infectious or communicable disease and that there is a high probability that the disease may be transmitted to a patient or client;

"(44) Falsifies an application to establish a school of nursing or nursing program; or

"(45) Commits fraud or makes false claims in connection with the practice of an occupation regulated by this act, or relating to Medicaid, Medicare, or insurance.".

(B) Subsection (c) is amended as follows:

(i) The lead-in language is amended to read as follows:

"Upon determination by the board that an applicant, licensee, registrant, person certified, or person permitted by this title to practice in the District has committed any of the acts described in subsection (a) of this section, the board may:".

(ii) Paragraphs (1) through (5) are amended to read as follows:

"(1) Deny a license, registration, or certification to any applicant or an application to establish a school of nursing or nursing program;

"(2) Revoke or suspend the license, registration, or certification of any licensee, registrant, or person certified or withdraw approval of a school of nursing or nursing program;

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"(3) Revoke or suspend the privilege to practice in the District of any person permitted by this title to practice in the District;

"(4) Reprimand any licensee, registrant, person certified, or person permitted by this title to practice in the District;

"(5) Impose a civil fine not to exceed $5,000 for each violation by an applicant, licensee, registrant, person certified, or person permitted by this title to practice in the District;".

(C) Subsection (e) is amended by striking the word "licensed" and inserting the phrase "licensed, registered, or certified" in its place.

(16) Section 515 (D.C. Official Code § 3-1205.15) is amended as follows:

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

"(a)(1) The Mayor may summarily suspend or restrict, without a hearing. the license, registration, or certification of a person:

"(A) Who has had his or her license, registration, or certification to practice the same profession or occupation revoked or suspended in another jurisdiction and has not had the license, registration, or certification to practice reinstated within that jurisdiction;

"(B) Who has been convicted of a felony;

"(C) Who has been adjudged incapacitated; or

"(D) Whose conduct presents an imminent danger to the health and safety of the public, as determined by the Mayor following an investigation.

"(2) A suspension or restriction shall not be stayed pending any appeal of the revocation, suspension, conviction, or judgment of incapacity.".

(B) Subsection (b) is amended as follows:

(i) Strike the word "license," and insert the phrase "license, registration, or certification," in its place.

(ii) Strike the word "licensee" both times it appears and insert the phrase "licensee, registrant, or person certified" in its place.

(C) Subsection (c) is amended as follows:

(i) Strike the word "licensee" and insert the phrase "licensee, registrant, or person certified" in its place.

(ii) Strike the word "license" and insert the phrase "license, registration, or certification" in its place.

(D) Subsection (d) is amended by striking the word "licensee" and inserting the phrase "licensee, registrant, or person certified" in its place.

(17) Section 517 (D.C. Official Code § 3-1205.17) is amended as follows:

(A) The heading is amended by striking the phrase "Voluntary surrender of license." and inserting the phrase "Voluntary surrender of license, registration, or certification." in its place.

(B) Subsection (a) is amended by striking the word "license" both times it appears and inserting the phrase "license, registration, certification," in its place.

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(C) Subsection (b) is amended by striking the word "license" and inserting the phrase "license, registration, or certification" in its place.

(D) Subsection (c) is amended to read as follows:

"(c) The voluntary surrender of a license, registration, or certification shall not preclude the imposition of civil or criminal penalties against the licensee, registrant, or person certified.".

(18) Section 518 (D.C. Official Code § 3-1205.18) is amended as follows:

(A) The heading is amended by striking the phrase "Voluntary limitation or surrender of license by impaired health professional." and inserting the phrase "Voluntary limitation or surrender of a license, registration, or certification by impaired health professional." in its place.

(B) The text is amended as follows:

(i) Strike the word "license" wherever it appears and insert the phrase "license, registration, or certification" in its place.

(ii) Strike the word "licensee" wherever it appears and insert the phrase "licensee, registrant, or person certified" in its place.

(19) Section 519 (D.C. Official Code § 3-1205.19) is amended as follows:

(A) Strike the word "license" wherever it appears and insert the phrase "license, registration, or certification" in its place.

(B) Strike the word "licensee" wherever it appears and insert the phrase "licensee, registrant, or person certified" in its place.

(C) Subsection (i) is amended by striking the phrase "board in accordance" and inserting the phrase "board or an administrative law judge in accordance" in its place.

(20) Section 521 (D.C. Official Code § 3-1205.21) is amended as follows:

(A) The heading is amended by striking the phrase "Reinstatement of suspended or revoked license." and inserting the phrase "Reinstatement of suspended or revoked license, registration, or certification." in its place.

(B) Subsection (a) is amended by striking the word "license" both times it appears and inserting the phrase "license, registration, or certification" in its place.

(C) Subsection (b) is amended by striking the word "licensed," and inserting the phrase "licensed, registered, or certified," in its place.

(21) A new section 523 (to be codified at D.C. Official Code § 3-1205.23) is added to read as follows:

"Sec. 523. Suspension of license, registration, or certification during incarceration for felony or misdemeanor conviction.

"A board may suspend the license, registration, or certification of a person during any time that the person is incarcerated after conviction of a felony or misdemeanor, regardless of whether the conviction has been appealed. A board, immediately upon receipt of a certified copy of a record of a criminal conviction, shall notify the person in writing at that person's

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address of record with the board, and at the facility in which the person is incarcerated, of the suspension and that the person has a right to request a hearing. If requested, the hearing shall be held within 6 months of the release of the licensee, registrant, or person certified.".

(f) Section 642 (D.C. Official Code § 3-1206.42) is amended as follows:

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

(2) Paragraph (2) is amended by striking the phrase "Assistants." and inserting the phrase "Assistants; or" in its place.

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

"(3) The National Board of Surgical Technology and Surgical Assisting.".

(g) Section 1001 (D.C. Official Code § 3-1210.01) is amended as follows:

(1) The heading is amended by striking the phrase "Practicing without a license." and inserting the phrase "Practicing without license, registration, or certification." in its place.

(2) The text is amended to read as follows:

"No person shall practice, attempt to practice, or offer to practice a health occupation licensed, registered, certified, or regulated under this act in the District unless currently licensed, registered, or certified, or exempted from licensure, registration, or certification, under this act.".

(h) Section 1003 (D.C. Official Code § 3-1210.03) is amended as follows:

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

"(c) Unless authorized to practice chiropractic under this act, a person shall not use or imply the use of the words or terms "chiropractic," "chiropractic physician," "chiropractic orthopedist," "chiropractic neurologist," chiropractic radiologist," "chiropractor," "Doctor of Chiropractic," "D.C.", or any similar title or description of services with the intent to represent that the person practices chiropractic.".

(2) Subsection (i) is amended by striking the phrase ""L.O.T."; or" and inserting the phrase ""L.O.T.","O.T.R/L.", or" in its place.

(3) Subsection (j) is amended by striking the phrase ""C.O.T.A.", or" and inserting the phrase ""C.O.T.A,", "O.T.A.L.", or" in its place.

(4) Subsection (q) is amended by striking the phrase ""psychologist," or" and inserting the phrase "psychologist", "psychology associate", or" in its place.

(5) Subsection (t) is amended by striking the phrase "a person shall not use the phrase "licensed professional counselor"" and inserting the phrase "a person shall not use the phrase "licensed professional counselor" or "licensed graduate professional counselor"" in its place.

(6) New subsections (bb), (cc), and (dd) are added to read as follows:

"(bb) Unless authorized to practice addiction counseling under this act, a person shall not use or imply the use of the words or terms "addiction counselor", "licensed addiction counselor", "supervised addiction counselor," "certified addiction counselor I", "certified

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addiction counselor II", "advanced practice addiction counselor", "C.A.C.I.", "C.A.C.II.", "A.P.A.C.", or any similar title or description of services with the intent to represent that the person practices as an addiction counselor.

"(cc) Unless authorized to practice as nursing assistive personnel under this act, a person shall not use or imply the use of the words or terms "nursing assistant,' "home health aide," "trained medication employee," "dialysis technician," "health aide," or any similar title or description of services with the intent to represent that the person practices as a member of nursing assistive personnel.

"(dd) Unless authorized to practice polysomnography under this act, a person shall not use or imply the use of the words or terms "polysomnographic technologist", "registered polysomnographic technologist", "licensed polysomnographic technologist", "RPSGT", "LPSGT", "polysomnographic technician", "polysomnographic trainee", or any similar title or description of services with the intent to represent that the person practices polysomnography.".

(i) Section 1008 (D.C. Official Code § 3-1210.08) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Office of the Attorney General for the District of Columbia" in its place.

(2) Subsection (b) is amended by striking the phrase "from licensing" and inserting the phrase "from licensure, registration, or certification" in its place.

(j) Section 1010(a) (D.C. Official Code § 3-1210.10(a)) is amended by striking the phrase "The Corporation Counsel may bring an action" and inserting the phrase "The Office of the Attorney General for the District of Columbia may bring an action" in its place.

(k) A new section 1011 (to be codified at D.C. Official Code § 3-1210.11) is added to read as follows:

"Sec. 1011. Patient or client records.

"(a) Upon written request from a patient or client, or person authorized to have access to the patient's record under a health care power of attorney for the patient or client, the health care provider having custody and control of the patient's or client's record shall furnish, within a reasonable period of time, a complete and current copy of that record. If the patient or client is deceased, the request may be made by:

"(1) A person authorized immediately prior to the decedent's death to have access to the patient's or client's record under a health care power of attorney for the patient;

"(2) The executor for the decedent's estate;

"(3) The temporary executor for the decedent's estate;

"(4) The administrator for the decedent's estate;

"(5) The temporary administrator for the decedent's estate; or

"(6) Any survivor of the decedent.

"(b)(1) A health care provider may require the patient or client, or person authorized to have access to the patient's or client's record, to pay a reasonable fee for copying, as determined by the board through rulemaking.

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(2) For the purposes of this subsection, the term "record" includes a copy of a bill that has been requested by an individual but excludes x-rays.

"(c) Medical or client records shall be maintained for a minimum period of 3 years from the date of last contact for an adult and a minimum period of 3 years after a minor reaches the age of majority.".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Vincent C Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
May 12, 2009

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AN ACT

D.C. ACT 18-75

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 15, 2009

To amend, on an emergency basis, the Equitable Parking Meter Rates Temporary Amendment Act of 2009 to provide authority for the Mayor to provide financial assistance to the O Street Market project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "City Market at O Street Project Financing Clarification Emergency Amendment Act of 2009".

Sec. 2. Section 3 of the Equitable Parking Meter Rates Temporary Amendment Act of 2009, effective March 31, 2009 (D.C. Law 17-374; 56 DCR 1390), is amended as follows:

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

"(1) $1 million for a grant as authorized by section 14 of the City Market at O Street Tax Increment Financing Act of 2008, effective November 25, 2008 (D.C. Law 17-278; 55 DCR 11050);".

(b) Subsection (b) is repealed.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer, dated May 4, 2009, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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

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

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
May 15, 2009