

## DISTRICT OF COLUMBIA PUBLIC SCHOOLS

**NOTICE OF PROPOSED RULEMAKING**

The Chancellor of the District of Columbia Public Schools, pursuant to the authority set forth in sections 103(c)(2) and 105(c)(5) of the Public Education Reform Amendment Act of 2007 (“Act”), effective June 12, 2007, D.C. Law 17-9, D.C. Official Code §§ 38-172 and 38-174, and Mayor’s Order 2007-186, dated August 10, 2007, hereby gives notice of her intent to adopt the following amendments to Chapter 24 of Title 5 of the District of Columbia Municipal Regulations (DCMR) in not less than 30 days from the date of publication of this notice in the *D.C. Register*. The purpose of the amendment is to allow the Department of Health, the Department of Mental Health, and non-profit community-based health care providers to operate school health centers, to allow licensed providers in school health centers to dispense prescription and over-the-counter medications, and to clarify the role of school health centers in addressing the prevention of pregnancy and sexually-transmitted infections.

Pursuant to section 103(c)(2) of the Act, the proposed rules will be submitted to the Council of the District of Columbia for review and approval. This rule will become effective upon Council approval, or forty-five (45) days after submission, if the Council has not disapproved the proposed rulemaking, and publication of the final rules in the *D.C. Register*.

**Chapter 24 (Student Rights and Responsibilities) of Title 5 DCMR (Education) (December 2002) is amended as follows:**

Section 2413 is amended to read as follows:

- 2413.1 The Chancellor may accept public health services, including primary care, behavioral health, and oral health, from the Director of the Department of Health, the Director of the Department of Mental Health, or from a public or non-profit healthcare organization. The public health services shall be provided to D.C. Public Schools students in a school setting in accordance with the provisions of this section and an agreement concerning school health centers (SHCs) executed by the D.C. Public Schools (DCPS) and the healthcare organization.
- 2413.2 Health services provided in a SHC located in DCPS shall be subject to the following limitations:
- (a) Services shall augment, supplement, or complement DCPS services in the areas of the physical, social, mental, and emotional well-being of students, or fulfill an unmet health need within the general student population;
  - (b) Services shall be provided to:
    - (1) Students enrolled in the school in which the SHC is located;
    - (2) Additional schools named as part of the agreement executed between D.C. Public Schools and the healthcare organization;

- (3) To students previously enrolled within those schools during the current school year, upon approval of the school principal;
  - (4) To prospective students of the schools as part of an enrollment process;
  - (5) To the students' minor family members, upon approval by DCPS; and
  - (6) To other members of the community during before- or after-school hours, upon approval by DCPS.
- (c) Services shall be provided free of charge, or at nominal cost, to students and their parents, unless an agreement between DCPS and the healthcare organization provides otherwise. This section shall not be construed to relieve any insurer, Medicaid, or any similar third party from an otherwise valid obligation to pay for these health services;
  - (d) Services shall be provided to minors pursuant to the consent requirements of sections 600 and 603 of Title 22 of the D.C. Municipal Regulations;
  - (e) Services shall be provided only during the hours between eight o'clock (8:00) a.m. and five o'clock (5:00) p.m., unless otherwise provided in an agreement between DCPS and the healthcare organization; and
  - (f) A practitioner in a school health center may dispense prescription and over-the-counter drugs, including contraceptive drugs and devices when medically indicated.

2413.3 Health care organizations providing services in a school health center shall be subject to the following requirements:

- (a) Services shall be provided only by certified and licensed health professionals, acting under proper supervision, as appropriate;
- (b) Services shall be provided only by government agencies or organizations that are licensed to provide primary health, behavioral health, or oral health services, as appropriate;
- (c) Healthcare organization staff shall be subject to and shall pass the DC Public Schools background check and screening requirements required by Title II of the Child and Youth, Safety and Health Omnibus Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.01 *et seq.*);
- (d) The healthcare organization shall comply with the students' health and personal confidentiality requirements of this chapter; the Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. § 1232g, 34

CFR Part 99; the Health Insurance Portability and Accountability Act (HIPAA) 42 U.S.C. § 1320d *et seq.*, 45 CFR Part 164; and the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1201.01 *et seq.*); and

- (e) The healthcare organization shall have insurance coverage for bodily injury and property damage, errors and omissions, officer's liability and professional liability of no less than five million dollars (\$5,000,000) per claim and ten million dollars (\$10,000,000) per accident.

2413.4 A Local School Health Center Advisory Council (LSHCAC) shall be established at a school before a SHC begins to provide services in that school. The school leadership may convene the LSHCAC as part of the school's existing wellness council or committee. The LSHCAC shall provide advice and direction to each SHC. The principal of each school with a SHC shall convene the initial meeting of that school's LSHCAC. At the first meeting, the members present shall select the leadership of the council.

2413.5 Each LSHCAC shall be comprised of representatives from the local school staff, community leaders, health professionals, behavioral health and social work professionals, parents, and students. Each LSHCAC may also include representatives from the Office of the Chancellor, and the Department of Health or the Department of Mental Health, as appropriate. The exact composition of each LSHCAC shall be determined by agreement executed among the school, DCPS, the Department of Health, the Department of Mental Health, and the healthcare organization.

2413.6 The LSHCAC shall provide advice to the local school administration, the Directors of the Departments of Health and Mental Health, and the Chancellor on matters related to the operation of the school health center as it considers appropriate. It shall specifically advise on the following:

- (a) The acceptability of the format and procedures used to inform parents of the school health center and to gain their consent for utilization of the center by their children;
- (b) The scope of services provided at the health center;
- (c) The adequacy of the health education material used to promote preventive health care and general health promotion;
- (d) The adequacy of any school health center's provisions to enhance and encourage parents' ability to counsel their own children with competence and confidence;
- (e) The consistency of the health education materials regarding human sexuality, preventive health care, and general health promotion with materials used in the classroom; and

- (f) The adequacy of a SHC's provisions for addressing the emotional and social support needs of students.

2413.7 A DC School Health Center Advisory Committee (DCSHCAC) shall be established within ninety (90) days of the effective date of this section to provide policy and programmatic advice relating to school health centers to DCPS. The DCSHCAC shall be comprised of representatives from the Office of the Chancellor, the Department of Health, the Department of Mental Health, each LSHCAC, the health care organizations and community leaders. The Chancellor or his or her designee shall convene the initial meeting of the DCSHCAC. At the first meeting, the members present shall select the leadership of the council.

Section 2499 (Definitions) is amended by adding a new subsection 2499.2 to read as follows:

2499.2 When used in this chapter, the following terms shall have the meanings ascribed:

**Chancellor**—the Chancellor of the District of Columbia Public Schools.

**Director**—the Director of the Department of Health or the Director of the Department of Mental Health.

**D.C. Public Schools or DCPS**—the public school system excluding public charter schools.

**Healthcare organization**—a licensed primary health, behavioral health, or oral health provider that sponsors a SHC in a particular DCPS school.

**Practitioner**—a person licensed, registered, certified, or otherwise permitted by law to prescribe, dispense, and to administer drugs or medical devices, within the course of the person's professional practice.

**School health center or SHC**—a primary health or behavioral health care facility established and operated within a public school building or on the grounds of a public school by the Department of Health, the Department of Mental Health, or by a public, for profit, or non-profit healthcare entity or provider under a written agreement with the Chancellor.

Persons desiring to comment on these proposed rules should submit comments in writing to Michelle Rhee, Chancellor, DCPS, 825 North Capitol Street, NE, 9<sup>th</sup> Floor, Washington, DC, 20002, Attn: Diana Bruce, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of these proposed rules may be obtained between 8:30 A.M. and 5:00 P.M. at the address stated above.

**THE DISTRICT OF COLUMBIA  
LOTTERY AND CHARITABLE GAMES CONTROL BOARD  
NOTICE OF PROPOSED RULEMAKING**

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth in D.C. Official Code §3-1306, District of Columbia Financial Responsibility and Management Assistance Authority Order issued September 21, 1996, and Office of the Chief Financial Officer Financial Management Control Order No. 96-22 issued November 18, 1996, hereby gives notice of the adoption of amendments to **Chapter 6 of Title 30 DCMR**, "Lottery and Charitable Games." These rules are necessary to introduce the DC Lottery electronic claim form. The Executive Director gives notice of his intent to take final rulemaking action to adopt these rules in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

**AMEND CHAPTER 6. "CLAIMS AND PRIZE PAYMENTS."**

Amend subsection 602 by substituting the following:

602. CLAIM FORM.

602.1 Each claimant presenting a prize claim at the Claim Center shall either complete paper claim form or verify all information contained on an electronic claim form designated by the Executive Director and shall provide all information required by the Executive Director, including but not limited to, the prize claimant's:

- (a) Name;
- (b) Address, if any;
- (c) Social Security number or FEIN;
- (d) Driver's license, non-driver identification or other acceptable photographic identification; and
- (e) Other applicable certifying documents required by the Executive Director.

602.2 All claim forms paper or electronic shall be completed and signed by the claimant or his or her duly authorized representative as provided in this title.

602.3 If the owner of a prize winning ticket is unable to complete a claim form due to a legal, physical, or other disability, a duly authorized representative, guardian, conservator,

custodian, or fiduciary shall complete and sign a claim form on his or her behalf. The claim form shall indicate the name of the lawful payee.

- 602.4 If the person signing the claim form is a personal representative of the estate of a deceased winner, that person shall submit his or her letter of administration or its legal equivalent showing the appointment from the court having jurisdiction over the estate.
- 602.5 A person who signs either a paper or electronic claim form shall be considered to have verified and represented that all the information contained therein is accurate and complete.
- 602.6 No incomplete claim form shall be processed for payment.
- 602.7 Any person who willfully submits a false or fraudulent claim form may be prosecuted for the offense of making a false statement in accordance with D.C. Code § 22-2514 (1996 Repl. Vol.).

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days from the date of publication of this notice in the Register. Comments should be filed with the Executive Director, District of Columbia Lottery and Charitable Games Control Board, 2101 Martin Luther King, Jr., Avenue, S.E., Washington, D.C. 20020. Copies of these proposed rules may be obtained at the address stated above.