

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 21-93, Youth Employment and Work Readiness Training Temporary Amendment Act of 2015
- D.C. Council schedules a public hearing on Bill 21-71, Child Support Guideline Revision Act of 2015
- D.C. Council schedules a public roundtable on Truancy and the Implementation of Truancy Reform Initiatives
- District Department of the Environment schedules a public hearing on the Fiscal Year 2016 Project Priority List
- Department of Health Care Finance publishes Medicaid fee schedule updates for laboratory services and physician-administered drugs
- Department of Health announces funding availability for food services for persons living with HIV/AIDS in the District of Columbia
- Department of Human Services announces funding availability for family violence prevention services and homeless youth outreach services

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances publishes the *District of Columbia Register* (ISSN 0419-439X) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979, D.C. Official Code § 611 et seq. (2012 Repl.). The policies which govern the publication of the *Register* are set forth in the Rules of the Office of Documents and Administrative Issuances (1 DCMR 300, et seq.). The Rules of the Office of Documents and Administrative Issuances are available online at dcregs.dc.gov. Rulemaking documents are also subject to the requirements of the *D.C. Administrative Procedure Act*, D.C. Official Code §2-501 et seq. (2012 Repl.).

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-76

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 17, 2015

To adjust, on an emergency basis, certain allocations requested in the Fiscal Year 2015 Budget Request Act pursuant to the Omnibus Appropriations Act, 2009.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2015 Second Revised Budget Request Emergency Adjustment Act of 2015".

Sec. 2. Pursuant to section 817 of the Omnibus Appropriations Act, 2009, approved March 13, 2009 (123 Stat. 699; D.C. Official Code § 47-369.02), the Fiscal Year 2015 budgets for the following agencies shall be adjusted by the following amounts:

TITLE II—DISTRICT OF COLUMBIA FUNDS—SUMMARY OF EXPENSES

\$99,652,000 is removed from local funds (including an increase of \$106,000 in dedicated taxes); \$215,000 is increased in other funds; and \$260,000 is increased in enterprise and other funds; to be allocated as follows:

Government Direction and Support

The appropriation for Governmental Direction and Support is decreased by \$7,073,000 in local funds and increased by \$162,000 in other funds; to be allocated as follows:

- (1) Department of General Services. – (\$5,500,000) is removed from local funds;
- (2) Office of the Secretary. – (\$100,000) is removed from local funds;
- (3) Office of Contracting and Procurement. – (\$500,000) is removed from local funds;
- (4) Office of Risk Management. – (\$200,000) is removed from local funds;
- (5) Department of Human Resources. – (\$84,000) is removed from local funds and \$162,000 is added to be available in other funds;
- (6) Office of Campaign Finance. – (\$233,000) is removed from local funds;
- (7) Office of the District of Columbia Auditor. – (\$122,000) is removed from local funds;
- (8) Office of the Attorney General – (\$300,000) is removed from local funds;
- (9) Contract Appeals Board – (\$24,000) is removed from local funds; and
- (10) Public Employee Relations Board – (\$11,000) is removed from local funds.

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Economic Development and Regulation

The appropriation for Economic Development and Regulation is decreased by \$3,015,000 in local funds; to be allocated as follows:

- (1) Department of Employment Services. – (\$372,000) is removed from local funds;
- (2) Office of the Deputy Mayor for Planning and Economic Development. – (\$136,737) is removed from local funds;
- (3) Office of Motion Picture and Television Development. – (\$1,507,000) is removed from local funds; and
- (4) Commission on the Arts and Humanities. – (\$1,000,000) is removed from local funds.

Public Safety and Justice

The appropriation for Public Safety and Justice is decreased by \$1,792,000 in local funds; to be allocated as follows:

- (1) Office of Unified Communications. – (\$1,401,000) is removed from local funds;
- (2) Department of Forensic Sciences. – (\$196,000) is removed from local funds; and
- (3) Office of Administrative Hearings. – (\$194,000) is removed from local funds.

Public Education

The appropriation for Public Education is decreased by \$15,542,000 in local funds; to be allocated as follows:

- (1) Office of the State Superintendent of Education. – (\$6,182,000) is removed from local funds;
- (2) Office of the Deputy Mayor for Education. – (\$4,000,000) is removed from local funds;
- (3) District of Columbia Public Charter Schools. – (\$2,500,000) is removed from local funds;
- (4) State Board of Education – (\$10,000) is removed from local funds; and
- (5) Special Education Transportation. – (\$2,850,000) is removed from local funds.

Human Support Services

The appropriation for Human Support Services is decreased by \$28,119,000 in local funds (including an increase of \$106,000 in dedicated taxes) and increased by \$53,000 in other funds; to be allocated as follows:

- (1) Department of Human Services. – (\$600,000) is removed from local funds;
- (2) Department of Parks and Recreation. – (\$1,750,000) is removed from local funds;
- (3) Department of Health Care Finance. – (\$25,085,000) is removed from local funds (including an increase of \$106,000 in dedicated taxes) and \$53,000 is added to be available in other funds;

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- (4) Department of Youth Rehabilitation Services. – (\$463,000) is removed from local funds;
- (5) Office on Latino Affairs. – (\$10,000) is removed from local funds;
- (6) Office on Asian and Pacific Islander Affairs. – (\$6,000) is removed from local funds;
- (7) Office of Veterans Affairs. – (\$5,000) is removed from local funds; and
- (8) Office on Aging. – (\$200,000) is removed from local funds.

Public Works

The appropriation for Public Works is decreased by \$175,000 in local funds; to be allocated as follows:

- (1) District Department of Transportation. – \$250,000 is added to be available in local funds; and
- (2) Department of Motor Vehicles. – (\$425,000) is removed from local funds.

Financing and Other

The appropriation for Financing and Other is decreased by \$43,936,000 in local funds; to be allocated as follows:

- (1) Repayments of Loans and Interest. – (\$20,328,000) is removed from local funds;
- (2) Certificates of Participation. – (\$22,670,000) is removed from local funds;
- (3) Non-departmental. – (\$6,300,000) is removed from local funds;
- (4) Workforce Investments. – (\$8,000,000) is removed from local funds;
- (5) TIF and PILOT Transfer. – \$9,907,000 is added to be available in local funds; and
- (6) Emergency and Contingency Reserve Funds. – \$3,455,000 is added to be available in local funds.

Enterprise and Other Funds

The appropriation for Enterprise and Other Funds is increased by \$260,000 in enterprise and other funds; to be allocated as follows:

- (1) University of the District of Columbia. – \$260,000 is added to be available in enterprise and other funds.

Sec. 3. Of the Fiscal Year 2015 local funds within the budget of the Office of the Deputy Mayor for Public Safety and Justice, \$700,000 shall be reallocated from the Justice Grants Administration program to the Community-Based Violence Reduction Fund.


Sec. 4. Fiscal impact statement.

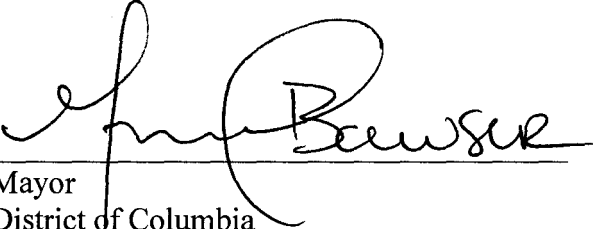
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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Sec. 5. 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 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)).



Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
June 17, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-77

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 17, 2015

To approve, on an emergency basis, Change Orders Nos. 003 and 004 to Contract No. DCAM-12-M-1031H-FM with MCN Build, LLC for design-build services for the Powell Elementary School modernization and expansion, and to authorize payment for the goods and services received and to be received under these change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Change Orders Nos. 003 and 004 to Contract No. DCAM-12-M-1031H-FM Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Change Orders Nos. 003 and 004 to Contract No. DCAM-12-M-1031H-FM with MCN Build, LLC, for design-build Services for the Powell Elementary School modernization and expansion, and authorizes payment in the aggregate amount of \$1,571,647 for the goods and services received and to be received under these change orders.

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal statement of the Chief Financial Officer 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.

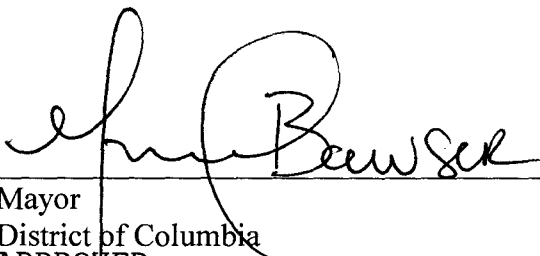
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 17, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-78

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 17, 2015

To approve, on an emergency basis, Modification Nos. 21, 23, 24, and 26 to Contract No. CW16474 with Infosys Public Services, Inc. to provide District of Columbia Access System services and to authorize payment for the goods and services received and to be received under these modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. CW16474 Modification Nos. 21, 23, 24, and 26 Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 21, 23, 24, and 26 ("Option Year Two") to Contract No. CW16474 with Infosys Public Services, Inc, to continue to provide District of Columbia Access System services, and authorizes payment in the not-to-exceed amount of \$51,460,303.28 for services received and to be received under these modifications.

Sec. 4. Fiscal impact statement.


The Council adopts the fiscal impact statement of the Chief Financial Officer 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. 5. 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

ENROLLED ORIGINAL

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)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 17, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-79

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 17, 2015

To approve, on an emergency basis, Option Year 4 of Contract No. DCKT-2010-E-0112 with WM Recycle America, LLC to continue to provide the District with recycling services and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification 14, Option Year 4 of Contract No. DCKT-2010-E-0112 with WM Recycle America, LLC Approval and Payment Authorization Emergency Act of 2015”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Option Year 4 of Contract No. DCKT-2010-E-0112 with WM Recycle America, LLC to continue to provide the District with recycling services and authorizes payment in the estimated contract amount of \$1.2 million for services received and to be received under the contract.

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement of the Chief Financial Officer 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.

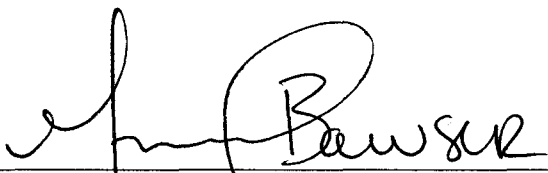
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 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)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 17, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-80

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 17, 2015

To approve, on an emergency basis, Modification No. 0001 to Contract No. CW317429 with Northrop Grumman for IT maintenance and support services to the District's Automated Unemployment Tax System and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification No. 0001 to Contract No. CW317429 Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 0001 to Contract No. CW317429 with Northrop Grumman to provide IT maintenance and support services to the District's Automated Unemployment Tax System, and authorizes payment in the not-to-exceed amount of \$1,370,300 for the services received and to be received under the contract from October 1, 2014 through September 30, 2015.

Sec. 3. Fiscal impact statement.

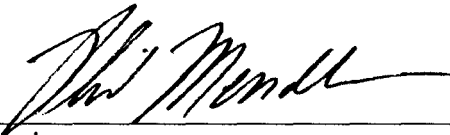
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

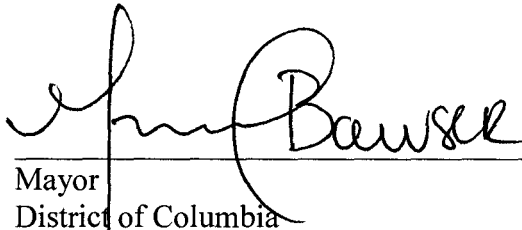
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 17, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-81

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 17, 2015

To amend, on an emergency basis, due to congressional review, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to approve the salary adjustment submitted by the Mayor for the position of the Chancellor of the District of Columbia Public Schools.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Chancellor of the District of Columbia Public Schools Salary Adjustment Congressional Review Emergency Amendment Act of 2015”.

Sec. 2. Section 1052(b)(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.52(b)(2)), is amended by striking the phrase “the Chancellor of the District of Columbia Public Schools Kaya Henderson (\$275,000),” and inserting the phrase “the Chancellor of the District of Columbia Public Schools Kaya Henderson (\$284,000),” in its place.

Sec. 3. Applicability.

This act shall apply as of April 2, 2015.

Sec. 4. Fiscal impact statement.


The Council adopts the fiscal impact statement of the Chief Financial Officer 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. 5. Effective date.

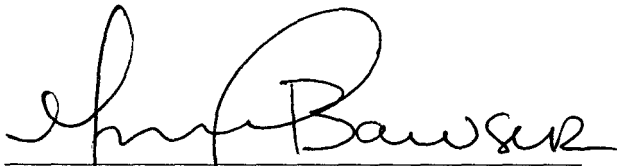
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 17, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-82

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 17, 2015

To amend, on an emergency basis, the Retail Electric Competition and Consumer Protection Act of 1999 to prohibit the electric company from disconnecting residential electric service when the heat index is forecasted to be 95 degrees Fahrenheit or above.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Heat Wave Safety Emergency Amendment Act of 2015".

Sec. 2. The Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501 *et seq.*), is amended by adding a new section 106a to read as follows:

"Sec. 106a. Disconnection of service in extreme temperature prohibited.

"(a) For the purposes of this section, the term "forecast of extreme temperature" means a National Weather Service forecast that the heat index for the District of Columbia will be 95 degrees Fahrenheit or above at any time during a day.

"(b) The electric company shall not disconnect residential electric service during the day preceding, and the day of, a forecast of extreme temperature. If the forecast of extreme temperature precedes a holiday or weekend day, the electric company shall not disconnect residential electric service on any day during the holiday or weekend."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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.

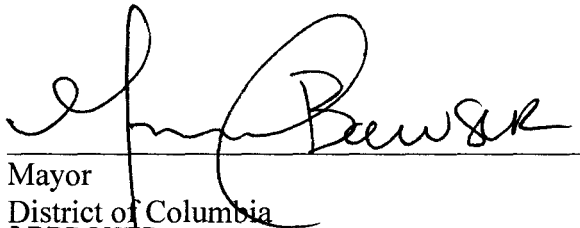
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 17, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-83

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 17, 2015

To approve, on an emergency basis, Change Orders Nos. 002 and 003 to Contract No. DCAM-14-CS-0069 with Broughton Construction Company, LLC for design-build services for the Stuart Hobson Middle School modernization and expansion, and to authorize payment for the goods and services received and to be received under these change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Change Orders Nos. 002 and 003 to Contract No. DCAM-14-CS-0069 Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Change Orders Nos. 002 and 003 to Contract No. DCAM-14-CS-0069 with Broughton Construction Company, LLC, for design-build services for the Stuart Hobson Middle School modernization and expansion, and authorizes payment in the aggregate amount of \$3,022,172.63 for the goods and services received and to be received under these change orders.

Sec. 3. Fiscal impact statement.

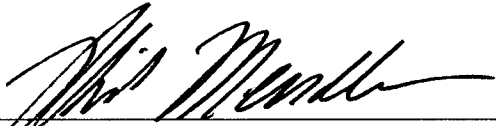
The Council adopts the fiscal statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

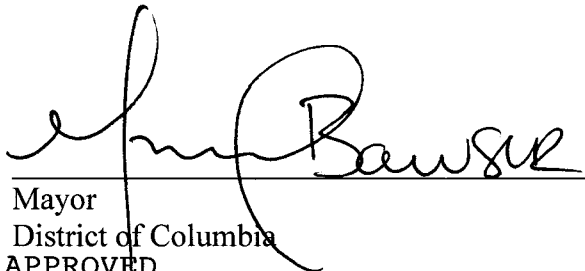
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 17, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-84

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 17, 2015

To approve, on an emergency basis, Change Orders Nos. FY15-001 through FY15-004 to Contract No. DCAM-12-CS-0184A with Adrian L. Merton, Inc., for HVAC Technician Services, and to authorize payment for the goods and services received and to be received under the change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Change Orders Nos. FY15-001 through FY15-004 to Contract No. DCAM-12-CS-0184A Approval and Payment Authorization Emergency Act of 2015”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Change Orders Nos. FY15-001 through FY15-004 to Contract No. DCAM-12-CS-0184A with Adrian L. Merton, Inc., for HVAC Technician Services, and authorizes payment in the aggregate amount of \$3,508,647.40 for the goods and services received and to be received and under the change orders.

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal statement of the Chief Financial Officer 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.

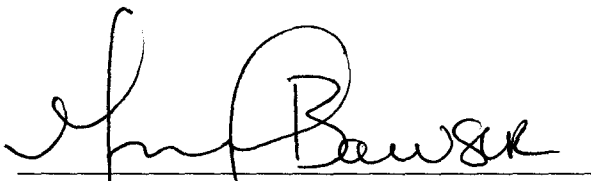
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 17, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-85

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 17, 2015

To approve, on an emergency basis, Change Orders Nos. FY15-001 through FY15-003 to Contract No. DCAM-12-CS-0184B with RSC Electrical & Mechanical Contractors, Inc. for HVAC Technician Services, and to authorize payment for the goods and services received and to be received under the change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Change Orders Nos. FY15-001 through FY15-003 to Contract No. DCAM-12-CS-0184B Approval and Payment Authorization Emergency Act of 2015”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Change Orders Nos. FY15-001 through FY15-003 to Contract No. DCAM-12-CS-0184B with RSC Electrical & Mechanical Contractors, Inc., for HVAC Technician Services, and authorizes payment in the aggregate amount of \$3,402,800 for the goods and services received and to be received under the change orders.

Sec. 3. Fiscal impact statement.

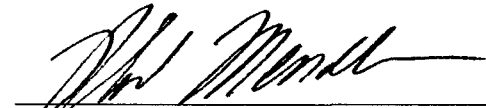
The Council adopts the fiscal statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

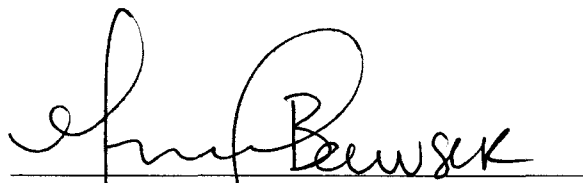
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 17, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-86

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 17, 2015

To approve, on an emergency basis, Modification Nos. 10 and 11 to Contract No. DCJM-2009-E-0002 and proposed sole source Contract No. DCJM-2015-S-0002 to continue services by Liberty Healthcare Corporation as a Quality Improvement Organization to conduct provider certification reviews, individual support plan utilization reviews, and service coordination performance audits of Centers for Medicare and Medicaid Services Home and Community Based Services waiver providers for residents of the District of Columbia with intellectual and developmental disabilities, and to authorize payment for services received and to be received under the contract modifications and sole source contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCJM-2009-E-0002 and Contract No. DCJM-2015-S-0002 Modification Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 10 and 11 to Contract No. DCJM-2009-E-0002 and proposed sole source Contract No. DCJM-2015-S-0002 to continue services by Liberty Healthcare Corporation as a Quality Improvement Organization to conduct provider certification reviews, individual support plan utilization reviews, and service coordination performance audits of Centers for Medicare and Medicaid Services Home and Community Based Services waiver providers for residents of the District of Columbia with intellectual and developmental disabilities, and authorizes payment to Liberty Healthcare Corporation in the total amount of \$1,832,237.15, of which \$827,285.14 is for Modification Nos. 10 and 11 to Contract No. DCJM-2009-E-0002, and \$1,003,952.01 of which is for the proposed Contract No. DCJM-2015-S-0002, for services received and to be received under the contract modifications and sole source contract.

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

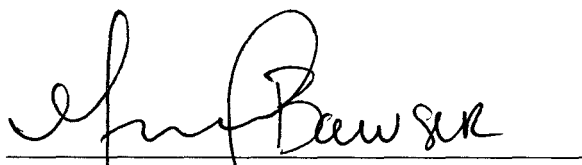
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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 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)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 17, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-87

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 17, 2015

To approve, on an emergency basis, Change Orders Nos. 002 through 006 to Contract No. DCAM-13-CS-0136 with Smoot Gilbane II Joint Venture for design-build services for the Roosevelt High School modernization, and to authorize payment for the goods and services received and to be received under these change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Change Orders Nos. 002 through 006 to Contract No. DCAM-13-CS-0136 Approval and Payment Authorization Emergency Act of 2015”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Change Orders Nos. 002 through 006 to Contract No. DCAM-13-CS-0136 with Smoot Gilbane II Joint Venture, for design-build services for the Roosevelt High School modernization, and authorizes payment in the aggregate amount of \$1,510,484 for the goods and services received and to be received under these change orders.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal statement of the Chief Financial Officer 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.

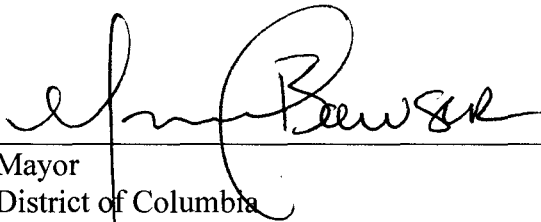
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 17, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-88

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 17, 2015

To approve, on an emergency basis, Contract No. DCAM-14-NC-0179A and Modification Nos. 03 and 04 with Chiamonte Construction Company for snow and ice removal and pre-treatment services, and to authorize payment in the aggregate amount of \$1,035,932 for the goods and services received under the contract and modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCAM-14-NC-0179A and Modification Nos. 03 and 04 Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Contract No. DCAM-14-NC-0179A and Modification Nos. 03 and 04 with Chiamonte Construction Company for snow and ice removal and pre-treatment services, and authorizes payment in the aggregate amount of \$1,035,932 for the goods and services received under the contract and modifications.

Sec. 3. Fiscal impact statement.

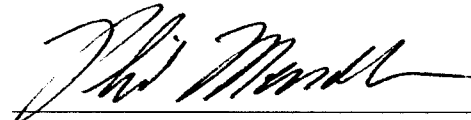
The Council adopts the fiscal statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

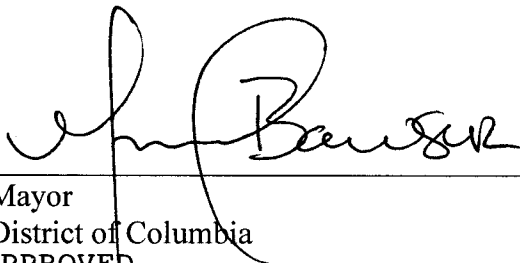
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 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)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 17, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-89

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 17, 2015

To approve, on an emergency basis, Contract No. DCAM-14-NC-0179B and Modification Nos. 03 and 04 with Community Bridge, Inc. for snow and ice removal and pre-treatment services, and to authorize payment in the aggregate amount of \$1,045,105 for the goods and services received under the contract and modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCAM-14-NC-0179B and Modification Nos. 03 and 04 Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Contract No. DCAM-14-NC-0179B and Modification Nos. 03 and 04 with Community Bridge, Inc. for snow and ice removal and pre-treatment services, and authorizes payment in the aggregate amount of \$1,045,105 for the goods and services received under the contract and modifications.

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal statement of the Chief Financial Officer 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.

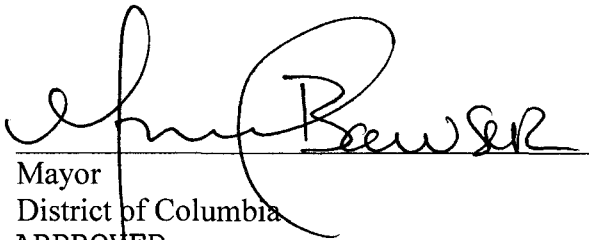
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 17, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-90

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 17, 2015

To require every newborn delivered in a hospital, maternity center, or home to be screened for critical congenital heart disease.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Healthy Hearts of Babies Act of 2015".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Critical congenital heart disease" means a group of heart defects that cause serious, life-threatening symptoms and require intervention within the first days or first year of life.

(2) "Health benefit plan" shall have the same meaning as provided in section 101(20) of the Health Insurance Portability and Accountability Federal Law Conformity and No-Fault Vehicle Insurance Act of 1998, effective April 13, 1999 (D.C. Law 12-209; D.C. Official Code § 31-3301.01(20)).

(3) "Health insurer" shall have the same meaning as provided in section 101(22) of the Health Insurance Portability and Accountability Federal Law Conformity and No-Fault Vehicle Insurance Act of 1998, effective April 13, 1999 (D.C. Law 12-209; D.C. Official Code § 31-3301.01(22)).

(4) "Hospital" shall have the same meaning as provided in section 2(a)(1) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501(a)(1)).

(5) "Maternity center" shall have the same meaning as provided in section 2(a)(2) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501(a)(2)).

(6) "Nurse-midwife" means a registered nurse certified pursuant to 17 DCMR § 5800 *et seq.*

(7) "Pulse oximetry" means the non-invasive procedure used to measure oxygen levels in the blood.

ENROLLED ORIGINAL

Sec. 3. Critical congenital heart disease screening.

(a) Every newborn delivered in a hospital, maternity center, or home shall be screened for critical congenital heart disease using pulse oximetry until an alternative test for critical congenital heart disease is adopted by the American Academy of Pediatrics.

(b)(1) Each hospital, maternity center, and nurse-midwife shall:

(A) Inform and educate the parent of the purpose and availability of critical congenital heart disease screening (“screening”);

(B) Perform the screening unless the procedure is refused based on the parent’s religious or personal beliefs;

(C) Document the screening results or the parent’s refusal to allow the screening;

(D) Provide the screening results to the parent of the newborn and, if known, the newborn’s primary care provider;

(E) When a newborn tests positive for critical congenital heart disease, provide recommendations for follow-up testing and treatment to the parent of the newborn and, if known, the newborn’s primary care provider; and

(F) On a quarterly basis, notify the Department of Health of the number of infants screened for critical congenital heart disease, the results of those screenings, and any documented parental refusal based on religious or personal beliefs.

(2) Screening results shall include, at minimum, the age of the infant at the time of screening, actual screening values, and the final interpretation of the results.

(c) The screening required by subsection (a) of this section shall be performed in a manner consistent with the standards of the American Academy of Pediatrics for critical congenital heart disease.

Sec. 4. Health benefit plan reimbursement.

All health insurer health benefit plans shall reimburse for screenings conducted under this act.

Sec. 5. Rules.

The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act.

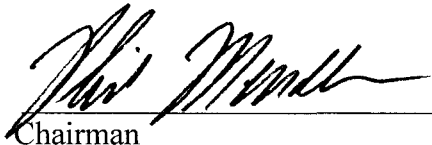
Sec. 6. Fiscal impact statement.

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)).

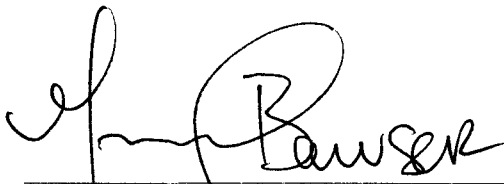
ENROLLED ORIGINAL

Sec. 7. 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.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 17, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-91

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 17, 2015

To amend the Women's Health and Cancer Rights Federal Law Conformity Act of 2000 to require that a health benefit plan authorize the dispensing of up to a 12-month supply of a woman's covered prescription contraceptive at one time.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Access to Contraceptives Amendment Act of 2015".

Sec. 2. The Women's Health and Cancer Rights Federal Law Conformity Act of 2000, effective April 3, 2000 (D.C. Law 13-254; D.C. Official Code § 31-3831 *et seq.*), is amended by adding a new section 5a to read as follows:

"Sec. 5a. Full-year coverage for contraception.

"(a) An individual health plan or group health plan, a health insurer offering health insurance coverage for prescription drugs, and health insurance coverage through Medicaid shall provide benefits that allow for the dispensing of up to a 12-month supply of a covered prescription contraceptive at one time.

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

(1) "Contraceptive" means a drug or drug regimen approved by the U.S. Food and Drug Administration to prevent pregnancy.

(2) "Medicaid" shall have the same meaning as provided in section 1502(2) of the Fiscal Year 2003 Budget Support Act of 2002, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code § 4-204.12(2)).

"(c) This section shall not be construed to require additional coverage for contraceptives that are not covered under the health benefit plan."

Sec. 3. Applicability.

This act shall apply as of January 1, 2017.

Sec. 4. 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)).

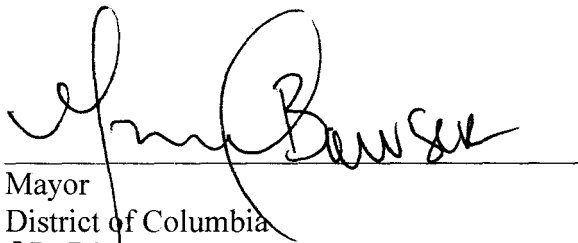
ENROLLED ORIGINAL

Sec. 5. 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.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 17, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-92

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 17, 2015

To amend, on a temporary basis, the Legalization of Marijuana for Medical Treatment Initiative of 1998 to provide an exception to allow a cultivation center to operate in a Retail Priority Area if the applicant had an application pending or approved before the effective date of the law establishing or expanding a Retail Priority Area.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Medical Marijuana Cultivation Center Exception Temporary Amendment Act of 2015".

Sec. 2. Section 7(g-1) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.06(g-1)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "A cultivation center" and inserting the phrase "Except as provided in paragraph (3) of this subsection, a cultivation center" in its place.

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

"(3) An applicant that had an application for registration to operate a cultivation center pending or approved as of the effective date of a law establishing or expanding a Retail Priority Area that would include within its boundaries the proposed site of the cultivation center shall be permitted to locate the cultivation center at that site in the newly established or newly expanded Retail Priority Area."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1073 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

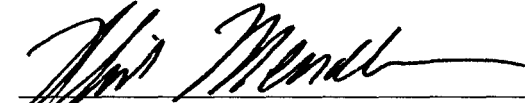
Sec. 4. Effective date.

(a) 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

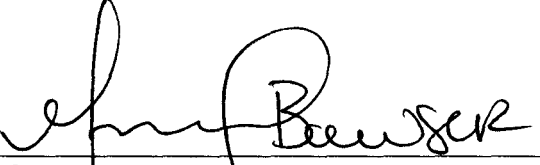
ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 17, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-93

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 17, 2015

To amend, on a temporary basis, the Youth Employment Act for 1979 to authorize the Mayor to provide employment or work readiness training for no fewer than 10,000 and no more than 21,000 youth participants 14 to 24 years of age.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Youth Employment and Work Readiness Training Temporary Amendment Act of 2015".

Sec. 2. Section 2 of the Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241), is amended as follows:

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

(1) Subparagraphs (A) and (A-i) are amended to read as follows:

"(A)(i) A summer youth jobs program to provide for the employment or training each summer of not fewer than 10,000 or more than 21,000 youth 14 to 24 years of age on the date of enrollment in the program, including no more than 1000 youth 22 to 24 years of age.

"(ii) Youth ages 14 to 15 years at the date of enrollment shall receive an hourly work readiness training rate of not less than \$5.25.

"(iii) Youth ages 16 to 24 years at the date of enrollment shall be compensated at an hourly rate of \$8.25 for 16- to 21-year-olds and \$9.25 for 22- to 24-year-olds.

"(A-i) Registration for the summer youth jobs program shall occur on or before the last day of January and shall conclude by the last day of April of each year."

(2) Subparagraph (B) is amended by striking the phrase "but shall not be less than 20 nor more than 25 hours" and inserting the phrase "but shall not be fewer than 20 hours or more than 40 hours" in its place.

(3) Subparagraph (C) is amended to read as follows:

"(C) Employment may include an appropriate number of supervisory positions at an hourly wage of \$9.25 to \$13. Supervisory positions shall not be subject to the requirements under this paragraph regarding the number of hours and weeks of employment."

(b) A new subsection (g) is added to read as follows:

ENROLLED ORIGINAL

“(g)(1)The Department of Employment Services shall collect, and publish on its website, aggregated information on the participants of the summer youth jobs program, including statistics on:

- “(A) The demographics of participants;
- “(B) Participants’ activities in the program; and
- “(C) Participants’ employment following the end of the program.

“(2) The information required by paragraph (1) of this subsection shall be published by November 30, 2015.

“(3) It is the sense of the Council that the Department of Employment Services shall consult with the Council on revising the existing evaluation requirement for the summer youth jobs program to focus on program outcomes and program effectiveness.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer 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.

(a) 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.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 17, 2015

ENROLLED ORIGINAL

A RESOLUTION

21-125

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2015

To declare the existence of an emergency with respect to the need to approve Contract No. DCAM-14-NC-0179A and Modification Nos. 03 and 04 with Chiaramonte Construction Company for snow and ice removal and pre-treatment services, and to authorize payment in the aggregate amount of \$1,035,932 for the goods and services received under the contract and modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCAM-14-NC-0179A and Modification Nos. 03 and 04 Approval and Payment Authorization Emergency Declaration Resolution of 2015".

Sec. 2. (a) There exists an immediate need to approve Contract No. DCAM-14-NC-0179A and Modification Nos. 03 and 04 for snow and ice removal and pre-treatment services in the aggregate amount of \$1,035,932 and to authorize payment for the goods and services received under the contract and modifications.

(b) Contract No. DCAM-14-NC-0179A was competitively bid and awarded to Chiaramonte Construction Company in the amount of \$700,000. Thereafter, the Department of General Services issued Modification Nos. 01 and 02 at no cost. Modification No. 03 increased the contract value by \$295,000 to \$995,000; thus, Modification No. 03 did not require Council approval.

(c) Additional snow and ice removal and pre-treatment services were performed by Chiaramonte Construction Company, in the amount of \$40,932. Modification No. 04, in the amount of \$40,932, would cause the aggregate value of Contract No. DCAM-14-NC-0179A to exceed the \$1 million threshold set forth in section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

(d) Approval of Modification No. 04 is necessary to compensate Chiaramonte Construction Company for work performed for snow and ice removal and pre-treatment services.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCAM-14-NC-0179A and Modification Nos. 03 and 04 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-126

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2015

To declare the existence of an emergency with respect to the need to approve Modification Nos. 21, 23, 24 and 26 to Contract No. CW16474 with Infosys Public Services, Inc. to provide District of Columbia Access System services and to authorize payment for the goods and services received and to be received under these modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. CW16474 Modification Nos. 21, 23, 24 and 26 Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to approve Modification Nos. 21, 23, 24 and 26 (“Option Year Two”) to Contract No. CW16474 with Infosys Public Services, Inc. to provide District of Columbia Access System services and to authorize payment for the goods and services received and to be received under these modifications.

(b) On January 2, 2013, Contract Number CW16474 was awarded to Infosys Public Services, Inc. to run from January 2, 2013, to January 1, 2014, in the amount of \$51,460,303.28.

(c) On December 30, 2013, the Council approved Modification No. 0012 for Option Year One (CA20-0240), for the period of January 2, 2014, through January 1, 2015, in the amount of \$29,435,417.86.

(d) On January 2, 2015, by Modification No. 21, the Office of Contract and Procurement (“OCP”) partially exercised Option Year Two, for the period of January 2, 2015, through January 31, 2015, in the amount of \$981,592.30.

(e) On January 30, 2015, by Modification No. 23, the OCP partially exercised Option Year Two, for the period of February 1, 2015, through March 10, 2015, in the amount of \$13,109,607.40.

(f) On March 10, 2015, by Modification No. 24, the OCP partially exercised Option Year Two, for the period of March 11, 2015, through April 30, 2015, in the amount of \$2,814,927.00.

(g) Now OCP proposes to, by Modification No. 26, exercise the remainder of Option Year Two for the period of May 1, 2015, through January 1, 2016, in the not-to- exceed amount of \$34,554,176.58.

(h) OCP seeks Council approval to increase the total not-to-exceed amount for Option Year Two to \$51,460,303.28.

ENROLLED ORIGINAL

(i) Approval is necessary to allow the continuation of these vital services. Without this approval, Infosys Public Services, Inc. cannot be paid for services provided in excess of \$1 million for Option Year Two.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CW16474 Modification Nos. 21, 23, 24 and 26 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-127

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2015

To declare the existence of an emergency with respect to the need to approve Modification Nos. 10 and 11 to Contract No. DCJM-2009-E-0002 and proposed sole source Contract No. DCJM-2015-S-0002 to continue services by Liberty Healthcare Corporation as a Quality Improvement Organization to conduct provider certification reviews, individual support plan utilization reviews, and service coordination performance audits of Centers for Medicare and Medicaid Services Home and Community Based Services waiver providers for residents of the District of Columbia with intellectual and developmental disabilities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. DCJM-2009-E-0002 and Contract No. DCJM-2015-S-0002 Modification Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to approve Modification Nos.10 and 11 to Contract No. DCJM-2009-E-0002 and proposed sole source Contract No. DCJM-2015-S-0002 to continue services provided by Liberty Healthcare Corporation as a Quality Improvement Organization to conduct provider certification reviews, individual support plan utilization reviews, and service coordination performance audits of Centers for Medicare and Medicaid Services Home and Community Based Services waiver service providers for residents of the District of Columbia with intellectual and developmental disabilities.

(b) Modification Nos. 10 and 11 to Contract No. DCJM-2009-E-0002 extended the contract beyond the 4th option period on a sole source basis from January 8, 2015, through May 7, 2015, in the amount of \$827,285.14. Proposed sole source Contract No. DCJM-2015-S-0002 intends to award a sole source contract for the period of May 8, 2015, through December 7, 2015, in the amount of \$1,003,952.01. The total estimated amount for the period of January 8, 2015, through December 7, 2015, is \$1,831,237.15.

(c) Council approval is necessary since these modifications and sole source contract are in excess of \$1 million during a 12-month period.

(d) Approval is necessary to allow the continuation of these vital services. Without this approval, Liberty Healthcare Corporation cannot be paid for services provided in excess of \$1 million.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCJM-2009-E-0002 and Contract No. DCJM-2015-S-0002 Modification Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-128

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 2, 2015

To declare the existence of an emergency with respect to the need to amend the District of Columbia Comprehensive Plan Act of 1984 Land Use Element Amendment Act of 1984 to extend by 45 days the Council review period for the Southwest Neighborhood small area action plan.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Extension of Review Period for the Southwest Small Area Plan Emergency Declaration Resolution of 2015”.

Sec. 2. (a) On May 28, 2015, the Committee of the Whole held a public hearing on PR 21-127, the Southwest Neighborhood Plan Approval Resolution of 2015. At the hearing, multiple Councilmembers raised questions regarding provisions of the Southwest Neighborhood Plan (“Plan”), the meaning of which is not clear as those provisions are currently drafted.

(b) As a result of the hearing, the Committee of the Whole has engaged with the General Counsel to the Council to determine whether the Council has the power to clarify the provisions of the Plan within a committee report or, alternatively, within the Plan itself. The committee seeks guidance from the General Counsel because D.C. Official Code § 1-306.03, which governs small area action plans, does not provide a definitive answer to these questions.

(c) By operation of D.C. Official Code § 1-306.03, PR 21-127 will be deemed approved on June 18, 2015 if no action is taken by the Council, which does not provide the committee with enough time to obtain legal advice and respond accordingly.

(d) An extension of the review period by 45 days is necessary to ensure that the General Counsel has sufficient time to opine on the legal question regarding amendments to the Plan, and that the Council then may take appropriate action before the plan is deemed approved.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Small Area Plan Emergency Amendment Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

PROPOSED RESOLUTIONS

- PR21-211 Sentencing and Criminal Code Revision Commission Marvin Turner
Confirmation Resolution of 2015

Intro. 6-12-15 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Judiciary
-
- PR21-216 District of Columbia Board of Library Trustees Victor Reinoso
Confirmation Resolution of 2015

Intro. 6-17-15 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Education
-
- PR21-217 District of Columbia Board of Accountancy Bridgett Gagne Confirmation
Resolution of 2015

Intro. 6-17-15 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Business, Consumer, and Regulatory Affairs
-
- PR21-218 District of Columbia Board of Accountancy Barron Harvey Confirmation
Resolution of 2015

Intro. 6-17-15 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Business, Consumer, and Regulatory Affairs
-

**Council of the District of Columbia
 COMMITTEE ON THE JUDICIARY
 REVISED AND ABBREVIATED NOTICE OF PUBLIC HEARING
 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
 COMMITTEE ON THE JUDICIARY**

ANNOUNCES A PUBLIC HEARING ON

PR21-0165, the “Chief of the Fire and Emergency Medical Services Department Gregory Dean Confirmation Resolution of 2015”

PR21-0189, the “Chief Administrative Law Judge of the Office of Administrative Hearings Eugene Adams Confirmation Resolution of 2015”

PR21-0211, the “Sentencing and Criminal Code Revision Commission Marvin Turner Confirmation Resolution of 2015”

and

B21-0071, the “Child Support Guideline Revision Act of 2015”

**Tuesday, June 30, 2015
 1:00 p.m., or immediately following the Legislative Meeting (whichever is later)
 Room 120, John A. Wilson Building
 1350 Pennsylvania Ave., N.W.
 Washington, D.C. 20004**

On Tuesday, June 30, 2015, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on the Judiciary, will hold a public hearing on Proposed Resolution 21-0165, the “Chief of the Fire and Emergency Medical Services Department Confirmation Resolution of 2015”; Proposed Resolution 21-0189, the “Chief Administrative Law Judge of the Office of Administrative Hearings Eugene Adams Confirmation Resolution of 2015”; Proposed Resolution 21-0211, the “Sentencing and Criminal Code Revision Commission Marvin Turner Confirmation Resolution of 2015”; and Bill 21-0071, the “Child Support Guideline Revision Act of 2015”. The meeting will take place in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C., on June 30, 2015, at 1:00 p.m. or immediately following the Legislative Meeting (whichever is later). This notice has been revised and abbreviated to reflect the addition of PR21-0211.

The stated purpose of PR21-0165, the “Chief of the Fire and Emergency Medical Services Department Confirmation Resolution of 2015”, is to confirm the appointment of Gregory Dean as the Chief of the Fire and Emergency Medical Services Department.

The stated purpose of PR21-0189, the “Chief Administrative Law Judge of the Office of Administrative Hearings Eugene Adams Confirmation Resolution of 2015”, is to confirm the appointment of Eugene Adams as the Chief Administrative Law Judge of the Office of Administrative Hearings for a six-year term.

The stated purpose of PR21-0211, the “Sentencing and Criminal Code Revision Commission Marvin Turner Confirmation Resolution of 2015”, is to confirm the reappointment of Marvin Turner to the District of Columbia Sentencing and Criminal Code Revision Commission.

The stated purpose of B21-0071, the “Child Support Guideline Revision Act of 2015”, is to revise and update the District of Columbia’s child support guidelines to expand the definition of prerequisites or in-kind compensation to include military housing and food allowances; to allow a judicial officer to enter a minimum order where the paying parent is uncooperative and no reliable income information exists; to require the judicial officer to consider the well-being of the child and the subsistence needs of the parent owed support in applying the self-support reserve; to expand the factors a judicial officer may consider to determine whether the presumption of a \$75 minimum order has been rebutted; to increase the presumptive minimum order amount to \$75; and to provide for the starting date for orders and agreements.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact Kate Mitchell, Committee Director, at (202) 727-8275, or via e-mail at kmitchell@dccouncil.us, and provide their name, telephone number, organizational affiliation, and title (if any) by close of business, June 26, 2015. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring fifteen copies of their written testimony and, if possible, also submit a copy of their testimony electronically to kmitchell@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted either to the Committee or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on July 7, 2015.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
NOTICE OF A PUBLIC ROUNDTABLE
1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
ANNOUNCES A PUBLIC ROUNDTABLE OF THE COMMITTEE ON

PR 21-200, the “Housing Finance Agency Board of Directors Bryan Scottie Irving Confirmation Resolution of 2015”

PR 21-201, the “Housing Finance Agency Board of Directors Stephen Green Confirmation Resolution of 2015”

PR 21-202, the “Housing Finance Agency Board of Directors Buwa Binitie Confirmation Resolution of 2015”

and

PR 21-0115, the District of Columbia Housing Authority Board of Commissioners Jose Ortiz Confirmation Resolution of 2015

on

Monday, June 29, 2015, at 4:00 p.m.
(or immediately following preceding hearing)
John A. Wilson Building, Room 500
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Councilmember Anita Bonds, Chairperson of the Committee on Housing and Community Development, will hold a public roundtable on PR 21-200, the “Housing Finance Agency Board of Directors Bryan Scottie Irving Confirmation Resolution of 2015”, PR 21-201, the “Housing Finance Agency Board of Directors Stephen Green Confirmation Resolution of 2015”, PR 21-202, the “Housing Finance Agency Board of Directors Buwa Binitie Confirmation Resolution of 2015”; and PR 21-0115, the District of Columbia Housing Authority Board of Commissioners Jose Ortiz Confirmation Resolution of 2015. The roundtable will be held on Monday, June 29, 2015, at 4:00 p.m., (or immediately following preceding hearing) in Room 500 of the John A. Wilson Building.

Those who wish to testify are requested to telephone the Committee on Housing and Community Development at (202) 724-8900, or email omontiel@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business Friday, June 26, 2015. Persons wishing to testify are encouraged to submit 15 copies of written testimony. Oral testimony should be limited to five minutes for all witnesses (less time may be allowed if there are a large number of witnesses). Copies of PR 21-200, PR 21-201, and PR 21-202 can be obtained through the Legislative Services Division ((202) 724-8050) of the Office of the Secretary to the Council, or at <http://lims.dccouncil.us>.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Community Development, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 112, Washington, D.C. 20004. The record will close at 5:00 p.m. on Tuesday, July 13, 2015.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE, COMMITTEE ON
EDUCATION, & COMMITTEE OF THE JUDICIARY
NOTICE OF PUBLIC ROUNDTABLE

1350 Pennsylvania Avenue, NW, Washington, DC 20004

REVISED

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
COUNCILMEMBER DAVID GROSSO, CHAIRPERSON
COMMITTEE ON EDUCATION
&
COUNCILMEMBER KENYAN MCDUFFIE, CHAIRPERSON
COMMITTEE ON THE JUDICIARY
ANNOUNCE A PUBLIC ROUNDTABLE

on

Truancy and the Implementation of Truancy Reform Initiatives

on

**Monday, June 29, 2015
11:00 a.m., Hearing Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson and Councilmembers David Grosso and Kenyan McDuffie announce a public roundtable of the Committee of the Whole, the Committee on Education, and the Committee on the Judiciary on Truancy and the Implementation of Truancy Reform Initiatives in the District. The roundtable will be held at 11:00 a.m. on Monday, June 29, 2015 in Hearing Room 123 of the John A. Wilson Building. **This roundtable notice has been revised to add the Committee on the Judiciary.**

The stated purpose of this roundtable is to receive testimony from government witnesses and partners, including the Office of the Deputy Mayor for Education, the Office of the State Superintendent of Education, the Child and Family Services Agency, the District of Columbia Public Schools, the Public Charter School Board, and the Justice Grants Administration regarding truancy in the District and the continued implementation of truancy reform initiatives required by the Safe Children and Safe Neighborhoods Educational Neglect Mandatory Reporting Amendment Act of 2010, South Capitol Street Memorial Amendment Act of 2012, and the Attendance Accountability Amendment Act of 2013.

Those who wish to testify are asked to telephone the Committee of the Whole, at (202) 724-8196, or email Christina Setlow, Deputy Committee Director, at csetlow@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business Thursday, June 25, 2015. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on June 25, 2015 the testimony will be distributed to Councilmembers before the roundtable. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on July 13, 2015.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

Pursuant to DC Official Code Sec 47-361 et seq. of the Reprogramming Policy Act of 1990, the Council of the District of Columbia gives notice that the Mayor has transmitted the following reprogramming request(s).

A reprogramming will become effective on the 15th day after official receipt unless a Member of the Council files a notice of disapproval of the request which extends the Council's review period to 30 days. If such notice is given, a reprogramming will become effective on the 31st day after its official receipt unless a resolution of approval or disapproval is adopted by the Council prior to that time.

Comments should be addressed to the Secretary to the Council, John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Room 5 Washington, D.C. 20004. Copies of reprogramming requests are available in Legislative Services, Room 10.
Telephone: 724-8050

Reprog. 21-68: Request to reprogram \$1,627,815 of Capital funds budget authority and allotment to the District of Columbia Public Schools (DCPS) was filed in the Office of the Secretary on June 17, 2015. This reprogramming necessary to support the overall capital improvements planned for this summer at Eliot-Hine Middle School.

RECEIVED: 14 day review begins June 18, 2015

Reprog. 21-69: Request to reprogram \$3,000,000 of Fiscal Year 2015 Local funds budget authority from the Department of Health Care Finance (DHCF) to the Children and Youth Investment Trust Corporation (CYITC) was filed in the Office of the Secretary on June 17, 2015. This reprogramming is necessary to ensure that CYITC is able to provide grants to non-profit organizations that support youth enrichment activities during the six-week summer break.

RECEIVED: 14 day review begins June 18, 2015

Reprog. 21-70: Request to reprogram \$1,779,433 of Fiscal Year 2015 Special Purpose Revenue funds budget authority within the District Department of Transportation (DDOT) was filed in the Office of the Secretary on June 17, 2015. This reprogramming is necessary to ensure that the costs for design completion and construction review on the Capital Crossing project are funded.

RECEIVED: 14 day review begins June 18, 2015

Reprog. 21-71: Request to reprogram \$6,048,328 of Fiscal Year 2015 Local funds budget authority within the Department of Health Care Finance (DHCF) was filed in the Office of the Secretary on June 17, 2015. This reprogramming is needed to support various contracts, additional staff, and a shift in funding for Health Care Policy and Research positions.

RECEIVED: 14 day review begins June 18, 2015

Reprog. 21-72: Request to reprogram \$495,000 of Capital funds budget authority and allotment within the Department of General Services (DGS) was filed in the Office of the Secretary on June 17, 2015. This reprogramming is necessary to support the costs for design and construction work related to refurbishing the roof and existing fan coil units at the Daly Building.

RECEIVED: 14 day review begins June 18, 2015

Reprog. 21-73: Request to reprogram \$214,888 of Capital funds budget authority and allotment to the Department of General Services (DGS) was filed in the Office of the Secretary on June 17, 2015. This reprogramming is necessary to ensure that the budget is disbursed from the appropriate fund.

RECEIVED: 14 day review begins June 18, 2015

Reprog. 21-74: Request to reprogram \$1,251,920 of Fiscal Year 2015 Special Purpose Revenue (SPR) budget authority within the Department of Insurance Securities, and Banking (DISB) was filed in the Office of the Secretary on June 17, 2015. This reprogramming is necessary to ensure that DISB will be able to cover contractual obligations for counseling services and to conduct a District-wide analysis of under-banked households and small business access to capital for a new program.

RECEIVED: 14 day review begins June 18, 2015

Reprog. 21-75: Request to reprogram \$140,808 of Capital funds budget authority and allotment within the Department of Health (DOH) was filed in the Office of the Secretary on June 17, 2015. This reprogramming is necessary to support the additional costs the additional costs for facilities renovation work for DOH's Pharmacy Expansion and Animal Shelter Renovation projects.

RECEIVED: 14 day review begins June 18, 2015

Reprog. 21-76: Request to reprogram \$1,203,000 of Fiscal Year 2015 Local funds budget authority within the Department of Health (DOH) was filed in the Office of the Secretary on June 17, 2015. This reprogramming is necessary to support contractual requirements for CPPE; fund a Program Analyst and Outreach Specialist position; cover costs for litigation and mediation settlements within CHA; support initiatives to increase connectivity at the STD/TB Clinic for the implementation of the Electronic Medical Records System; support temporary services for specialized and difficult-to-fill positions at the clinic; support the development of the D.C. Public Health Information System; conduct cost principles and contract administration trainings for HAHSTA staff; and replace office equipment at the STD/TB Clinic and DOH offices at 899 N. Capitol Street.

RECEIVED: 14 day review begins June 18, 2015

Reprog. 21-77: Request to reprogram \$1,650,000 of Fiscal Year 2015 Local funds budget authority from the Department of Corrections (DOC) to the Homeland Security and Emergency Management Agency (HSEMA) was filed in the Office of the Secretary on June 17, 2015. This reprogramming is necessary to ensure that HSEMA will be able to satisfy federal grant match requirements for Emergency Management program grants.

RECEIVED: 14 day review begins June 18, 2015

Reprog. 21-78: Request to reprogram \$2,000,000 of Fiscal Year 2015 Local funds budget authority from the District Department of Transportation (DDOT) to the Pay-As-You-Go (Paygo) Capital Fund was filed in the Office of the Secretary on June 17, 2015. This reprogramming is necessary to ensure that DDOT has adequate budget authority for the Ward 8 Streetscape project.

RECEIVED: 14 day review begins June 18, 2015

Reprog. 21-79: Request to reprogram \$5.00 of Capital funds budget authority and allotment within the District Department of Transportation (DDOT) was filed in the Office of the Secretary on June 17, 2015. This reprogramming is necessary to properly align certain master projects to correspond to DDOT's planned obligations for this fiscal year and for future planned spending.

RECEIVED: 14 day review begins June 18, 2015

Reprog. 21-80: Request to reprogram \$500,000 of Capital Funds Budget Authority and Allotment from the Washington Metropolitan Area Transit Authority to the Office of the Chief Technology Officer was filed in the Office of the Secretary on June 19, 2015. This reprogramming is needed to support the second phase cost of an information technology system to be utilized across multiple agencies as an enterprise solution for the modeling of capital budget scenarios and for the development of a long term asset replacement schedule.

RECEIVED: 14 day review begins June 22, 2015

Reprog. 21-81: Request to reprogram \$674,878 of Special Purpose Revenue Funds Budget Authority within the District of Columbia Public Schools was filed in the Office of the Secretary on June 19, 2015. This reprogramming ensures that DCPS is able to utilize collections received from parents for the Afterschool program.

RECEIVED: 14 day review begins June 22, 2015

Reprog. 21-82: Request to reprogram \$879,434 of Special Purpose Revenue Funds Budget Authority within the D.C. Taxicab Commission was filed in the Office of the Secretary on June 19, 2015. This reprogramming ensures that DCTC is able to support the Universal Taxi App and other projects relative to modernizing the taxicab industry.

RECEIVED: 14 day review begins June 22, 2015

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: June 26, 2015
Petition Date: August 10, 2015
Hearing Date: August 24, 2015

License No.: ABRA-060806
Licensee: MST Enterprises, Inc.
Trade Name: Churreria Madrid
License Class: Retailer's Class "C" Restaurant
Address: 2505 Champlain Street, N.W.
Contact: Ernesto Giron: 202-483-4441

WARD 1

ANC 1C

SMD 1C07

Notice is hereby given that this licensee has applied for a Substantial Change to its license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests an Entertainment Endorsement to allow live DJ, Karaoke and perhaps a live band.

CURRENT HOURS OF OPERATION & ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday 11 am – 2 am, Tuesday through Thursday 11 am – 2 am, Friday and Saturday
11 am – 3 am (Closed Mondays)

PROPOSED HOURS OF LIVE ENTERTAINMENT BEGINNING AFTER 6:00 PM

Sunday 10 pm – 2 am, Tuesday through Thursday 10 pm – 2 am, Friday and Saturday
10 pm – 3 am (Closed Mondays)

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: June 26, 2015
Petition Date: August 10, 2015
Hearing Date: August 24, 2015

License No.: ABRA-087780
Licensee: Da Luft DC, Inc.
Trade Name: Da Luft Restaurant & Lounge
License Class: Retailer's Class "C" Restaurant
Address: 1242 H Street, N.E.
Contact: Paul Folorunso: 301-442-2521

WARD 6

ANC 6A

SMD 6A01

Notice is hereby given that this licensee has applied for a substantial change to its license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a Class Change from C Restaurant to C Tavern.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 12 pm - 2 am and Friday & Saturday 12 pm - 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: June 26, 2015
Petition Date: August 10, 2015
Hearing Date: August 24, 2015
Protest Hearing: November 4, 2015

License No.: ABRA-099452
Licensee: Acostas Corporation
Trade Name: DC Grill Express
License Class: Retailer's Class "C" Restaurant
Address: 1917 18th Street, N.W.
Contact: Jose Acosta: 703 675-5504

WARD 2 ANC 2B SMD 2B08

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled on November 4, 2015 at 1:30 pm.

NATURE OF OPERATION

New Restaurant serving fast food. Total Occupancy Load of 10.

HOURS OF OPERATON AND ALCOHOLIC BEVERAGE

SALES/SERVICE/CONSUMPTION FOR PREMISES AND SIDEWALK CAFE

Sunday 9 am - 11 pm, Monday through Saturday 10 am - 2 am

HOURS OF LIVE ENTERTAINMENT FOR PREMISES AND SIDEWALK CAFE

Sunday through Saturday 6 pm - 11 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: June 26, 2015
Petition Date: August 10, 2015
Roll Call Hearing Date: August 24, 2015
Protest Hearing Date: November 4, 2015

License No.: ABRA-098368
Licensee: Southeast Restaurant Group, LLC
Trade Name: DCity Smokehouse
License Class: Retailer's Class "C" Tavern
Address: 1700 2nd Street, N.W.
Contact: M. Hines: 202-733-1919

WARD 5 ANC 5E SMD 5E06

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Roll Call Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on November 4, 2015 at 4:30 pm.

NATURE OF OPERATION

Tavern with eat-in dining and alcohol. Total occupancy load of 83. Sidewalk Café with seating for 48. Entertainment Endorsement.

HOURS OF OPERATION

Sunday through Thursday 10am-1am, Friday and Saturday 10am-2am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 11am-12am, Friday and Saturday 11am-1am

HOURS OF LIVE ENTERTAINMENT

Friday through Sunday 5pm-9pm, Monday through Thursday 5pm-8pm

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFE

Sunday through Thursday 11am-10pm, Friday and Saturday 11am-12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: June 26, 2015
Petition Date: August 10, 2015
Hearing Date: August 24, 2015
Protest Hearing: November 4, 2015

License No.: ABRA-098271
Licensee: District Distilling Company, Inc.
Trade Name: District Distilling Company
Class: Retailer's Class "C" Tavern
Address: 1414 & 1418 U Street, N.W.
Contact: Lyle M. Blanchard: 202-452-1400

WARD 2

ANC 2B

SMD 2B09

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 1:30pm on November 4, 2015

NATURE OF OPERATION

High-end tavern with adjacent distillery pub. Will serve high-quality menu and provide live solo and small combo performers and recorded musical entertainment with or without D.J. Entertainment Endorsement and a Distillery Pub Permit. Seating for 157 inside and a Total Occupancy load of 170.

HOURS OF OPERATON

Sunday through Thursday 7am-2am, Friday and Saturday 7am-3am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 8am-2am, Friday and Saturday 8am-3am

HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 6pm-2am, Friday and Saturday 6pm-3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: June 26, 2015
Petition Date: August 10, 2015
Hearing Date: August 24, 2015
Protest Hearing: November 4, 2015

License No.: ABRA-099260
Licensee: Freehand, LLC
Trade Name: Freehand
License Class: Retailer's Class "C" Restaurant
Address: 1924 8th Street, N.W.
Contact: Candice Fitch: 202 258-8634

WARD 1

ANC 1B

SMD 1B02

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled on November 4, 2015 at 4:30 pm.

NATURE OF OPERATION

New upscale restaurant. Total Occupancy Load of 99.

HOURS OF OPERATON AND ALCOHOLIC BEVERAGE

SALES/SERVICE/CONSUMPTION FOR PREMISES AND SIDEWALK CAFE

Saturday & Sunday 10 am-12 am, and Monday through Friday 11 am-12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: June 26, 2015
Petition Date: August 10, 2015
Hearing Date: August 24, 2015

License No.: ABRA-079243
Licensee: DC Four Lessee, LLC
Trade Name: Hotel Helix
License Class: Retailer's Class "C" Hotel
Address: 1430 Rhode Island Avenue, N.W.
Contact: Michael Fonseca: 202-625-7700

WARD 2

ANC 2F

SMD 2F03

Notice is hereby given that this applicant has applied for a substantial change to its license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Request to add a rooftop summer garden. Total seat count is approximately 55 with a Total Occupancy Load of 120.

CURRENT HOURS OF OPERATION

24Hrs

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE AND CONSUMPTION FOR INSIDE PREMISES

Sunday 10am - 2am, Monday through Thursday 8am - 2am, Friday and Saturday 8am - 3am

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE AND CONSUMPTION FOR THE SUMMER GARDEN

Sunday through Saturday 11am - 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: June 26, 2015
Petition Date: August 10, 2015
Roll Call Hearing Date: August 24, 2015
Protest Hearing Date: November 4, 2015

License No.: ABRA-099352
Licensee: Renaissance Centro M Street LLC
Trade Name: Hyatt Place Washington DC Georgetown/West End
License Class: Retailer's Class "C" Hotel
Address: 2121 M Street, N.W.
Contact: Michael D. Fonseca: 202-625-7700

WARD 2

ANC 2A

SMD 2A06

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for November 4, 2015 at 4:30pm.

NATURE OF OPERATION

New hotel that occasionally provides entertainment. Total number of seats is 128, Total Occupancy Load is 150, number of hotel rooms is 170. Summer Garden with seating for 49 patrons.

HOURS OF OPERATION

24 Hrs.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR INSIDE PREMISES AND SUMMER GARDEN

Sunday through Saturday 10am-12am

HOURS OF LIVE ENTERTAINMENT

Sunday through Saturday 6pm-12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: June 26, 2015
Petition Date: August 10, 2015
Hearing Date: August 24, 2015

License No.: ABRA-075647
Licensee: Joo Family, Inc.
Trade Name: JJ Liquors
License Class: Retailer's Class "A" Liquor Store
Address: 1211 Brentwood Road, N.E.
Contact: Beng Joo: 202-526-9444

WARD 5 ANC 5C SMD 5C05

Notice is hereby given that this licensee has applied for a Substantial Change to its license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a Change of Hours.

CURRENT HOURS OF OPERATION & ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Monday through Saturday 9 am - 9 pm

PROPOSED HOURS OF OPERATION & ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday 12 am - 8 pm, Monday through Saturday 9 am - 9 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: June 26, 2015
Petition Date: August 10, 2015
Hearing Date: August 24, 2015
Protest Hearing: November 4, 2015

License No.: ABRA-098864
Licensee: The HR-57 Foundation
Trade Name: The Gallaudet Pavilion
License Class: Retailer's Class "C" Tavern
Address: 1399 5th Street, N.E.
Contact: Alquides A. Pusan: 202 257-5700

WARD 5

ANC 5D

SMD 5D01

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled on November 4, 2015 at 1:30 pm.

NATURE OF OPERATION

New Tavern. Community space for area vendors and performances. Providing a Southern menu of barbeque. Total Occupancy Load is 4,600.

HOURS OF OPERATON, ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION AND LIVE ENTERTAINMENT

Sunday through Thursday 11 am-12 am, Friday and Saturday 11 am –2 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: June 26, 2015
Petition Date: August 10, 2015
Hearing Date: August 24, 2015

License No.: ABRA-090804
Licensee: CS Bond ST AB-S Holdings, LLC
Trade Name: The Savoy Suites Hotel
License Class: Retailer's Class "C" Hotel
Address: 2505 Wisconsin Ave., N.W.
Contact: Roderic Woodson, Esq.: 202-457-7138

WARD 3

ANC 3C

SMD 3C08

Notice is hereby given that this licensee has applied for a substantial change to its license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date.

LICENSEE REQUEST THE FOLLOWING SUBSTANTIAL CHANGE TO ITS NATURE OF OPERATIONS:

Request an additional Summer Garden with 136 seats and Entertainment Endorsement for the Summer Garden.

CURRENT HOURS OF OPERATION

Sunday through Saturday 24 hours

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION OF PREMISES

Sunday 10 am – 12 am, Monday through Saturday 8 am – 1 am

HOURS OF OPERATION OF SUMMER GARDEN

Sunday 7 am – 12 am, Monday through Saturday 7 am – 1 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SUMMER GARDEN

Sunday 10 am – 12 am, Monday through Saturday 8 am – 1 am

HOURS OF ENTERTAINMENT FOR SUMMER GARDEN

Sunday 6 pm – 12:30 am, Monday 6 pm – 1:30 am

DISTRICT DEPARTMENT OF THE ENVIRONMENT

NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD

FY 2016 Project Priority List

The District Department of Environment (DDOE) invites the public to present its comments at a public hearing on the fiscal year (FY) 2016 Project Priority List (PPL) for the District of Columbia's Construction Grants Program. The PPL identifies and ranks projects eligible to receive Federal and District funds to construct or improve green infrastructure, wastewater treatment facilities, and other related infrastructure for FY 2016 and in future years.

The draft PPL document can be downloaded at the following website address <http://www.ddoe.dc.gov> under the 'Laws and Regulations' tab, in the 'Public Notices & Hearings' section. A hard copy may also be obtained from the DDOE offices at 1200 First Street, NE, Washington, DC 20002, 5th floor. Please email suzanne.wald@dc.gov to arrange for pick-up.

Public Hearing: Monday, July 27, 2015

HEARING DATE: Monday, July 27, 2015
TIME: 4:00 – 6:00 pm
PLACE: District Department of the Environment
1200 First Street, NE, Washington, DC 20002
5th Floor
NOMA Gallaudet (Red Line) Metro Stop

Persons present at the hearing who wish to be heard may testify. All presentations shall be limited to five minutes. Persons are urged to submit duplicate copies of their written statements. Persons may also submit written testimony by email, with a subject line of "PPL Public Hearing 2016", to the attention of Suzy Wald at suzanne.wald@dc.gov. Comments clearly marked "PPL Public Hearing 2016" may also be hand delivered or mailed to the DDOE offices at the address listed above. All comments should be received no later than the conclusion of the public hearing on Monday, July 27, 2015. DDOE will consider all comments received in its final decision.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKINGANDZONING COMMISSION ORDER NO. 14-11

Z.C. Case No. 14-11

(Text Amendment to Chapters 1, 3, 4, 26, 31, and 32, Maximum Height and Minimum Lot Dimension Requirements and Use Permissions in the R-4 District)

(June 8, 2015)

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2012 Repl.)), hereby gives notice of adoption of the following text amendment §§ 199, 330, 336, 337, 400, 401, 407, 2602, 2603, 3104, and 3202 of Title 11 (Zoning), of the District of Columbia Municipal Regulations (DCMR). A Notice of Proposed Rulemaking was published in the *D.C. Register* on May 1, 2015, at 62 DCR 5514. The amendment shall become effective upon the publication of this notice in the *D.C. Register*.

Description of the Amendments

The amendments are intended to address concerns heard by the Commission with respect to what have come to be called “pop-ups” and to respond to the following policy items in the Comprehensive Plan that call for the conservation of the character of row house neighborhoods:

Policy LU-2.1.7: Conservation of Row House Neighborhoods – Protect the character of row house neighborhoods by requiring the height and scale of structures to be consistent with the existing pattern, considering additional row house neighborhoods for “historic district” designation, and regulating the subdivision of row houses into multiple dwellings. Upward and outward extension of row houses which compromise their design and scale should be discouraged. (309.12.)

Policy LU-2.1.9: Addition of Floors and Roof Structures to Row Houses and Apartments – Generally discourage increases in residential density resulting from new floors and roof structures (with additional dwelling units) being added to the tops of existing row houses and apartment buildings, particularly where such additions would be out of character with the other structures on the block. Roof structures should only be permitted if they would not harm the architectural character of the building on which they would be added or other buildings nearby. (309.14.)

Policy LU-2.1.1: Variety of Neighborhood Types – Maintain a variety of residential neighborhood types in the District, ranging from low-density, single family neighborhoods to high-density, multi-family mixed use neighborhoods. The positive elements that create the identity and character of each neighborhood should be preserved and enhanced in the future. (309.5.)

Policy H-1.3.1: Housing for Families - Provide a larger number of housing units for families with children by encouraging new and retaining existing single family homes, duplexes, row houses, and three- and four-bedroom apartments. (505.6.)

A pop-up generally is an addition to a row dwelling that results in the structure uncharacteristically rising above the roofs of adjacent dwellings. Pop-ups are frequently constructed to convert a one- (1) family-dwelling or flat¹ into an apartment house.

Pop-ups have been on the increase in the R-4 Zone District, where a maximum height of forty feet (40 ft.) is permitted and where buildings existing prior to May 12, 1958, may be converted to apartment houses provided there is nine hundred square feet (900 sq. ft.) of land area for each existing and added unit. A one- (1) family dwelling may be converted to a flat as a matter of right, and therefore references in this Order to conversions of a residential building only concern conversions of a one- (1) family dwelling or flat to an apartment house.

The amendments reduce the matter-of-right height for R-4 buildings from forty feet (40 ft.) to thirty-five feet (35 ft.), except that a height of forty feet (40 ft.) is permitted for new construction of three (3) or more immediately adjoining residential row dwellings built concurrently on separate record lots. (§ 400.1.) The existing three- (3) story limit will remain for all buildings. Special exception relief from the thirty-five foot (35 ft.) height limitation will be available provided that certain conditions are met. (§ 400.23.) The definition of “mezzanine” will also be amended to provide that in an R-4 Zone District a mezzanine will be considered a story in determining the maximum number of permitted stories within a principal structure, but not for an accessory building.

The amendments distinguish between conversion of residential buildings and non-residential buildings. Conversion of pre-May 12, 1958 non-residential buildings to apartment houses will continue to be permitted as a matter of right (§ 330.7), but the conversion of residential buildings will require special exception relief (§ 336). Both types of conversions will be subject to specific conditions, including the requirement that there must be nine hundred square feet (900 sq. ft.) of land area for each unit. Special exception relief will be available from the nine hundred square foot (900 sq. ft.) requirement for conversions from non-residential structures, but area variance relief from that requirement will be required for a conversion from a residential building. In addition, the fourth (4th) unit and every other additional even-numbered unit in an apartment house converted from a residential building must be set aside for eligible moderate-income households pursuant to the Inclusionary Zoning (IZ) regulations set forth in Chapter 26 of the Zoning Regulations. Apartment houses converted from non-residential conversions will continue to be subject to the existing IZ triggering events.

A conversion involving a height in excess of thirty-five feet (35 ft.) will be subject to the special exception relief provisions of §§ 336 or 337, rather than § 400.23.

¹ A flat is defined in 11 DCMR §199 as “a two-family dwelling.”

Three (3) of the design criteria applicable to conversions will also be applied to all buildings in the R-4 Zone District pursuant to new § 400.24, with special exception relief available through § 400.23.

Ordinarily, construction authorized by a building permit must be in accordance with the Zoning Regulations in place on the date the permit was issued. (11 DCMR § 3202.2.) That means that even if a building permit application has been filed, that application becomes subject to any amendments to the text of the Zoning Regulations that are adopted while the permit application is being processed. However, once the building permit is issued, construction rights are vested unless a modification to the building permit is granted.

These amendments establish an exception that will allow certain types of building permit applications for residential construction in the R-4 Zone District to be processed based upon the Zoning Regulations in place prior to July 17, 2014, which is the date that the Commission decided to hold a hearing on these amendments. The availability of the exception depends upon either the date the building permit application was filed and deemed complete by the Department of Consumer and Regulatory Affairs (DCRA), or the date that related approvals were requested and granted by the Board of Zoning Adjustment (BZA), the Historic Preservation Review Board (HPRB) (or its staff), or the Commission of Fine Arts (CFA). The following summarizes the circumstances under which a building permit will be processed under the Zoning Regulations in place on July 17, 2014.

Type of construction in R-4 Zone District	Circumstance	Date(s)
New one-family dwelling or flat, or an addition to: (a) an existing one-family dwelling; (b) an existing flat; or (c) an existing apartment house	Filing of building permit application (including a foundation-to-grade permit application) legally filed with, and accepted as complete by DCRA.	Prior to February 1, 2015
Conversion of a residential building to apartment house	Filing of building permit application (including a foundation-to-grade permit) legally filed with, and accepted as complete by the DCRA.	Prior to July 17, 2014
All residential construction	Project has an unexpired approval of variance or special exception by the BZA or an unexpired approval of a design or concept design by HPRB (or staff) or CFA.	Approved prior to the effective date of the amendments; or Approved after the effective date, but application filed prior thereto.

Procedures Leading to Adoption of the Amendments

On June 24, 2014, the Office of Planning (OP) submitted a memorandum that served as a petition requesting amendments to the regulations to address the issue of uncharacteristic and incompatible additions in the R-4 Zone District for habitable space. (Exhibit 1.) OP’s report recommended amendments with respect to four issues: (1) to change the matter-of-right height in the R-4 District from forty feet (40 ft.) to thirty-five feet (35 ft.); (2) to allow up to forty feet (40 ft.) by special exception, subject to certain conditions; (3) to change the definition of “mezzanine” so that it is considered a story for purposes of limits on the number of stories; and

(4) disallow the conversion of one-family dwellings or flats to apartment buildings and allow conversion of non-residential buildings only by special exception subject to certain conditions.²

At its regularly scheduled meeting on July 17, 2014, the Commission considered whether to schedule the OP proposal for a public hearing.

At the meeting, OP amended its recommendation to include two (2) alternative amendments that the Commission set down, and are advertised in concept:

<p><u>Alternative 1 (OP):</u> CHAPTER 26, INCLUSIONARY ZONING</p>	<p>If the Commission decides to continue to permit the conversion of a residential structure to an apartment house, either by right or by special exception, OP proposes such conversions be subject to Inclusionary Zoning (IZ) requirements as follows:</p> <ol style="list-style-type: none"> 1) If the conversion complies with the requirement of § 401.3 that there be at least 900 square feet of lot area per dwelling unit (“900 SF Requirement”), the fourth unit and all units beyond four would be subject to IZ at 60% Area Median Income (AMI); or 2) If the conversion is enabled by zoning relief to the 900 SF Requirement, all units beyond the permitted two, would be subject to IZ at 60% AMI.
<p><u>Alternative 2 (OP):</u> 401.12 MINIMUM LOT DIMENSIONS (R)</p>	<p>Permit the conversions of non-residential properties only by special exception and allow for relief from the 900 SF of land per unit requirement as part of that special exception, with no limit on the number of units that could be permitted.</p>

After consideration of the OP proposals, the Commission took action to also set down other alternatives for public comment:

<p><u>Alternative 3 (ZC):</u> 401.13 MINIMUM LOT DIMENSIONS (R)</p>	<p>Continue to permit the matter-of-right conversions of all structures to apartment houses subject to the 900 SF of land per unit requirement, but permit special exception relief from the 900 SF requirement for an apartment house conversion of no more than four units.</p>
<p><u>Alternative 4 (ZC):</u> 401.13 MINIMUM LOT DIMENSIONS (R)</p>	<p>Continue to permit the matter-of-right conversions of all structures to apartment houses subject to the 900 SF of land per unit requirement, but permit special exception relief from the 900 SF requirement with no limit on the number of units that could be permitted.</p>

A Notice of Public Hearing was published in the *D.C. Register* on September 12, 2014, at 61 DCR 9323.

² OP also initially recommended reducing the height of roof structures to ten feet (10 ft.) for one- (1) family and flat residential buildings. However, the Commission is currently considering amendments to its roof structure rules in Case No. 14-13 and will consider OP’s recommendations on this issue as part of that case.

In response to notice given pursuant to § 13 of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10), the Commission received written reports from a number of Advisory Neighborhood Commissions (“ANCs”).

ANC 1A submitted a report dated October 9, 2014. (Exhibit 5.) The report indicated that at a properly noticed public meeting on October 8, 2014, ANC 1A voted, with a quorum present, 7-0-0 to adopt a resolution in support of the proposal. ANC 1A expressed concern regarding the increasing number of pop-ups and conversions of one- (1) family dwellings and flats to apartment buildings, as well as the reduction in the number of family-sized housing units in the District, which, the ANC stated, had become less affordable due to the existing R-4 regulations. Accordingly, ANC 1A recommended approval of the amendments and requested that additional language be added to do the following: (1) permit conversion of a residential structure to an apartment house in the R-4 Zone District by special exception with the condition that any units above two (2) be subject to Inclusionary Zoning at sixty percent (60%) Area Median Income (AMI); and (2) permit conversion of a non-residential structure to an apartment house in the R-4 District by special exception with no minimum requirement for square feet per dwelling unit. ANC 1A additionally urged OP to develop language to govern the development of alley lots in the R-4 Zone District.

ANC 1D submitted a report dated October 23, 2014. (Exhibit 6.) The report indicated that at a properly noticed public meeting on October 21, 2014, ANC 1D voted, with a quorum present, 3-0 to adopt a resolution in support of the proposal. ANC 1D also requested that the Mount Pleasant Historic District be exempted without delay from the existing regulations allowing matter-of-right conversions of one- (1) family dwellings and flats to apartment buildings. The ANC stated that the Mount Pleasant neighborhood is experiencing a wave of developer-driven conversions that threaten the quality and character of the neighborhood and its demographic and economic diversity as housing becomes less affordable for existing families who support neighborhood schools and other community institutions.

ANC 6A submitted a report dated December 17, 2014. (Exhibit 7.) The report indicated that at a properly noticed public meeting on December 11, 2014, ANC 6A voted, with a quorum present, 6-0-0 to adopt a resolution in support of the proposal based on its concern that two- (2) story dwellings are currently threatened by pop-ups. ANC 6A further stated that the proposed amendments strike the correct balance by permitting conversions in appropriate cases, but only with oversight by the BZA and community input.

ANC 1B submitted a report dated December 23, 2014. (Exhibit 8.) At a properly noticed public meeting on December 4, 2014, ANC 1B, with a quorum present, voted 7-0-0 in support of the proposal, which stated the same concerns and recommendations as those raised by ANC 1A in its report, discussed above.

On December 30, 2014, ANC 4C submitted two (2) reports, both dated September 12, 2014, and both adopted at the ANC’s September 10, 2014, public meeting. In its first report (Exhibit 9), ANC 4C expressed concern regarding the conflict between pop-ups and solar energy, specifically the District’s D.C. Sustainability Act of 2012. ANC 4C recommended that the

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Commission and other District government agencies: (1) resolve permitting conflicts that jeopardize sun access to existing solar homes; (2) require solar homes to be incorporated into the Miss Utility system in order to alert developers of new construction projects of their existence; (3) adopt solar easement laws to protect solar homes from sun obstruction; and (4) require a variance for the conversion of a one-family home to more than two (2) dwelling units. In its second report (Exhibit 10), ANC 4C stated concern that residents were not receiving notice of new pop-ups or had misinterpreted notices from government agencies. Further, the ANC expressed concern that pop-ups are changing the existing character of neighborhoods by creating apartment zones in traditionally one- (1) family residential neighborhoods. The ANC stated support for the proposed amendments and, as in its first report, recommended that a variance be required for conversion of a one- (1) family home to more than two (2) dwelling units.

After the Commission took proposed action, ANC 4C submitted another report on June 1, 2015, dated May 27, 2015, in which the ANC reiterated its support for the proposed amendments. (Exhibit 264.)

ANC 6B submitted a report dated January 2, 2015. (Exhibit 11.) At a properly noticed public meeting on December 9, 2014, ANC 6B, with a quorum present, took votes on each of its recommendations. ANC 6B voted 6-3 to support the proposed amendments with respect to height limitations based on concerns about the proliferation of pop-ups. However, the ANC stated concern that the proposed language for a special exception to allow a height of forty feet (40 ft.) would place the BZA in the realm of historic design review rather than traditional zoning criteria, such as impact on light and air. Additionally, ANC 6B voted 7-1-1 to oppose amending the definition of “mezzanine” to include it in the number of stories. ANC 6B stated that the current definition does not create inconsistent building height, especially in light of the proposed amendment to permitted height. ANC 6B voted 6-1-2 to support continuing to permit conversion of a residential structure to an apartment house as a matter of right, subject to Inclusionary Zoning requirements as follows: (1) if the conversion complies with the minimum requirement of nine hundred square feet (900 sq. ft.) per unit, the fourth (4th) unit and all units beyond four should be subject to Inclusionary Zoning at sixty percent (60%) AMI; and (2) if the conversion is enabled by zoning relief from the minimum square foot requirement, all units above two (2) should be subject to Inclusionary Zoning at sixty percent (60%) AMI. ANC 6B stated that it was uncomfortable with repealing matter-of-right conversions to apartment houses at a time when the District needs as much affordable housing as possible.

ANC 1C submitted a report dated January 9, 2015, in which it stated that, at a properly noticed public meeting on January 7, 2015, it voted, with a quorum present, 6-0 to adopt a resolution in support of the proposed amendments. (Exhibit 14.) After the Commission took proposed action, ANC 1C submitted another report dated June 1, 2015, in which it reiterated its support for OP’s proposals and recommendations. (Exhibit 298.)

ANC 6C submitted two (2) reports. The first (1st) was dated January 15, 2015, and indicated that the ANC voted at a properly noticed public meeting on December 8, 2014, with a quorum present, by a vote of 5-0-0, to adopt the following recommendations. (Exhibit 75.) ANC 6C stated support for the amendments with respect to the proposed maximum height. ANC 6C opposed amending the definition of “mezzanine,” stating that use of a mezzanine does not allow

a property owner to circumvent height restrictions and that the current definition had allowed owners to construct or alter accessory structures while staying under the applicable height limit. ANC 6C recommended allowing conversion of residential and non-residential properties to an apartment house, but only by special exception subject to conditions related to light, air, and privacy concerns. Further, the ANC recommended no provision for Inclusionary Zoning requirements or special exception relief from the minimum square feet per unit requirement.

ANC 6C's second report was submitted after the Commission took proposed action on the amendments and was dated May 18, 2015. (Exhibit 211.) On May 13, 2015, ANC 6C voted, with a quorum present, 6-0-0 to recommend that the Commission do the following: (1) reduce the matter-of-right height from forty feet (40 ft.) to thirty-five feet (35 ft.), measured from grade; (2) allow a height of forty feet (40 ft.) by special exception, with requirements that any addition not block solar power systems or required vents or chimneys, not have an undue impact on the light and air of adjacent properties, and not substantially intrude on the character, scale, and pattern of houses on the street; and (3) amend the definition of "mezzanine" to be counted as a story, except for accessory structures.

ANC 5E submitted a report dated January 29, 2015. (Exhibit 189.) At a properly noticed public meeting on January 20, 2015, ANC 5E voted, with a quorum present, 6-0-3 to recommend approval of the amendments. The ANC also recommended that, to obtain a special exception for a height of up to forty feet (40 ft.), an application should be required to demonstrate that the structure will not have a substantially adverse effect on the defining architectural features of the building or result in the removal of such features. Like other ANCs, ANC 5E expressed concern that pop-ups often block sunlight and are incompatible with the character of the surrounding neighborhood. ANC 5E also stated that pop-ups may negatively impact the market value of surrounding homes.

ANC 4B submitted two (2) reports, the first dated February 6, 2015. (Exhibit 192.) At a properly noticed public meeting on February 5, 2015, ANC 4B voted, with a quorum present, 8-0-0 to make the following recommendations. ANC 4B recommended requiring special exception relief for additions up to a height of forty feet (40 ft.), with conditions as provided in the proposed amendments. The ANC also recommended applying this restriction to the R-5 Zone District and requiring that all new regulations for residential districts include requirement for special exception review so that developments inconsistent with the regulations will be reviewed and approved on an individual basis.

ANC 4B's second report was submitted after the Commission took proposed action on the amendments and was dated May 21, 2015. (Exhibit 219.) At a properly noticed public meeting on May 18, 2015, ANC 4B voted, with a quorum present, 6-2-1 to adopt a resolution with the following recommendations. ANC 4B supported reducing the matter-of-right height in the R-4 Zone District to thirty-five feet (35 ft.), but did not support permitting a height of forty feet (40 ft.) by special exception. The ANC supported amending the definition of "mezzanine" to be counted as a story. ANC 4B did not support permitting conversions of residential buildings to apartment buildings with up to four (4) units as a matter of right and recommended limiting the number of matter-of-right units to two (2). ANC 4B supported the proposed conditions to conversion of a residential building contained in proposed § 330.7, particularly paragraphs (h),

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(i), (j), and (k). The ANC did not support providing special exception relief from §§ 330.7(b), (e), (f), (h), (i), (j), or (k). ANC 4B also requested that the conditions provided in § 330.7 apply not only to conversions to apartment buildings but also to conversions to a flat. ANC 4B recommended that the proposed amendments be made effective immediately upon publication in the *D.C. Register* for all conversions where a permit has not yet been issued, even if a permit application has already been filed. ANC 4B also requested that the Commission place a moratorium or suspend the relevant existing Zoning Regulations until the new amendments are effective, and that the Commission finalize the amendments as quickly as possible.

On January 15, 2015, the Commission held a properly noticed public hearing on the proposed amendments, at which it heard testimony from a large number of residents, community organizations, members of the development community, and ANC commissioners. Additionally, prior to taking proposed action on the amendments, the Commission received over 160 letters from the community commenting on the proposed amendments, both in support and in opposition of the proposed amendments as a whole or in part. At the conclusion of the hearing the Commission authorized the Secretary to schedule the case for discussion only at its next public meeting.

On February 9, 2015, the Commission held a properly noticed public meeting at which the Commissioners deliberated on the proposed amendments. The Commission requested that OP provide it with information concerning the demographic trends of family size, general R-4 property values, the feasibility of imposing inclusionary zoning controls on units above three (3), and potential design guidelines or requirements for additions. The Commission also requested that OP meet with small developers. On March 26, 2015, OP submitted a supplemental report in which it provided the information requested by the Commission. (Exhibit 193.)

The OP report also made a series of recommendations and provided a worksheet for the Commission to use during its deliberations. The report assumed that the Commission would continue to permit the matter-of-right conversion of non-residential buildings. As to the conversion of residential buildings, OP suggested two options: (1) permit matter-of-right conversion to an apartment house with up to four (4) units, with special exception relief for additional units; or (2) require special exception review for any conversion of a residential building to an apartment house. OP recommended design standards for both types of conversion as well as for conversions involving non-residential dwellings. Among other things, the design standards for both matter-of-right and special exception conversions of residential buildings called for the fourth (4th) and every other additional unit to be subject to the Inclusionary Zoning Regulations and for adherence to the nine hundred square feet (900 sq. ft.) of land area per dwelling unit requirement.

On March 30, 2015, the Commission deliberated upon the issues presented and voted to allow matter-of-right conversions of non-residential buildings to apartment houses provided there is nine hundred square feet (900 sq. ft.) of lot area for every dwelling unit, and the matter-of-right conversion of residential structures up to four (4) units, with additional units subject to special exception review also subject to the same minimum land area requirement. The Commission also accepted the OP recommended design standards as to each type of conversion and allowed for special exception relief for some, but not all, of these standards.

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Pursuant to the Commission's vote, the proposed amendments were referred to the National Capital Planning Commission (NCPC) on April 2, 2015, for the thirty- (30) day period of review required under § 492 of the District Charter. A Notice of Proposed Rulemaking was published in the May 1, 2015, edition of the *D.C. Register* at 62 DCR 5514.

In response to the Notice of Proposed Rulemaking, the Commission received over two hundred (200) written comments including correspondence from homeowners, the development community, civic groups, and Councilmember Brianne K. Nadeau. The comments reflected and added to the full range of opinions the Commission heard during its public hearing. Some comments urged the Commission to retain the status quo, while others recommended that the Commission adopt the rules either as proposed or with various modifications, which would either make the rules more restrictive or more lenient. The Commission also received comments as to the timing and grandfathering (a.k.a. vesting) of the rules, with some comments urging the Commission to make the rules immediately effective or allow projects with pending building permits to be constructed under the existing regulations.

The Commission also received reports from ANC 6C, 4C, and 1C, as discussed above, and correspondence from Council Chairman Phil Mendelson enclosing Council Resolution 21-86, the "Sense of the Council in Support of a Limitation on Pop-ups Emergency Resolution of 2015," adopted by the Council on April 14, 2015. That resolution noted that many residents testified against pop-ups at the Zoning Commission hearing. The resolution then noted the various reasons for that opposition and the policy of the District to promote access to and the integrity of safe and quality housing and neighborhoods for all District residents. The resolution closed by stating that it was the sense of the Council that the Commission should act immediately to finalize zoning regulations that address the pending issues set forth in the resolution.

In a letter dated May 13, 2015, the NCPC Executive Director informed the Commission that, through a delegated action dated May 1, 2015, he found that the proposed text amendments were not inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

OP provided a second Supplemental Report dated June 1, 2015. (Exhibit 334.) The report first noted the need to correct a typographical error in proposed § 400.23. OP also requested clarifying revisions to certain of the proposed regulations suggested by the Zoning Administrator (ZA), as well as a new provision stating that the minor flexibility granted to the ZA by § 407 does not extend to the design requirements applicable to matter-of-right conversions pursuant to proposed §§ 330.7 and 330.8. OP further recommended that three (3) of the design requirements applicable to matter-of-right conversions apply to all R-4 buildings, with special exception relief available if those requirements cannot be met. Finally, on the issue of vesting, OP recommended that the construction of a residential building in the R-4 Zone District be permitted to be carried to completion pursuant to the provisions of the R-4 regulations in place as of date of setdown (July 17, 2014) if the approved building permit application was accepted as complete by and legally filed with DCRA on or before that date. Ordinarily, construction must comply with the text of the Zoning Regulations in place as of the date the building permit is issued.

On June 4, 2015, OP submitted a third Supplemental Report. (Exhibit 341.) OP stated that, since filing its second Supplemental Report, over ninety (90) additional public comments had been submitted, many with concerns about the vesting of the proposed amendments with respect to permit applications currently under review by DCRA. OP heard of several cases where the pending permits were for flats or modifications and additions to existing apartment houses. Additionally, some of these cases involved flats within a historic district, which were required to obtain conceptual approval from the HPRB prior to filing a building permit application, thus delaying the filing of a permit application in time to vest construction under OP's original proposal. OP stated that such projects are consistent with the intent of preserving the R-4 and do not involve conversions. Accordingly, OP recommended that the vesting language as proposed in its June 1, 2015, report be supplemented to move the building permit filing date for non-conversions to February 1, 2015 and also to permit vesting of construction rights for all R-4 residential construction based upon unexpired HPRB or BZA approvals occurring before the effective date of the rules, or post-effective date approvals where the BZA or HPRB application was filed before that date.

At its regularly scheduled public meeting held June 8, 2015, the Commission considered whether to take final action on the proposed amendments. The Commission took the opportunity to review its prior determination to permit the matter-of-right conversion of residential structures to up to four (4) units. The Commission acknowledged the concerns expressed by members of the public and the ANCs regarding the negative impacts of conversions of residential buildings in the R-4 Zone District to apartment houses. The Commission remained sympathetic to the concerns of housing advocates and the development community that limiting such conversions to special exception could restrict the production of new housing at a point when the District's housing needs have become acute. However, the Commission concluded that the balance must be struck in favor of protecting existing one- (1) family dwellings and flats consistent with the admonition of § 330.3 of the R-4 regulations that the district "shall not be an apartment house district as contemplated under the General Residence (R-5) Districts" and the stated policies of the Comprehensive Plan presented in the OP public presentation. (Exhibit 96.)

The Commission, therefore, voted 3-2-0 to permit the conversions of residential buildings to apartment houses only if approved by the BZA as a special exception consistent with OP's recommendation in its March 2015 report. The special exception conditions included in proposed § 336 would continue to apply including the requirement that the fourth (4th) and every other unit would be subject to Inclusionary Zoning. In addition, consistent OP's March 2015 report, conditions imposing a maximum height of thirty-five feet (35 ft.), and requiring nine hundred square foot (900 sq. ft.) limit of land area per unit were added to § 336.³ Special exception relief from the thirty-five foot (35 ft.) height limitation would remain available through that provision.

The Commission also accepted the various clarifying amendments requested by OP and its revised vesting recommendations.

³ These conditions were part of the proposed § 330.7, which permitting a four (4) unit conversion of a residential building as a matter of right, which will now be eliminated.

The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990, (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2012 Repl.)) to give great weight to OP recommendations. The Commission believes that its final determination in this case substantially reflects the recommendation of OP.

The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give “great weight” to the issues and concerns raised in the written report of the affected ANCs. To satisfy the great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. For this docket the Commission received written reports from ANCs 1A, 1B, 1C, 1D, 4B, 4C, 5E, 6A, 6B, and 6C, all of which were described above. As was the case in the public comments, there was no unanimity of position amongst these reports, but there was a general sense that a height of forty feet (40 ft.) and the matter-of-right conversion of residential buildings to apartment houses should not be permitted as of right, but as special exceptions. For the reasons stated above, the Commission found that advice to be persuasive. The Commission does not share the concern expressed by ANC 6B that the special exception conditions to be utilized by the BZA extend beyond the normal considerations of adverse impact, nor does it believe it appropriate to extend the scope of this proceeding to alley lots and other zone districts.

Finally, as to requests that the Commission should have taken emergency action to make these amendments effective prior to the publication of this notice, the Commission concluded that the circumstances that would justify such action did not exist in this case. Thus, contrary to a published report, these amendments did not become effective on that date the Commission took final action.

For the reasons stated above, the Commission concludes that the adoption of the following text amendments is consistent with the best interests of the public and not inconsistent with the Comprehensive Plan for the National Capitol.

Title 11 DCMR, ZONING, is amended as follows:

Chapter 1, THE ZONING REGULATIONS, § 199 DEFINITIONS, § 199.1, is amended by amending the definition of “Mezzanine” to add the phrase “Except in an R-4 District,” to the second sentence and by adding a new third sentence so that the definition will read as follows:

Mezzanine - a floor space within a story between its floor and the floor or roof next above it and having an area of not more than one-third (1/3) of the area of the floor immediately below. Except in an R-4 Zone District, a mezzanine shall not be considered a story in determining the maximum number of permitted stories. In an R-4 Zone District, a mezzanine shall be considered a story in determining the maximum number of permitted stories within a principal structure but shall not be considered a story in determining the maximum number of permitted stories within an accessory building.

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Chapter 3, R-2, R-3, R-4, AND R-5 RESIDENCE DISTRICT USE REGULATIONS, is amended as follows:

Section 330, R-4 DISTRICTS: GENERAL PROVISIONS, is amended as follows:

Subsection 330.5(e) is repealed so that the entire subsection reads as follows:

330.5 The following uses shall be permitted as a matter of right in an R-4 District:

- (a) Any use permitted in R-3 Districts under § 320.3;
- (b) Child/Elderly development center located in a building that was built as a Church hand that has been used continuously as a church since it was built; provided, that all of the play space required for the center by the licensing regulations shall be located on the same lot on which the center is located;
- (c) Child/Elderly development center or adult day treatment facility; provided, that the center shall be limited to no more than sixteen (16) individuals;
- (d) Community-based residential facility; provided that, notwithstanding any provision in this title to the contrary, the Zoning Administrator has determined that such community-based residential facility, that otherwise complies with the zoning requirements of this title that are of general and uniform applicability to all matter-of-right uses in an R-4 District, is intended to be operated as housing for persons with handicaps. For purposes of this subsection, a "handicap" means, with respect to a person, a physical or mental impairment which substantially limits one or more of such person's major life activities, or a record of having, or being regarded as having, such an impairment, but such item does not include current, illegal use of, or addiction to, a controlled substance;
- (e) [REPEALED];
- (f) Flat;
- (g) Hospital, sanitarium, or clinic for humans;
- (h) Museum; and
- (i) Private club, lodge, fraternity house, sorority house, or dormitory, except when the use is a service customarily carried on as a business.

By adding new § 330.7 to read as follows:

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- 330.7 Conversion of an existing non-residential building or structure existing prior to May 12, 1958, to a residential building or structure shall be permitted as a matter of right in the R-4 Zone District subject to the following conditions:
- (a) There is an existing non-residential building on the property at the time of filing an application for a building permit;
 - (b) The maximum height of any addition to the existing structure shall not exceed thirty-five feet (35 ft.);
 - (c) There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit;
 - (d) An addition shall not extend further than ten feet (10 ft.) past the furthest rear wall of any principal residential building or structure on an adjacent property;
 - (e) A roof top architectural element original to the structure such as a turret, tower, or dormers shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size;
 - (f) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code;
 - (g) Any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator; and
 - (h) An apartment house in an R-4 Zone District converted from a non-residential building prior to June 26, 2015, shall be considered a conforming use and structure, but shall not be permitted to expand unless approved by the Board of Zoning Adjustment pursuant to §§ 3104.1 and 3104.3 and § 337.

New § 336, CONVERSION OF A RESIDENTIAL BUILDING EXISTING PRIOR TO MAY 12, 1958, TO APARTMENT HOUSES (R-4) and new § 337, CONVERSIONS OF NON-RESIDENTIAL BUILDINGS OR STRUCTURES EXISTING PRIOR TO MAY 12, 1958, TO APARTMENT HOUSES (R-4), are added to read as follows:

336 CONVERSION OF A RESIDENTIAL BUILDING EXISTING PRIOR TO MAY 12, 1958, TO APARTMENT HOUSES (R-4)

- 336.1 Conversion of an existing residential building existing prior to May 12, 1958, to an apartment house shall be permitted as a special exception in the R-4 District if

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- approved by the Board of Zoning Adjustment under § 3104, subject to §§ 336.2 through 336.11.
- 336.2 The maximum height of the residential building and any additions thereto shall not exceed thirty-five feet (35 ft.), except that the Board of Zoning Adjustment may grant a special exception from this limit under § 3104, subject to §§ 336.3 through 336.11.
- 336.3 The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Chapter 26, Inclusionary Zoning, including the set aside requirement set forth at § 2603.9.
- 336.4 There must be an existing residential building on the property at the time of filing an application for a building permit.
- 336.5 There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit.
- 336.6 Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code.
- 336.7 Any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator.
- 336.8 A roof top architectural element original to the house such as a turret, tower, or dormers shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size.
- 336.9 Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:
- (a) The light and air available to neighboring properties shall not be unduly affected;
 - (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and
 - (c) The conversion and any associated additions, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street or alley.
- 336.10 In demonstrating compliance with § 336.9 the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings

sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways.

- 336.11 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block.
- 336.12 The Board of Zoning Adjustment may modify or waive not more than two (2) of the requirements specified in §§ 336.6 through § 336.8; provided, that any modification or waiver granted pursuant to this section shall not be in conflict with § 336.9.
- 336.13 An apartment house in an R-4 Zone District, converted from a residential building prior to June 26, 2015, or converted pursuant to §§ 3202.8 or 3202.9, shall be considered a conforming use and structure, but shall not be permitted to expand unless approved by the Board of Zoning Adjustment pursuant to §§ 3104.1 and 3104.3 and this section.

337 CONVERSIONS OF NON-RESIDENTIAL BUILDINGS OR STRUCTURES EXISTING PRIOR TO MAY 12, 1958, TO APARTMENT HOUSES (R-4)

- 337.1 Conversion of a non-residential building or other structure existing prior to May 12, 1958, to an apartment house and not meeting one (1) or more of the requirements of § 330.7, shall be permitted as a special exception in an R-4 Zone District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section, except that no special exception relief shall be available from the requirements of § 330.7(a).
- 337.2 Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:
- (a) The light and air available to neighboring properties shall not be unduly affected;
 - (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and
 - (c) The conversion and any associated additions, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street or alley.

337.3 In demonstrating compliance with § 337.2, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways.

337.4 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block.

Chapter 4, RESIDENCE DISTRICT: HEIGHT, AREA, AND DENSITY REGULATIONS, is amended as follows:

Section 400, HEIGHT OF BUILDINGS OR STRUCTURES (R), is amended as follows:

Subsection 400.1 is amended to provide height limits specific to the R-4 Zone District and § 400.2 is amended to add a cross-reference to new § 400.23, so that both subsections read as follows:

400.1 Except as specified in this chapter and in Chapters 20 through 25 of this title, the height of buildings or structures in a Residence District shall not exceed that given in the following table:

ZONE DISTRICT	MAXIMUM HEIGHT (Feet)	MAXIMUM HEIGHT (Stories)
R-1-A, R-1-B, R-2, R-3, R-5-A	40	3
R-5-B	50	no limit
R-5-C	60	no limit
R-5-D	90	no limit
R-5-E	90	no limit
R-4 ZONE DISTRICT		
New construction of 3 or more immediately adjoining residential row dwellings built concurrently on separate record lots	40	3
All other structures	35	3

400.2 Except as provided in § 2510, the height of buildings or structures specified in § 400.1 may be exceeded as provided in §§ 400.3 through 400.13 and § 400.23.

A new § 400.23 is added to read as follows:

400.23 In an R-4 Zone District, a building or other structure may be erected to a height not exceeding forty feet (40 ft.) if approved by the Board of Zoning Adjustment as a special exception, under § 3104, subject to the following conditions, except that if the building is being converted to an apartment house, special exception relief from the thirty-five foot (35 ft.) height limitation is only available pursuant to §§ 336 or 337 as applicable:

- (a) The applicant shall demonstrate that the overall building or structure height or upper addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:
- (1) The light and air available to neighboring properties shall not be unduly affected;
 - (2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
 - (3) An addition shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code;
 - (4) An addition shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator; and
 - (5) The resulting building or structure height, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage;
- (b) The applicant shall demonstrate that overall building or structure height or an upper addition resulting from the additional five feet (5 ft.) will not have a substantially adverse effect on the defining architectural features of the building or result in the removal of such features; and
- (c) In demonstrating compliance with §§ 400.23(a) and (b), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the new or extended building or structure to adjacent buildings and views from public ways.

400.24

In an R-4 Zone District, the following provisions shall apply:

- (a) A roof top architectural element original to the building such as a turret, tower or dormers, shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size;
- (b) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code; and

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- (c) Any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator.

400.25 In an R-4 Zone District, relief from the design requirements of § 400.24 may be approved by the Board of Zoning Adjustment as a special exception under § 3104, subject to the conditions of § 400.23(a), (b), and (c). If relief is granted from compliance with § 400.24(b) or (c), the special exception shall not be conditioned upon compliance with that same requirement as stated in § 400.23(a)(3) or (4).

Section 401, MINIMUM LOT DIMENSIONS (R), is amended as follows:

By amending the portion of the table appended to § 401.3 pertaining to the conversion of a building or structure to an apartment house in an R-4 Zone District by inserting the phrase “pursuant to §§ 330.7 or 336” in the left hand column, so that portion of the table reads as follows:

n/a	MINIMUM LOT AREA (square feet)	MINIMUM WIDTH OF LOT (feet)
R-4 Conversion of a building or structure pursuant to §§ 330.7 or 336 to an apartment house	900 sq. ft. /apartment or bachelor apartment	None prescribed.

By amending § 401.11 to strike the phrase “pursuant to § 330.5(e)” and insert the phrase “pursuant to former § 330.5(e) or existing §§ 330.7 or 336” in its place, so that the subsection reads as follows:

401.11 An apartment house in an R-4 Zone District, whether converted from a building or structure pursuant to former § 330.5(e) or existing §§ 330.7 or 336, or existing before May 12, 1958, may not be renovated or expanded so as to increase the number of dwelling units unless there are nine hundred square feet (900 sq. ft.) of lot area for each dwelling unit, both existing and new.

Section 407, MINOR FLEXIBILITY BY ZONING ADMINISTRATOR’S RULING (R), § 407.1 is amended by adding a new paragraph (c), so that the subsection reads as follows:

407.1 The Zoning Administrator is authorized to permit a deviation not to exceed two percent (2%) of the area requirements of §§ 401 and 403 (minimum lot dimensions and maximum percentage of lot occupancy); and a deviation not to exceed ten percent (10%) of the linear requirements of §§ 404 and 405 (minimum rear yard and minimum side yard requirements); and a deviation from the requirements of § 406 (minimum court dimensions), not to exceed either two

percent (2%) of the area standard or ten percent (10%) of the width standard; provided, that:

- (a) A building shall be allowed to deviate from the requirements of no more than two (2) of the sections identified in this subsection;
- (b) The deviation or deviations shall be deemed by the Zoning Administrator not to impair the purpose of the otherwise applicable regulations; and
- (c) The flexibility or deviation shall not be applicable for any calculation or for determining compliance with §§ 330.7 or 336.

Chapter 26, INCLUSIONARY ZONING, is amended as follows

Section 2602, APPLICABILITY, is amended to read as follows:

- 2602.2 A development with less than ten (10) dwelling units shall become subject to this chapter upon the filing of an application for a building permit to:
- (a) Add one (1) or more dwelling units to a new development within a two (2)-year period after the issuance of the last certificate of occupancy, if the construction for which application has been filed would result in the development having ten (10) or more dwelling units;
 - (b) Convert a one (1)-family dwelling or flat to an apartment house in the R-4 Zone District for four (4) or more dwelling units approved by the Board of Zoning Adjustment; or
 - (c) Convert a non-residential building to an apartment house in the R-4 Zone District for ten (10) or more units.

Section 2603, SET-ASIDE REQUIREMENTS, is amended to as follows:

Subsection 2603.1 is amended by adding the phrase “Except as provided in § 2603.8” so that the entire subsection reads as follows:

- 2603.1 Except as provided in § 2603.8, an Inclusionary development for which the primary method of construction does not employ steel and concrete frame structure located in an R-2 through an R-5-B Zone District or in a C-1, C-2-A, W-0, or W-1 Zone District shall devote the greater of ten percent (10%) of the gross floor area being devoted to residential use or seventy-five percent (75%) of the bonus density being utilized for inclusionary units.

Subsection 2603.3 is amended by adding the phrase “Except as provided in § 2603.9” so that the entire subsection reads as follows:

2603.3 Except as provided in § 2603.9, inclusionary developments located in R-3 through R-5-E, C-1, C-2-A, StE, W-0, and W-1 Zone Districts shall set aside fifty percent (50%) of inclusionary units for eligible low-income households and fifty percent (50%) of inclusionary units for eligible moderate-income households. The first inclusionary unit and each additional odd number unit shall be set aside for low-income households.

New §§ 2603.8 and 2603.9 are added to read as follows:

2603.8 An inclusionary development that results from a conversion of a one (1)-family dwelling or flat to an apartment house in the R-4 Zone District for four (4) or more dwelling units approved by the Board of Zoning Adjustment shall set aside every even numbered dwelling unit beginning at the fourth (4th) unit as an inclusionary unit.

2603.9 An inclusionary development that results from a conversion of a one (1)-family dwelling or flat to an apartment house in the R-4 Zone District for four (4) or more dwelling units approved by the Board of Zoning Adjustment shall set aside one hundred percent (100%) of inclusionary units for eligible moderate-income households.

Chapter 31, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, § 3104, SPECIAL EXCEPTIONS, is amended by inserting alphabetically the following new special exceptions into the chart appended to § 3104.1:

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
Height in excess of 35 feet to a maximum of 40 feet in R-4 Districts as specified in § 400.1	R-4 District	§ 400.23
Conversion of non-residential building to apartment house not meeting the requirements of § 330.7	R-4 District	§ 337
Conversion of residential building to apartment house	R-4 District	§ 336

Chapter 32, ADMINISTRATION AND ENFORCEMENT, § 3202, BUILDING PERMITS, is amended as follows:

Subsection 3202.4 is amended by adding the phrase “Except as provided in §§ 3202.8 and 3202.9” so that the subsection reads as follows:

- 3202.4 Except as provided in §§ 3202.8 and 3202.9, any construction authorized by a permit may be carried to completion pursuant to the provisions of this title in effect on the date that the permit is issued, subject to the following conditions:
- (a) The permit holder shall begin construction work within two (2) years of the date on which the permit is issued; and
 - (b) Any amendment of the permit shall comply with the provisions of this title in effect on the date the permit is amended.

New §§ 3202.8 and 3202.9 are added to read as follows:

- 3202.8 Notwithstanding § 3202.4, a building permit application (including a foundation-to-grade permit application) (the Application) for construction of a new one- (1) family dwelling or flat, or for construction of an addition or alteration to an existing one- (1) family dwelling or an existing flat not involving a conversion to an apartment house, or an addition or alteration to an existing apartment house in the R-4 Zone District shall be processed, and any work authorized by the permit may be carried to completion pursuant to the provisions of the R-4 regulations in place as of July 17, 2014, if:
- (a) The Application was legally filed with, and accepted as complete by, the Department of Consumer and Regulatory Affairs prior to February 1, 2015; or
 - (b) The project has:
 - (1) An unexpired approval of a variance or special exception by the Board of Zoning Adjustment; or
 - (2) An unexpired approval of a design or concept design by the Historic Preservation Review Board (including a delegated approval made pursuant to 10-C DCMR §§ 319 through 321), or Commission of Fine Arts; and
 - (3) The vote to approve or the delegated action occurred:
 - (A) Prior to June 26, 2015; or

- (B) On or after June 26, 2015, and the application was filed prior thereto.

3202.9 Notwithstanding § 3202.4, a building permit application (including a foundation-to-grade permit application) (the Application) for construction involving the conversion of a one- (1) family dwelling or flat to an apartment house in the R-4 Zone District shall be processed, and any work authorized by the building permit may be carried to completion pursuant to the provisions of the R-4 regulations in place as of July 17, 2014, if:

- (a) The Application was legally filed with, and accepted as complete by, the Department of Consumer and Regulatory Affairs prior to July 17, 2014; or
- (b) The project has:
- (1) An unexpired approval of a variance or special exception by the Board of Zoning Adjustment; or
 - (2) An unexpired approval of a design or concept design by the Historic Preservation Review Board (including a delegated approval made pursuant to 10-C DCMR §§ 319 through 321), or Commission of Fine Arts; and
 - (3) The vote to approve or the delegated action occurred:
 - (A) Prior to June 26, 2015; or
 - (B) On or after June 26, 2015, and the application was filed prior thereto.

On March 30, 2015, at its public meeting, the Zoning Commission **APPROVED** the petition. The votes of the Commission taken at the meeting, as recorded and announced by the Secretary, may be found in the official transcript of the proceeding. (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On June 8, 2015, the Zoning Commission **ADOPTED** this Order. The votes of the Commission taken at the meeting, as recorded and announced by the Secretary, may be found in the official transcript of the proceeding. (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on June 26, 2015.

DEPARTMENT OF BEHAVIORAL HEALTH**NOTICE OF SECOND PROPOSED RULEMAKING**

The Interim Director of the Department of Behavioral Health (“the Department”), pursuant to the authority set forth in Sections 5113, 5115, 5117 and 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141.02, 7-1141-04, 7-1141.06 and 7-1141.07 (2012 Repl.)), hereby gives notice of her intent to adopt a new Chapter 63, “Certification Standards for Substance Use Disorder Treatment and Recovery Providers”, to Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (“DCMR”).

The purpose of this new rule is to: 1) generally update the substance use disorder treatment and recovery service requirements to reflect improvements in the American Society of Addiction Medicine (“ASAM”) practice guidelines; 2) align the certification requirements with other certified programs within the authority of the Department of Behavioral Health; and 3) include the requirements of the Adult Substance Abuse Rehabilitation Services (“ASARS”) State Plan Amendment (“SPA”) which, when approved, will allow Medicaid reimbursement for services falling within the ASARS requirements. Substance use disorder providers currently certified pursuant to Chapter 23 of Title 29 (Public Welfare) will be required to be certified pursuant to this new rule, in accordance with the schedule detailed in the rule, and Chapter 23 will be repealed effective May 31, 2016. Providers not previously certified pursuant to Chapter 23 will be required to become certified pursuant to this chapter in order to provide substance use disorder treatment or recovery services.

The first Notice of Proposed Rulemaking was published on February 6, 2015 in the *D.C. Register* at 62 DCR 001611. Comments were received from three organizations. Many of the comments were incorporated to eliminate duplicate educational requirements for HIV/AIDS and to allow greater flexibility in the building framework for residential facilities serving more than one gender. Minimum hours of certain services were amended to reflect the providers’ comments requesting greater clinical flexibility to individualize treatment services based upon a client’s needs. Also an expansion of caseloads for Clinical Care Coordinators and case managers, and an increase in group sizes was made in response to provider comments. Other comments that requested changes that did not align with the SPA or the District’s Health Professional Licensing Administration (HPLA) requirements were not accepted. Similarly, requests to limit standards of service to those providers who are reimbursed by the District were not accepted, as these standards set the basic quality of care that should be met by all SUD providers. A request to change the certification method was also not accepted as the Department is working to have a single certification process for all providers it certifies in order to simplify the burden for providers; the requested change would not enhance that process. Finally the Department changed the certification schedule for current providers to reflect the new anticipated effective date of these rules.

The Interim Director gives notice of her intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Subtitle A, MENTAL HEALTH, of Title 22 DCMR, HEALTH, is amended by adding a new Chapter 63 to read as follows:

**CHAPTER 63 CERTIFICATION STANDARDS FOR SUBSTANCE USE
DISORDER TREATMENT AND RECOVERY PROVIDERS**

6300 GENERAL PROVISIONS

- 6300.1 The Department of Behavioral Health (“Department”) is the Single State Agency (“SSA”) responsible for the development and promulgation of rules, regulations, and certification standards for prevention and treatment services related to the abuse of alcohol, tobacco, and other drugs (“ATOD”) in the District of Columbia (“District”). The Department is responsible for the inspection, monitoring, and certification of all District of Columbia substance use disorder (“SUD”) treatment and recovery providers.
- 6300.2 The purpose of these rules is to set forth the requirements for certification of programs providing SUD treatment or recovery services, including those providing services under the Medicaid Adult Substance Abuse Rehabilitative Services (“ASARS”) program.
- 6300.3 Providers seeking certification shall specify if they will be serving youth through the age of twenty (20); serving adults ages twenty-one (21) and over; or both. Providers serving youth shall be known as Adolescent Substance Abuse Treatment Expansion Program (ASTEP) providers.
- 6300.4 Each certified provider that seeks reimbursement from the District shall enter into and maintain a Human Care Agreement (“HCA”) with the Department. Those providers receiving Medicaid reimbursement shall also enter into and maintain a Medicaid provider agreement with the Department of Health Care Finance (“DHCF”).
- 6300.5 No person or entity shall own or operate a program that offers or proposes to offer non-hospital SUD treatment services without being certified by the Department pursuant to this chapter. This chapter does not apply to Health Maintenance Organizations, physicians, and other licensed behavioral health and medical professionals in individual or group practice.
- 6300.6 Providers who are certified as an SUD treatment or recovery program pursuant to Title 29, Chapter 23 of the District of Columbia Municipal Regulations prior to the effective date of this rule, may retain their certification until May 31, 2016, until the expiration of their current certification under Chapter 23, or until certification pursuant to this chapter is issued, whichever date comes first.
- 6300.7 Any provider certified pursuant to 29 DCMR Chapter 23 wishing to continue to provide services as an SUD treatment or recovery program must have submitted a

completed certification application for all certified services to the Department in accordance with the schedule below and prior to the expiration of their current certification. If a provider has more than one program (level of care) or more than one facility, each with its own certification, the provider must submit its application for all of its facilities or programs at the time the provider's first certification falls due.

- 6300.8 Certification applications for new programs must be submitted at the time the provider's first certification is due as follows:
- (a) Level I, Level II, and Medication Assisted Therapy ("MAT") providers: all applications are due by September 1, 2015;
 - (b) Level III and Level R providers not already submitted per (a): all applications are due by December 1, 2015.
- 6300.9 To obtain certification, an SUD treatment or recovery program shall meet all of the applicable requirements of this chapter.
- 6300.10 The Department shall issue one (1) certification for each provider that is valid only for the programs, premises, and level(s) of care stated on the certificate. The certificate is the property of the Department and must be returned upon request by the Department. The certificate is valid only when the provider is in compliance with this chapter.
- 6300.11 The Department's staff, upon presentation of proper identification, has the authority to enter the premises of an SUD treatment or recovery program during operating hours for the purpose of conducting announced or unannounced inspections and investigations.
- 6300.12 The SUD treatment framework in this chapter is based on levels of care established by the American Society for Addiction Medicine ("ASAM"). A typical course of treatment under the ASAM treatment framework anticipates continuity of services across multiple levels of care. All SUD treatment should be provided under a person-centered care model.
- 6300.13 A certified provider may not deny admission to an otherwise qualified individual because that person is receiving Medication-Assisted Treatment (MAT) services, even if the MAT services are provided by a different provider.
- 6300.14 The Department shall certify providers in one or more of the levels of care outlined in § 6300.13. All certified providers, except those only certified as Level 1-AR or Level-R, shall provide all of the following core services according to the requirements of this chapter and the individual needs of the client as outlined in the treatment plan:

- (a) Assessment/Diagnostic and Treatment Planning Services;
- (b) Clinical Care Coordination;
- (c) Case Management;
- (d) Crisis Intervention;
- (e) Substance Use Disorder (SUD) Counseling, including the following:
 - (1) Individual Counseling;
 - (2) Group Counseling;
 - (3) Group Counseling – Psychoeducation; and
 - (4) Family Counseling; and
- (f) Drug Screening, as follows:
 - (1) Toxicology Sample Collection; and
 - (2) Breathalyzer Testing;

6300.15 Providers may also be certified to provide one or more of the following specialty services based on their Level of Care (“LOC”) certifications from the Department:

- (a) Medication Management;
- (b) Medication Assisted Treatment; and
- (c) Adolescent – Community Reinforcement Approach (“ACRA”).

6300.16 An applicant shall apply for certification at one or more of the LOCs:

- (a) Level 1 – AR: Assessment and Referral;
- (b) Level 1: Outpatient;
- (c) Level 2.1: Intensive Outpatient Program;
- (d) Level 2.5: Day Treatment;
- (e) Level 3.1: Clinically Managed Low-Intensity Residential;

- (f) Level 3.3: Clinically Managed Population-Specific High-Intensity Residential;
- (g) Level 3.5: Clinically Managed High-Intensity Residential (Adult) or Clinically Managed Medium-Intensity Residential (Youth);
- (h) Level 3.7-WM: Medically Monitored Intensive Inpatient Withdrawal Management “(MMIWM”); and
- (i) Level-R: Recovery Support Services.

6300.17 Providers in Levels 1 - 3, except MMIWM, may also receive a special designation as a program serving parents with children, subject to Section 6324 of this chapter.

6300.18 Each certified program shall comply with all the provisions of this chapter consistent with the scope of the authorized LOC and program services.

6301 ELIGIBILITY FOR SUBSTANCE USE DISORDER SERVICES

6301.1 Substance Use Disorder (“SUD”) is a chronic relapsing disease characterized by a cluster of cognitive, behavioral, and psychological symptoms indicating that the beneficiary continues using the substance despite significant substance-related problems. A diagnosis of an SUD requires a beneficiary to have had persistent, substance related problem(s) within a twelve (12)-month period in accordance with the requirements of the most recent version of the American Psychiatric Association’s Diagnostic and Statistical Manual (“DSM”) in use by the Department.

6301.2 To be eligible for SUD treatment, a client must have received a diagnosis of an SUD in accordance with Subsection 6301.1 of this chapter from a qualified practitioner.

6301.3 Qualified Practitioners eligible to diagnose a substance use disorder pursuant to this Chapter are Qualified Physicians, Psychologists, Licensed Independent Clinical Social Workers (“LICSWs”), Licensed Professional Counselors (“LPCs”), Licensed Marriage and Family Therapists (“LMFTs”), and Advanced Practice Registered Nurses (“APRNs”).

6301.4 Clients eligible for services from a provider pursuant to contract with the Department must satisfy the following requirements:

- (a) Be *bona fide* residents of the District, as required in 29 DCMR Subsection 2405.1(a); and
- (b) Be referred for SUD services at the level of care determined by a Level I-

AR provider or other intake center authorized by the Department, unless the clients are only receiving Recovery Support Services.

- (c) Clients eligible for Medicaid-funded SUD services must meet the following requirements: Be enrolled in Medicaid, or be eligible for enrollment and have an application pending; or
- (d) For new enrollees and those enrollees whose Medicaid certification has lapsed:
 - (1) There is an eligibility grace period of ninety (90) days from the date of first service for new enrollees, or from the date of eligibility expiration for enrollees who have a lapse in coverage, until the date the District's Economic Security Administration makes an eligibility or recertification determination.
 - (2) In the event the consumer appeals a denial of eligibility or recertification by the Economic Security Administration, the Director may extend the ninety (90)-day eligibility grace period until the appeal has been exhausted. The ninety (90)-day eligibility grace period may also be extended in the discretion of the Director for other good cause shown.
 - (3) Upon expiration of the eligibility grace period, SUD services provided to the consumer are no longer reimbursable by Medicaid. Nothing in this section alters the Department's timely-filing requirements for claim submissions.

6301.5 Clients eligible for locally-funded SUD treatment are those individuals who are not eligible for Medicaid or Medicare or are not enrolled in any other third-party insurance program except the D.C. HealthCare Alliance, or who are enrolled but the insurance program does not cover SUD treatment and who meet the following requirements:

- (a) For individuals nineteen (19) years of age and older, live in households with a countable income of less than two hundred percent (200%) of the federal poverty level, and for individuals under nineteen (19) years of age, live in households with a countable income of less than three hundred percent (300%) of the federal poverty level.
- (b) A client that does not meet the income limits of Subsection 6301.6(a) above may receive treatment services in accordance with the following requirements:
 - (1) The client must, within ninety (90) days of enrollment for services, apply to the Department of Human Services Economic Security

Administration for certification, which will verify income.

- (2) An individual with income over the limits in paragraph (a) above may receive treatment services with payment on a sliding scale.
- (3) The provider shall ensure it develops a sliding scale fee policy, reviewed by the Department, and shall be able to provide documentation to the Department of its collection of fees.

6302 SERVICES FOR PEOPLE WITH CO-OCCURRING MENTAL ILLNESSES

6302.1 All providers shall provide SUD services to eligible individuals with a co-occurring mental illness. A provider shall not decline to provide SUD services because of the person's co-occurring mental illness.

6302.2 All providers shall, at a minimum, screen individuals during the Intake or Comprehensive Assessment to determine if the person may suffer from a mental illness in addition to an SUD.

6302.3 If a person screens positive for a co-occurring mental illness, the provider shall do the following in addition to providing SUD services:

- (a) Offer the opportunity for the person to receive mental illness treatment in addition to SUD treatment. If the person declines, the provider shall make the appropriate referrals for the person to receive mental health treatment at another qualified provider;
- (b) If the provider does not offer treatment for mental illness ensure the person is referred to an appropriate mental health provider;
- (c) If an individual that screens positive for a co-occurring mental illness receives mental health treatment at another provider, the Clinical Care Coordinator is responsible for ensuring the treatment plan and subsequent care and treatment of the person is coordinated with the mental health provider.

6303 PROVIDER CERTIFICATION PROCESS

6303.1 Each applicant seeking certification as a provider shall submit a certification application to the Department. A Department-certified provider seeking renewal of certification shall submit a certification application at least ninety (90) days prior to the termination of its current certification.

6303.2 If a certification is about to expire, the Department may, for good cause, consider a written request for an extension of time to complete the application.

- 6303.3 If the provider has submitted a timely and complete recertification application, the current certification shall continue until the Department takes action to renew or deny renewal of certification. A recertification application is considered timely if it is submitted at least ninety (90) days prior to the certification expiration date or the Department has otherwise granted an extension for the submission of a complete application.
- 6303.4 Upon receipt of a certification application, the Department shall review the certification application to determine whether it is complete. If a certification application is incomplete, the Department shall return the incomplete application to the applicant. An incomplete certification application shall not be regarded as a certification application, and return of the incomplete certification application and the Department's failure to take further action to issue certification to the applicant shall not constitute either the denial of an application for certification or the renewal of certification.
- 6303.5 Following the Department's acceptance of the certification application, the Department shall determine whether the applicant's services and activities meet the certification standards described in this chapter. The Department shall schedule and conduct an on-site survey of the applicant's services to determine whether the applicant satisfies the certification standards. The Department shall have access to all records necessary to verify compliance with certification standards and may conduct interviews with staff, others in the community, and clients (with client permission).
- 6303.6 The Department may issue certification to an applicant complying with the certification standard and to each certified provider seeking renewal of certification that complies with the certification standards.
- 6303.7 Nothing in these rules shall be interpreted to mean that certification is a right or an entitlement. The Director has the authority to issue restrictions on new provider certifications based upon the Department's assessment of the needs of the residents of the District. The restriction may apply to overall certification or specific levels of care.
- 6303.8 An applicant or certified provider that fails to comply with this chapter, fails to comply with a Human Care Agreement, or violates Federal or District law, may receive a Statement of Deficiencies ("SOD") from the Department. Evidence of violations gathered from an on-site survey, complaint, or other information may lead to the issuance of an SOD. An on-site survey is not required prior to the issuance of an SOD. The SOD shall describe the areas of non-compliance, suggest actions needed to bring operations into compliance with the certification standards, and set forth a timeframe for the provider's submission of a written Corrective Action Plan ("CAP"). The issuance of an SOD is a separate process from the issuance of a Notice of Infraction.

- 6303.9 An applicant or Department-certified provider's CAP shall describe the actions to be taken and specify a timeframe for correcting the areas of non-compliance. The CAP shall be submitted to the Department within ten (10) working days after receipt of the SOD from the Department.
- 6303.10 The Department shall notify the applicant or certified provider whether the provider's CAP is accepted within five (5) working days after receipt.
- 6303.11 The Department shall issue its certification after the Department verifies that the applicant or certified provider has complied with its CAP and meets all the certification standards.
- 6303.12 The Director may deny certification if the applicant fails to comply with any certification standard. The Director may revoke certification from a provider through the decertification process in accordance with § 6305 of this chapter.
- 6303.13 Certification as an SUD treatment provider or recovery support services provider shall be for one (1) calendar year for new applicants and two (2) calendar years for existing providers seeking renewal. Certification shall start from the date of issuance of certification by the Department, subject to the provider's continuous compliance with these certification standards. Certification shall remain in effect until it expires, is renewed, or is revoked pursuant to this chapter. The certification shall specify the effective date of the certification, the program(s), level of care(s), and services that the provider is certified to provide.
- 6303.14 Certification is not transferable to any other organization.
- 6303.15 Written notice of any change in the ownership of a program owned by an individual, partnership, or association, or in the legal or beneficial ownership of ten (10) percent or more of the stock of a corporation that owns or operates a program, shall be given to the Department at least thirty (30) calendar days prior to the change in ownership.
- 6303.16 The provider shall notify the Department immediately of changes in its operation that affect the provider's continued compliance with these certification standards, including changes in ownership or control, changes in the Qualified Practitioners employed by the provider, changes in services, and changes in its affiliation and referral arrangements.
- 6303.17 The provider shall notify the Department in writing thirty (30) calendar days prior to implementing any of the following operational changes, including all aspects of the operations materially affected by the changes:
- (a) A proposed change in the program's geographic location;

- (b) The proposed addition or deletion of major service components;
- (c) A change in the required staff qualifications for employment;
- (d) A proposed change in organizational structure;
- (e) A proposed change in the population served; and
- (f) A proposed change in program capacity and, for residential programs, a proposed change in bed capacity.

6303.18 Certification shall be automatically terminated and invalid if the provider fails to apply for renewal of certification prior to the expiration date of the certification, voluntarily relinquishes certification, or goes out of business.

6303.19 Providers shall forward to the Department within thirty (30) calendar days all inspection reports conducted by an oversight body and all corresponding corrective actions taken regarding cited deficiencies.

6303.20 Providers shall immediately report to the Department any alleged criminal activity involving provider staff.

6304 CERTIFICATION: EXEMPTIONS FROM STANDARDS

6304.1 If a certification standard interferes with service provision, the Department may, at its discretion, exempt a provider from a certification standard if the exemption does not jeopardize the health and safety of clients, infringe on client rights, or diminish the quality of the service delivery.

6304.2 If the Department approves an exemption, such exemption shall end on the expiration date of the program certification, or at an earlier date if specified by the Department, unless the provider requests renewal of the exemption prior to expiration of its certificate or the earlier date set by the Department.

6304.3 The Department may revoke an exemption that it determines is no longer appropriate.

6304.4 All requests for an exemption from certification standards must be submitted in writing to the Department.

6305 DECERTIFICATION PROCESS

6305.1 Decertification is the revocation of the certification issued by the Director to an organization or entity as an SUD treatment or recovery provider. A decertified SUD provider shall not provide any SUD treatment and shall not be reimbursed for any services as an SUD provider.

- 6305.2 Grounds for revocation include a provider's failure to comply with the certification requirements contained in this chapter, the provider's breach of its Human Care Agreement (if applicable), violations of Federal or District law, or any other action that constitutes a threat to the health or safety of clients. Nothing in this chapter requires the Director to issue an SOD prior to revoking certification.
- 6305.3 If the Director finds that there are grounds for revocation, the Director will issue a written notice of revocation setting forth the factual basis for the revocation, the effective date, and right to request an administrative review.
- 6305.4 The provider may request an administrative review from the Director within fifteen (15) business days of the date on the notice of revocation.
- 6305.5 Each request for an administrative review shall contain a concise statement of the reason(s) why the provider asserts that it should not have had its certification revoked and include any relevant supporting documentation.
- 6305.6 Each administrative review shall be conducted by the Director and shall be completed within fifteen (15) business days of the receipt of the provider's request.
- 6305.7 The Director shall issue a written decision and provide a copy to the provider. If the Director approves the revocation of the provider's certification, the provider may request a hearing under the D.C. Administrative Procedure Act, within fifteen (15) business days of the receipt of the Director's written decision. The administrative hearing shall be limited to the issues raised in the administrative review request. The revocation shall be stayed pending resolution of the hearing.
- 6305.8 Once certification is revoked, the SUD provider shall not be allowed to reapply for certification for a period of two (2) years following the date of the order of revocation. If a provider reapplies for certification, the provider must reapply in accordance with the established certification standards for the type of services provided and show evidence that the grounds for the revocation have been corrected.

6306 CLOSURES AND CONTINUITY OF CLIENT CARE

- 6306.1 A provider shall provide written notification to the Department at least ninety (90) calendar days prior to its impending closure, or immediately upon knowledge of an impending closure less than ninety (90) calendar days in the future. This notification shall include plans for continuity of care and preservation of client records.
- 6306.2 The Department shall review the continuity of care plan and make

recommendations to the provider as needed. The provider shall incorporate all Department recommendations.

6306.3 Closure of a program does not absolve a provider from its legal responsibilities regarding the preservation and the storage of client records.

6306.4 A provider shall be responsible for the execution of its continuity of care plan in coordination with the Department.

6307 GENERAL MANAGEMENT AND ADMINISTRATION STANDARDS

6307.1 Each provider shall be established as a recognized legal entity in the United States and qualified to conduct business in the District. Evidence of qualification to conduct business includes a certificate of good standing or clean hands, or an equivalent document, issued by the District of Columbia Department of Consumer and Regulatory Affairs. Each provider shall maintain the clinical operations, policies, and procedures described in this section. These operations, policies and procedures shall be reviewed and approved by the Department during the certification survey process.

6307.2 All certified providers shall comply with the Department policies on reporting major unusual incidents and major investigations.

6307.3 Each provider shall:

- (a) Have a governing body, which shall have overall responsibility for the functioning of the provider;
- (b) Comply with all applicable Federal and District laws and regulations;
- (c) Hire personnel with the necessary qualifications in order to provide SUD treatment and recovery services and to meet the needs of its enrolled clients; and
- (d) For SUD treatment, employ Qualified Practitioners to ensure provision of services as appropriate and in accordance with this chapter.

6307.4 Each treatment and recovery provider shall have a full time program director with authorized and responsible for the administrative direction and day-to-day operation of the program(s).

6307.5 Each treatment provider shall have a clinical director responsible for the clinical direction and day-to-day delivery of clinical services provided to clients of the program(s). The clinical director must be a licensed clinician with a relevant degree and relevant experience.

- 6307.6 The program director and clinical director shall have adequate time and authority to perform necessary duties to ensure that service delivery is in compliance with applicable standards set forth in this chapter and in applicable policies issued by the Department.
- 6307.7 Each provider shall establish and adhere to policies and procedures for selecting and hiring staff (Staff Selection Policy), including but not limited to requiring:
- (a) Evidence of licensure, certification, or registration, as applicable and as required by the job being performed;
 - (b) Evidence of completion of an appropriate degree, training program, or credentials, such as academic transcripts or a copy of degree;
 - (c) Evidence of all required criminal background checks, and for all unlicensed staff members, application of the criminal background check requirements contained in D.C. Official Code §§ 44-551 *et seq.*, Unlicensed Personnel Criminal Background Check;
 - (d) Evidence, provided at least quarterly, that no individual is excluded from participation in a Federal health care program as listed on the Department of Health and Human Services List of Excluded Individuals/Entities (<http://oig.hhs.gov/fraud/exclusion.asp>) or the General Services Administration Excluded Parties List System, or any similar succeeding governmental list;
 - (e) Evidence of completion of communicable disease testing required by the Department; and
 - (f) Evidence of a mechanism for ongoing monitoring of excluded party listing status, and staff licensure/certification.
- 6307.8 Each provider shall establish and adhere to written job descriptions for all positions, including, at a minimum, the role, responsibilities, reporting relationships, and minimum qualifications for each position. The minimum qualifications established for each position shall be appropriate for the scope of responsibility and clinical practice (if any) described for each position.
- 6307.9 Each provider shall establish and adhere to policies and procedures requiring a periodic evaluation of clinical and administrative staff performance (Performance Review Policy) that requires an assessment of clinical competence (if appropriate), general organizational work requirements, and key functions as described in the job description. The periodic evaluation shall also include an annual individual development plan for each staff member.
- 6307.10 Each provider shall establish and adhere to a supervision policy to ensure that

services are provided according to this chapter and Department policies on supervision and service standards.

6307.11 Each provider shall establish and adhere to a training policy in accordance with § 6318 of this chapter.

6307.12 Personnel policies and procedures shall apply to all staff and volunteers working in a program and shall include:

- (a) Requirements for consistent and fair practices in hiring staff, including a statement that a person having had an SUD or not having had an SUD (except for Recovery Coaches) is not the sole factor in denying employment, except that a provider may always decline to employ a person who is currently symptomatic;
- (b) A current organizational flowchart reflecting each program position and, where applicable, the relationship to the larger program or provider of which the program is a part;
- (c) Written plans for developing, posting, and maintaining files pertaining to work and leave schedules, time logs, and on-call schedules for each functional unit, to ensure adequate coverage during all hours of operation;
- (d) A written policy requiring that a designated individual be assigned responsibility for management and oversight of the volunteer program, if volunteers are utilized;
- (e) A written policy regarding volunteer recruitment, screening, training, supervision, and dismissal for cause, if volunteers are utilized; and
- (f) Provisions through which the program shall make available to staff a copy of the personnel policies and procedures.

6307.13 A program shall develop and implement procedures that prohibit the possession, use, or distribution of controlled substances or alcohol, or any combination of them, by staff during their duty hours, unless medically prescribed and used accordingly. Staff possession, use, or distribution of controlled substances or alcohol, or any combination of them, during off duty hours that affects job performance shall also be prohibited. These policies and procedures shall ensure that the provider:

- (a) Provides information about the adverse effects of the non-medical use and abuse of controlled substances and alcohol to all staff;
- (b) Initiates disciplinary action for the possession, use, or distribution of controlled substances or alcohol, which occurs during duty hours or which

affects job performance; and

- (c) Provides information and assistance to any impaired staff member to facilitate his or her recovery.

6307.14 Individual personnel records shall be maintained for each person employed by a provider and shall include, at a minimum, the following:

- (a) A current job description for each person, that is revised as needed;
- (b) Evidence of a pre-employment physical examination, which shall include a negative result on a tuberculosis test or medical clearance related to a positive result;
- (c) Evidence of the education, training, and experience of the individual, and a copy of the current appropriate license, registration, or certification credentials (if any);
- (d) Documentation that written personnel policies were distributed to the employee;
- (e) Notices of official tour of duty: day, evening, night, or rotating shifts; payroll information; and disciplinary records;
- (f) Documentation that the employee has received all immunizations as recommended by the Center for Disease Control (CDC) for healthcare workers except that individuals who are in a position that involves exposure to blood shall also demonstrate evidence of full immunization against hepatitis B or documentation of refusal; and
- (g) Criminal background check as required under § 6307.8 of this chapter.

6307.15 All personnel records shall be maintained during the course of an individual's employment with the program and for three (3) years following the individual's separation from the program.

6308 EMPLOYEE CONDUCT

6308.1 All staff shall adhere to ethical standards of behavior in their relationships with clients as follows:

- (a) Staff shall maintain an ethical and professional relationship with clients at all times;

- (b) Licensed or certified staff must adhere to their professional codes of conduct, as required by District licensing laws;
- (c) Staff shall not enter into dual or conflicting relationships with individuals that might affect professional judgment, therapeutic relationships, or increase the risk of exploitation; and
- (d) The provider shall establish written policies and procedures regarding staff relationships with both current and former clients that are consistent with this section.

6308.2 No staff, including licensed professionals and volunteers, shall engage in sexual activities or sexual contact with current clients.

6308.3 No clinical staff including licensed professionals and volunteers shall engage in sexual activities or sexual contact with former clients in accordance with their licensing regulations.

6308.4 No non-clinical staff shall engage in sexual activities or sexual contact with former clients for a period of at least five (5) years after the conclusion of the client's course of treatment.

6308.5 No staff, including licensed professionals and support personnel, shall engage in sexual activities or sexual contact with clients' relatives or other individuals with whom clients maintain a close personal relationship.

6308.6 No staff, including licensed professionals and support personnel, shall provide services to individuals with whom they have had a prior sexual or other significant relationship.

6308.7 Staff shall only engage in appropriate physical contact with clients and are responsible for setting clear, appropriate, and culturally sensitive boundaries that govern such physical contact.

6308.8 No staff, including licensed professionals and support personnel, shall sexually harass clients. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

6308.9 No provider or employee of a provider shall be a representative payee for any person receiving services from a treatment or recovery program.

6309 QUALITY IMPROVEMENT

6309.1 Each provider shall establish and adhere to policies and procedures governing quality improvement (Quality Improvement Policy).

- 6309.2 The Quality Improvement Policy shall require the provider to adopt a written quality improvement (QI) plan describing the objectives and scope of its QI program and requiring provider staff, client, and family involvement in the QI program.
- 6309.3 The Department shall review and approve each provider's QI program at a minimum as part of the certification and recertification process. The QI program shall submit data to the Department, upon request.
- 6309.4 The QI program shall be operational and shall measure and ensure at least the following:
- (a) Easy and timely access and availability of services;
 - (b) Treatment and prevention of acute and chronic conditions;
 - (c) Close monitoring of high volume services, clients with high risk conditions, and services for children and youth;
 - (d) Coordination of care across behavioral health treatment and primary care treatment settings;
 - (e) Compliance with all certification standards;
 - (f) Adequacy, appropriateness, and quality of care for clients;
 - (g) Efficient utilization of resources;
 - (h) Client and family satisfaction with services;
 - (i) Quarterly random samplings of client outcomes, including but not limited to biological markers such as drug/alcohol screening results, in a format approved by the Department; and
 - (j) Any other indicators that are part of the Department QI program for the larger system.
- 6309.5 When a significant problem or quality of service issue is identified, the program shall notify the Department, act to correct the problem or improve the effectiveness of service delivery, or both, and shall assess corrective or supportive actions through continued monitoring.

6310 FISCAL MANAGEMENT STANDARDS

- 6310.1 The provider shall have adequate financial resources to deliver all required services. Evidence of adequate financial resources includes but is not limited to:

- (a) Documented evidence of adequate resources to operate its programs; or
 - (b) A minimum line of credit sufficient to support ninety (90) days of operating expenses for programs certified by the Department.
- 6310.2 A provider shall have fiscal management policies and procedures and keep financial records in accordance with generally accepted accounting principles (GAAP).
- 6310.3 A provider shall include adequate internal controls for safeguarding or avoiding misuse of client or organizational funds.
- 6310.4 A provider shall have a uniform budget of expected revenue and expenses as required by the Department. The budget shall:
- (a) Categorize revenue by source;
 - (b) Categorize expenses by type of service;
 - (c) Estimate costs by unit of service; and
 - (d) Be reviewed and approved by the provider's governing authority prior to the beginning of the current fiscal year.
- 6310.5 A program shall have the capacity to determine direct and indirect costs for each type of service provided.
- 6310.6 If a program charges for services, the written schedule of rates and charges shall be conspicuously posted and available to staff, clients, and the general public.
- 6310.7 The current schedule of rates and charges shall be approved by the provider's governing authority.
- 6310.8 A provider shall maintain a reporting mechanism that provides information to its governing body on the fiscal performance of the provider at least quarterly.
- 6310.9 Fiscal reports shall provide information on the relationship of the budget to actual spending, including revenues and expenses by category and an explanation of the reasons for any substantial variance.
- 6310.10 The provider's governing body shall review each fiscal report and document recommendations and actions in its official minutes.
- 6310.11 Each treatment provider shall have an annual audit by a certified public accountant or certified public accounting firm, and the resulting audit report shall

be consistent with formats recommended by the American Institute of Certified Public Accountants (AICPA). Each recovery provider shall have an audit by a certified public accountant or certified public accounting firm every three years, and the resulting audit report shall be consistent with formats recommended by the AICPA. A copy of the most recent audit report shall be submitted to the Department within one-hundred-twenty (120) calendar days after the close of the program's fiscal year.

- 6310.12 Providers shall correct or resolve adverse audit findings.
- 6310.13 A provider shall have policies and procedures regarding:
- (a) Purchase authority, product selection and evaluation, property control and supply, storage, and distribution;
 - (b) Billing;
 - (c) Controlling accounts receivable;
 - (d) Handling cash;
 - (e) Management of client fund accounts;
 - (f) Arranging credit; and
 - (g) Applying discounts and write-offs.
- 6310.14 All business records pertaining to costs, payments received and made, and services provided to clients shall be maintained for a period of six (6) years or until all audits and ongoing litigations are complete, whichever is longer.
- 6310.15 All providers must maintain proof of liability insurance coverage, which must include malpractice insurance of at least three million dollars (\$3,000,000) aggregate and one million dollars (\$1,000,000) per incident and comprehensive general coverage of at least three million dollars (\$3,000,000) per incident that covers general liability, vehicular liability, and property damage. The insurance shall include coverage of all personnel, consultants, or volunteers working for the program and shall list the Department as an additional covered entity.
- 6310.16 If a program handles client funds, financial record keeping shall provide for separate accounting of those client funds.
- 6310.17 A provider shall ensure that clients employed by the organization are paid in accordance with all applicable laws governing labor and employment.
- 6310.18 All money earned by a client shall accrue to the sole benefit of that individual and

be provided to the client or the client's legal representative upon discharge or sooner.

6311 ADMINISTRATIVE PRACTICE ETHICS

6311.1 All programs shall operate in an ethical manner, including but not limited to complying with the provisions of this section.

6311.2 A program shall not use any advertising that contains false, misleading, or deceptive statements or claims or that contains false or misleading information about fees.

6311.3 A program shall not offer or imply to offer services not authorized on the certification issued by the Department.

6311.4 A program shall not offer or pay any remuneration, directly or indirectly, to encourage a licensed practitioner to refer a client to them.

6311.5 All employees shall be kept informed of policy changes that affect performance of duties.

6311.6 Allegations of ethical violations must be treated as major unusual incidents.

6311.7 Any research must be conducted in accordance with federal law.

6312 PROGRAM POLICIES AND PROCEDURES

6312.1 Each provider must document the following:

- (a) Organization and program mission statement, philosophy, purpose, and values;
- (b) Organizational structure;
- (c) Leadership structure;
- (d) Program relationships;
- (e) Staffing;
- (f) Relationships with parent organizations, affiliated organizations, and organizational partners;
- (g) Treatment philosophy and approach;
- (h) Services provided;

- (i) Characteristics and needs of the population served;
- (j) Performance metrics, including intended outcomes and process methods;
- (k) Contract services, if any;
- (l) Affiliation agreements, if any;
- (m) The scope of volunteer activities and rules governing the use of volunteers, if any;
- (n) Location of service sites and specific designation of the geographic area to be served; and
- (o) Hours and days of operation of each site.

6312.2 Each program shall establish written policies and procedures to ensure each of the following:

- (a) Service provision based on the individual needs of the client;
- (b) Consideration of special needs of the individual and the program's population of focus;
- (c) Placement of clients in the least restrictive setting necessary to address the severity of the individual's presenting illness and circumstances; and
- (d) Facilitation of access to other more appropriate services for individuals who do not meet the criteria for admission into a program offered by the provider.

6312.3 Each program shall develop and document policies and procedures subject to review by the Department related to each of the following:

- (a) Program admission and exclusion criteria;
- (b) Termination of treatment and discharge or transition criteria;
- (c) Outreach;
- (d) Infection control procedures and use of universal precautions, addressing at least those infections that may be spread through contact with bodily fluids and routine tuberculosis screening for staff;
- (e) Volunteer utilization, recruitment, and oversight;

- (f) Crisis intervention and medical emergency procedures;
- (g) Staff communication;
- (h) Safety precautions and procedures for participant volunteers, employees, and others;
- (i) Record management procedures in accordance with "Confidentiality of Alcohol and Drug Abuse Patient Records" 42 C.F.R., Part 2, this chapter, and any other District laws and regulations regarding the confidentiality of client records;
- (j) The on-site limitations on use of tobacco, alcohol, and other substances;
- (k) Clients' rules of conduct and commitment to treatment regimen, including restrictions on carrying weapons and specifics of appropriate behavior while in or around the program;
- (l) Clients' rights;
- (m) Addressing and investigating major unusual incidents;
- (n) Addressing client grievances;
- (o) Addressing issues of client non-compliance with established treatment regimen and/or violation of program policies and requirements; and
- (p) The purchasing, receipt, storage, distribution, return, and destruction of medication, including accountability for and security of medications located at any of its service site(s) (a Medication Policy).

6312.4 Providers must have the capacity to address the language and special needs of the clients.

6312.5 Gender-specific programs shall ensure that staff of that specific gender is in attendance at all times when clients are present.

6313 EMERGENCY PREPAREDNESS PLAN

6313.1 Each provider shall establish and adhere to a written disaster evacuation and continuity of operations plan in accordance with the Department policy on Disaster Evacuation/Continuity of Operations Plans.

6313.2 A provider shall immediately notify the Department and implement its continuity of operations plan if an imminent health hazard exists because of an emergency

such as a fire, flood, extended interruption of electrical or water service, sewage backup, gross unsanitary conditions, or other circumstances that may endanger the health, safety, or welfare of its clients.

6314 FACILITIES MANAGEMENT

6314.1 A provider shall establish and maintain a safe environment for its operation, including adhering to the following provisions:

- (a) Each provider's service site(s) shall be located and designed to provide adequate and appropriate facilities for private, confidential individual and group counseling sessions;
- (b) Each provider's service site(s) shall have appropriate space for group activities and educational programs;
- (c) In-office waiting time shall be less than one (1) hour from the scheduled appointment time. Each program shall also demonstrate that it can document the time period for in-office waiting;
- (d) Each provider shall comply with applicable provisions of the Americans with Disabilities Act in all business locations;
- (e) Each service site shall be located within reasonable walking distance of public transportation;
- (f) Providers shall maintain fire safety equipment and establish practices to protect all occupants. This shall include clearly visible fire extinguishers, with a charge, that are inspected annually by a qualified service company or trained staff member; and
- (g) Each provider shall annually obtain a written certificate of compliance from the District of Columbia Department of Fire and Emergency Medical Services indicating that all applicable fire and safety code requirements have been satisfied for each facility.

6314.2 Each window that opens shall have a screen.

6314.3 Each rug or carpet in a facility shall be securely fastened to the floor or shall have a non-skid pad.

6314.4 Each hallway, porch, stairway, stairwell, and basement shall be kept free from any obstruction at all times.

6314.5 Each ramp or stairway used by a client shall be equipped with a firmly secured handrail or banister.

- 6314.6 Each provider shall maintain a clean environment free of infestation and in good physical condition, and each facility shall be appropriately equipped and furnished for the services delivered.
- 6314.7 Each provider shall properly maintain the outside and yard areas of the premises in a clean and safe condition.
- 6314.8 Each exterior stairway, landing, and sidewalk used by clients shall be kept free of snow and ice.
- 6314.9 Each facility shall be located in an area reasonably free from noxious odors, hazardous smoke and fumes, and where interior sounds may be maintained at reasonably comfortable levels.
- 6314.10 A provider shall take necessary measures to ensure pest control, including:
- (a) Refuse shall be stored in covered containers that do not create a nuisance or health hazard; and
 - (b) Recycling, composting, and garbage disposal shall not create a nuisance, permit transmission of disease, or create a breeding place for insects or rodents.
- 6314.11 A provider shall ensure that medical waste is stored, collected, transported, and disposed of in accordance with applicable District and Federal laws and guidelines from the CDC.
- 6314.12 Each provider shall ensure that its facilities have comfortable lighting, proper ventilation, and moisture and temperature control. Rooms shall be dry and the temperature shall be maintained within a normal comfort range, including bedrooms and activity rooms below ground level.
- 6314.13 Each facility shall have potable water available for each client.
- 6314.14 No smoking shall be allowed inside a program's facility.
- 6314.15 Providers' physical design and structure shall be sufficient to accommodate staff, participants, and functions of the program(s), and shall make available the following:
- (a) A reception area;
 - (b) Private areas for individual treatment services;
 - (c) A private area(s) for group counseling and other group activities;

- (d) An area(s) for dining, if applicable; and
 - (e) Separate bathrooms and/or toilet facilities in accordance with District law where the:
 - (1) Required path of travel to the bathroom shall not be through another bedroom;
 - (2) Windows and doors provide privacy; and
 - (3) Showers and toilets not intended for individual use provide privacy.
- 6314.16 If activity space is used for purposes not related to the program's mission, the program shall ensure that:
- (a) The quality of services are not reduced;
 - (b) Activity space in use by other programs shall not be counted as part of the required activity space; and
 - (c) Client confidentiality is protected, as required by 42 C.F.R. part 2 and other applicable Federal and District laws and regulations.
- 6314.17 The use of appliances such as televisions, radios, CD players, recorders and other electronic devices shall not interfere with the therapeutic program.
- 6314.18 Each facility shall maintain an adequately supplied first-aid kit which:
- (a) Shall be maintained in a place known and readily accessible to clients and employees; and
 - (b) Shall be adequate for the number of persons in the facility.
- 6314.19 Each provider shall post emergency numbers near its telephones for fire, police, and poison control, along with contact information and directions to the nearest hospital.
- 6314.20 A provider shall have an interim plan addressing safety and continued service delivery during construction.
- 6314.21 Residential treatment and recovery programs shall comply with all applicable construction codes and housing codes and zoning requirements applicable to the facility, including all Certificate of Occupancy, Basic Business License (BBL) and Construction Permit requirements.

- 6314.22 Each newly established Residential treatment and recovery program shall provide proof of a satisfactory pre-certification inspection by DCRA for initial certification, dated not more than forty-five (45) days prior to the date of submission to DBH, for District of Columbia Property Maintenance Code (12-G DCMR) and Housing Code (14 DCMR) compliance, including documentation of the inspection date and findings and proof of abatement certified by DCRA of all deficiencies identified during the inspection. This requirement can be met by submission of a Certificate of Occupancy or a BBL dated within the past six (6) months, provided that that applicant can demonstrate that DCRA performed an onsite inspection of the premises.
- 6314.23 For existing residential treatment and recovery programs that are applying for re-certification, the applicants shall also provide proof of current BBLs.
- 6314.24 For both initial certification and re-certification, if the facility has had work done requiring a DCRA building permit or other related permits such as plumbing or electrical within the twelve (12) months prior to application for initial certification or re-certification, the applicant shall also submit copies of the DCRA permits and post-work inspection approvals.

6315 MEDICATION STORAGE AND ADMINISTRATION STANDARDS

- 6315.1 Controlled substances shall be maintained in accordance with applicable District and Federal laws and regulations.
- 6315.2 An SUD treatment program shall implement written policies and procedures to govern the acquisition, safe storage, prescribing, dispensing, labeling, administration, and the self-administration of medication, including medications clients may bring into the program.
- 6315.3 A program shall have a record of the prescribing physician's order or approval prior to the administration or self-administration of medication.
- 6315.4 Any prescribed medication brought into a facility by a client shall not be administered or self-administered until the medication is identified and the attending practitioner's written order or approval is documented in the client record.
- 6315.5 Verbal orders may only be given by the attending practitioner to another practitioner, physician assistant, nurse, or pharmacist. Verbal orders shall be noted in the client's record as such and countersigned and dated by the prescribing practitioner within twenty-four (24) hours.
- 6315.6 All medication, both prescription and over-the-counter, brought into a facility must be packaged and labeled in accordance with District and Federal laws and

regulations.

- 6315.7 Medication, both prescription and over-the-counter, brought into a facility by a client that is not approved by the attending practitioner shall be packaged, sealed, stored, and returned to the client upon discharge.
- 6315.8 The administration of medications, excluding self-administration, shall be permitted only by licensed individuals pursuant to applicable District laws and regulations.
- 6315.9 Medications shall be administered only in accordance with the prescribing practitioner's order.
- 6315.10 Only a licensed nurse, practitioner, or physician assistant shall administer controlled substances or injectable drugs, excluding insulin.
- 6315.11 Program staff responsible for supervision of the self-administration of medication shall document consultations with a practitioner, pharmacist, registered nurse, or referral to appropriate reference material regarding the action and possible side effects or adverse reactions of each medication under their supervision.
- 6315.12 As applicable, a program shall provide training to the staff designated to supervise the self-administration of medication. The training shall include but not be limited to the expected action of and adverse reaction to the self-administered medication.
- 6315.13 Only trained staff shall be responsible for observing the self-administration of medication.
- 6315.14 A program shall ensure that medication is available to clients as prescribed.
- 6315.15 A program shall maintain records that track and account for all medication, ensuring the following:
- (a) That each client receiving medication shall have a medication administration record, which includes the individual's name, the name of medication, the type of medication (classification), the amount of medication, the dose and frequency of administration/self-administration, and the name of staff who administered or observed the self-administration of the medication;
 - (b) That documentation shall include omission and refusal of medication administration;
 - (c) That the medication administration record shall note the amount of medication originally present and the amount remaining;

- (d) That documentation of medication administration shall include over-the-counter drugs administered or self-administered; and
 - (e) That SUD treatment programs administering controlled substances, including but not limited to methadone, shall follow the requirements of applicable Federal and District laws and regulations.
- 6315.16 An attending practitioner shall be notified immediately of any medication error or adverse reaction. The staff responsible for the medication error shall complete an incident report, and the practitioner's recommendations and subsequent actions taken by the program shall be documented in the client record.
- 6315.17 A program shall have written policies and procedures on how medications are obtained and stored.
- 6315.18 A program shall ensure that all medications, including those that are self-administered, are secured in locked storage areas.
- 6315.19 The locked medication area shall provide for separation of internal and external medications.
- 6315.20 A program shall maintain a list of personnel who have access to the locked medication area and, where applicable, are qualified to administer medication.
- 6315.21 A program shall comply with all District and Federal laws concerning the acquisition and storage of pharmaceuticals.
- 6315.22 Each client's medication shall be properly labeled as required by District and Federal laws and regulations, shall be stored in its original container, and shall not be transferred to another container or taken by persons other than the person for whom it was originally prescribed.
- 6315.23 Medications requiring refrigeration shall be maintained in a separate and secure refrigerator, labeled "FOR MEDICATION ONLY" and shall be maintained at a temperature between thirty-six degrees Fahrenheit (36°F) and forty-six degrees Fahrenheit (46°F). All refrigerators shall have thermometers, which are easily readable, in proper working condition, and accurate within a range of plus or minus two (2) degrees.
- 6315.24 A program shall conspicuously post in the drug storage area the following information:
- (a) Telephone numbers for the regional Poison Control Center; and
 - (b) Metric-apothecaries weight and conversion measure charts.

- 6315.25 A program shall conduct monthly inspections of all drug storage areas to ensure that medications are stored in compliance with District and Federal regulations. The program shall maintain records of these inspections for verification.
- 6315.26 Where applicable, the program shall implement written policies and procedures for the control of stock pharmaceuticals.
- 6315.27 The receipt and disposition of stock pharmaceuticals must be accurately documented as follows:
- (a) Invoices from companies or pharmacies shall be maintained to document the receipt of stock pharmaceuticals;
 - (b) A log shall be maintained for each stock pharmaceutical that documents receipt and disposition; and
 - (c) At least quarterly, each stock pharmaceutical shall be reconciled as to the amount received and the amount dispensed.
- 6315.28 A program shall implement written procedures and policies for the disposal of medication.
- 6315.29 Any medication left by the client at discharge shall be destroyed within thirty (30) calendar days after the client has been discharged, with the exception of Methadone and other controlled substances which must be returned to the point of issue or destroyed in accordance with federal regulations.
- 6315.30 The disposal of all medications shall be witnessed and documented by two (2) staff members.

6316 VEHICLE ENVIRONMENTAL AND SAFETY STANDARDS

- 6316.1 A provider shall implement measures to ensure the safe operation of its transportation service, if applicable. These measures shall include, but are not limited to:
- (a) Automobile insurance with adequate liability coverage;
 - (b) Regular inspection and maintenance of vehicles, as required by law;
 - (c) Adequate first aid supplies and fire suppression equipment secured in the vehicles;
 - (d) Training of vehicle operators in emergency procedures and in the handling of accidents and road emergencies; and

- (e) Verification to ensure that vehicles are operated by properly licensed drivers with driving records that are absent of serious moving violations, including but not limited to "Driving under the Influence" (DUI).

6317 FOOD AND NUTRITION STANDARDS

- 6317.1 The provisions of this section apply to any provider that prepares or serves food.
- 6317.2 All programs that prepare food shall have a current Certified Food Protection Manager (CFPM) certification from the Department of Health, and the CFPM must be present whenever food is prepared and served.
- 6317.3 The provider shall require each CFPM to monitor any staff members who are not certified as CFPMs in the storage, handling, and serving of food and in the cleaning and care of equipment used in food preparation in order to maintain sanitary conditions at all times.
- 6317.4 The kitchen, dining, and food storage areas shall be kept clean, orderly, and protected from contamination.
- 6317.5 A program providing meals shall maintain a fully equipped and supplied code-compliant kitchen area unless meals are catered by an organization licensed by the District to serve food.
- 6317.6 A program may share kitchen space with other programs if the accommodations are adequate to perform required meal preparation for all programs using the kitchen.
- 6317.7 Each food and drink item procured, stored, prepared, or served by the facility shall be clean, free from spoilage, prepared in a manner that is safe for human consumption, and protected from contamination.
- 6317.8 Dishes, cooking utensils, and eating utensils shall be cleaned after each meal and stored to maintain their sanitary condition.
- 6317.9 Hot and cold water, soap, and disposable towels shall be provided for hand washing in or adjacent to food preparation areas.
- 6317.10 Each facility shall maintain adequate dishes, utensils, and cookware in good condition and in sufficient quantity for the facility.

6318 PERSONNEL TRAINING STANDARDS

- 6318.1 SUD provider staff shall have annual training that meets the Occupational Safety & Health Administration (OSHA) regulations that govern behavioral health facilities and any other applicable infection control guidelines, including

information on the use of universal precautions and on reducing exposure to hepatitis, tuberculosis, and HIV/AIDS.

- 6318.2 A treatment program shall have at least two (2) staff persons, trained and certified by a nationally recognized authority that meets OSHA guidelines for basic first aid and cardiopulmonary resuscitation (CPR), present at all times during the hours of operation of the program. An SUD recovery program shall have at least one (1) staff person trained and certified by a recognized authority that meets OSHA guidelines in basic first aid and cardiopulmonary resuscitation (CPR) present at all times during the hours of operation of the program.
- 6318.3 A program shall maintain and implement a written plan for staff development (staff development plan) approved by the Department, revised annually, which includes:
- (a) Staff orientation, in-service training, and continuing education to include current methods of substance use disorder training;
 - (b) Methods to assess the plan's effectiveness;
 - (c) Training in concepts of quality improvement and outcomes;
 - (d) Training in trauma-related issues; and
 - (e) Other training requirements mandated by the Department.
- 6318.4 Within thirty (30) calendar days of employment, a program shall provide and document orientation for all staff and volunteers who have direct contact with clients. Orientation shall include but not be limited to:
- (a) The program's approach to addressing treatment or recovery services (as appropriate to its certification), including philosophy, goals and methods;
 - (b) The staff member's specific job description and role in relationship to other staff;
 - (c) The emergency preparedness plan and all safety-related policies and procedures;
 - (d) The employee's rights and responsibilities;
 - (e) The personnel policies and procedures;
 - (f) The proper documentation of services in individual client records, as applicable;

- (g) Policies and procedures governing infection control, protection against exposure to communicable diseases, and the use of universal precautions;
- (h) Laws and policies governing confidentiality of client information and release of information, including 42 C.F.R. part 2;
- (i) Laws and policies governing reporting abuse and neglect; and
- (j) Client rights.

6318.5 Each program shall ensure that all staff members complete basic training about HIV/AIDS and Hepatitis C within ninety (90) calendar days of employment unless the staff member has received such training as a requirement of their license.

6318.6 All training activities shall be documented and the documentation maintained on-site, including: the training topic, name of instructor, date of activity, duration, skills targeted, objective of skill, sign-in sheet, certification continuing education units (if any), and location.

6319 CLIENT RIGHTS AND PRIVILEGES, INCLUDING GRIEVANCES

6319.1 A program shall protect the following rights and privileges of each client:

- (a) Right to be admitted and receive services in accordance with the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code §§ 2501 *et seq.*);
- (b) Right to make choices regarding provider, treatment, medication, and advance directives, when necessary;
- (c) Right to receive prompt evaluation, care, and treatment, in accordance with the highest quality standards;
- (d) Right to receive services and live in healthy, safe, and clean place;
- (e) Right to be evaluated and cared for in the least restrictive and most integrated environment appropriate to an individual's needs;
- (f) Right to participate in the treatment planning process, including decisions concerning treatment, care, and other services, and to receive a copy of the treatment plan;
- (g) Right to have records kept confidential;
- (h) Right to privacy;

- (i) Right to be treated with respect and dignity in a humane treatment environment;
- (j) Right to be safe from harm and from verbal, physical, or psychological abuse;
- (k) Right to be free of discrimination;
- (l) Right to be paid commensurate wages for work performed in compliance with applicable local or federal requirements;
- (m) Right to own personal belongings;
- (n) Right to refuse treatment and/or medication;
- (o) Right to give, not give, or revoke already-given consent to treatment, supports and/or release of information;
- (p) Right to give, not give, or revoke informed, voluntary, written consent to participate in experimentation of the client or a person legally authorized to act on behalf of the client; the right to protection associated with such participation; and the right and opportunity to revoke such consent;
- (q) Right to be informed, in advance, of charges for services;
- (r) Right to be afforded the same legal rights and responsibilities as any other citizen, unless otherwise stated by law;
- (s) Right to request and receive documentation on the performance track record of a program with regard to treatment outcomes and success rates;
- (t) Right to provide feedback on services and supports, including evaluation of providers;
- (u) Right to assert grievances with respect to infringement of these rights, including the right to have such grievances considered in a fair, timely, and impartial manner;
- (v) Right to receive written and oral information on client rights, privileges, program rules, and grievance procedures in a language understandable to the client;
- (w) Right to access services that are culturally appropriate, including the use of adaptive equipment, sign language, interpreter, or translation servers, as appropriate; and

(x) Right to vote.

6319.2 As soon as clinically feasible, the limitation of a client's rights shall be terminated and all rights restored.

6319.3 A program shall post conspicuously a statement of client rights, program rules, and grievance procedures. The grievance procedures must inform clients that they may report any violations of their rights to the Department and shall include the telephone numbers of the Department and any other relevant agencies for the purpose of filing complaints.

6319.4 At the time of admission to a program, staff shall explain program rules, client rights, and grievance procedures. Program staff shall document this explanation by including a form, signed by the client and witnessed by the staff person, within the client's record.

6319.5 A program shall develop and implement written grievance procedures to ensure a prompt, impartial review of any alleged or apparent incident of violation of rights or confidentiality. The procedures shall be consistent with the principles of due process and Department requirements and shall include but not be limited to:

- (a) Reporting the allegation or incident to the Department within twenty-four (24) hours of it coming to the attention of program staff;
- (b) The completion of the investigation of any allegation or incident within thirty (30) calendar days;
- (c) Providing a copy of the investigation report to the Department within twenty-four (24) hours of completing the investigation of any complaint; and
- (d) Cooperating with the Department in completion of any inquiries related to clients' rights conducted by Department staff.

6320 CLIENT RECORDS MANAGEMENT AND CONFIDENTIALITY

6320.1 A program shall create and maintain an organized record for each person receiving service at the agency or its extended service sites.

6320.2 All records must be secured in a manner that provides protection from unauthorized disclosure, access, use, or damage in accordance with both District and Federal law.

6320.3 All client records shall be kept confidential and shall be handled in compliance with "Confidentiality of Alcohol and Drug Abuse Patient Records" 42 C.F.R. part

2, and both Federal and District laws and regulations regarding the confidentiality of client records.

- 6320.4 Each provider shall have a designated privacy officer responsible for ensuring compliance with privacy requirements.
- 6320.5 A program shall ensure that all staff and clients, as part of their orientation, are made aware of the privacy requirements.
- 6320.6 A decision to disclose protected health information (PHI), under any provisions of District or Federal rules that permit such disclosure, shall be made only by the Privacy Officer or his/her designee with appropriately administered consent procedures.
- 6320.7 A program shall implement policies and procedures for the release of identifying information consistent with Federal and District laws and regulations regarding the confidentiality of client records including "Confidentiality of Alcohol and Drug Abuse Patient Records" 42 C.F.R. part 2, the District of Columbia Mental Health Information Act, and the Health Insurance Portability and Accountability Act (HIPAA). A provider with a contract with the Department shall ensure its policies and procedures comply with the Department's Privacy Policy.
- 6320.8 The program shall encourage all enrolled clients to authorize the release of information to other certified providers, primary health care providers and other health care organizations engaged in treating the client in order to facilitate treatment and coordination of care.
- 6320.9 The program director shall designate a staff member to be responsible for the maintenance and administration of records.
- 6320.10 A program shall arrange and store records according to a uniform system approved by the Department.
- 6320.11 A program shall maintain records such that they are readily accessible for use and review by authorized staff and other authorized parties.
- 6320.12 A program shall organize the content of records so that information can be located easily and so that Department surveys and audits can be conducted with reasonable efficiency.

6321 STORAGE AND RETENTION OF CLIENT RECORDS

- 6321.1 A program shall retain client records (either original or accurate reproductions) until all litigation, adverse audit findings, or both, are resolved. If no such conditions exist, a program shall retain client records for at least six (6) years after discharge.

- 6321.2 Records of minors shall be kept for at least six (6) years after such minor has reached the age of twenty-one (21) years.
- 6321.3 The provider shall establish a Document Retention Schedule with all medical records retained in accordance with District and Federal law.
- 6321.4 The client or legal guardian shall be given a written statement concerning client's rights and responsibilities ("Client's Rights Statement") in the program. The client or guardian shall sign the statement attesting to his or her understanding of these rights and responsibilities as explained by the staff person who shall witness the client's signature. This document shall be placed in the client's record.
- 6321.5 If the records of a program are maintained on computer systems, the database shall:
- (a) Have a backup system to safeguard the records in the event of operator or equipment failure, natural disasters, power outages, and other emergency situations;
 - (b) Identify the name of the person making each entry into the record;
 - (c) Be secure from inadvertent or unauthorized access to records in accordance with 42 C.F.R. part 2 "Confidentiality of Alcohol and Drug Abuse Patient Records," and District laws and regulations regarding the confidentiality of client records;
 - (d) Limit access to providers who are involved in the care of the client and who have permission from the client to access the record; and
 - (e) Create an electronic trail when data is released.
- 6321.6 A program shall maintain records that safeguard confidentiality in the following manner:
- (a) Records shall be stored with access controlled and limited to authorized staff and authorized agents of the Department;
 - (b) Written records that are not in use shall be maintained in either a secured room, locked file cabinet, safe, or other similar container;
 - (c) The program shall implement policies and procedures that govern client access to their own records;
 - (d) The policies and procedures of a program shall only restrict a client's access to their record or information in the record after an administrative

review with clinical justification has been made and documented;

- (e) The policies and procedures of a program shall specify that a staff member must be present whenever a client accesses his or her records. If the client disagrees with statements in the record, the client's objections shall be written in the record;
- (f) All staff entries into the record shall be clear, complete, accurate, and recorded in a timely fashion;
- (g) All entries shall be dated and authenticated by the recorder with full signature and title;
- (h) All non-electronic entries shall be typewritten or legibly written in indelible ink that will not deteriorate from photocopying;
- (i) Any documentation error shall be marked through with a single line and initialed and dated by the recorder; and
- (j) Limited use of symbols and abbreviations shall be pre-approved by the program and accompanied by an explanatory legend.

6321.7 Any records that are retained off-site must be kept in accordance with this chapter. If an outside vendor is used, the provider must submit the vendor's name, address, and telephone number to the Department.

6322 CLIENT RECORD CONTENTS

6322.1 At a minimum, all client records shall include:

- (a) Documentation of the referral and initial screening interview and its findings;
- (b) The individual's consent to treatment;
- (c) The Client's Rights Statement;
- (d) Documentation that the client received:
 - (1) An orientation to the program's services, rules, confidentiality, and client's rights;
 - (2) Notice of privacy practices;

- (e) Confidentiality forms and releases signed to permit the facility to obtain and/or release information;
- (f) Diagnostic interview and assessment record, including any Department-approved screening and assessment tools;
- (g) Evaluation of medical needs and, as applicable, medication intake sheets and special diets which shall include:
 - (1) Documentation of physician's orders for medication and treatment, change of orders, and/or special treatment evaluation; and
 - (2) For drugs prescribed following admissions, any prescribed drug product by name, dosage, and strength, as well as date(s) medication was administered, discontinued, or changed;
- (h) Assessments and individual treatment plans pursuant to the level of care and the client's needs, including recovery plans, if applicable;
- (i) Encounter notes, which provide sufficient written documentation to support each therapy, service, activity, or session for which billing is made that, at a minimum, consists of:
 - (1) The specific service type rendered;
 - (2) Dated and authenticated entries with their authors identified, that include the duration, and actual time (beginning and ending as well as a.m. or p.m.), during which the services were rendered;
 - (3) Name, title, and credentials (if applicable) of the person providing the services;
 - (4) The setting in which the services were rendered;
 - (5) Confirmation that the services delivered are contained in the client's treatment or recovery plan and are identified in the encounter note; and
 - (6) A description of each encounter or intervention provided to the client, which is sufficient to document that the service was provided in accordance with this chapter;
 - (7) The client's response to the intervention; and
 - (8) Provider's observations.

- (j) Documentation of all services provided to the client as well as activities directly related to the individual treatment or recovery plan that are not included in encounter notes;
- (k) Documentation of missed appointments and efforts to contact and re-engage the client;
- (l) Emergency contact information of individuals to contact in case of a client emergency with appropriate consent to share information;
- (m) Documentation of all referrals to other agencies and the outcome of such referrals;
- (n) Documentation establishing all attempts to acquire necessary and relevant information from other sources;
- (o) Pertinent information reported by the client, family members, or significant others regarding a change in the individual's condition and/or an unusual or unexpected occurrence in the client's life;
- (p) Drug test results and incidents of drug use;
- (q) Discharge summary and aftercare plan;
- (r) Outcomes of care and follow-up data concerning outcomes of care;
- (s) Documentation of correspondence with other medical, community providers, social service, and criminal justice entities as it pertains to a client's treatment and/or recovery; and
- (t) Documentation of a client's representative payee or legal guardian, as applicable.

6323 RESIDENTIAL TREATMENT AND RECOVERY PROGRAMS

- 6323.1 The provisions of this section apply only to residential treatment programs and residential recovery support service (environmental stability) programs, as defined by this chapter.
- 6323.2 If a facility houses residential programs serving more than one gender, only kitchen and living room areas may be shared by both genders. Other living quarters must be separated by gender and access controlled for members of the opposite gender. This restriction does not apply to children living with their parents in residential programs.
- 6323.3 Each residential provider shall carry the following types of insurance in at least

the following amounts for each residential program:

- (a) Hazards (fire and extended coverage) or resident personal effects coverage in the amount of at least five hundred dollars (\$500) per resident to protect resident belongings, with aggregate coverage of at least \$500 multiplied by the number of residents; and
- (b) A commercial policy for general liability and professional liability for at least:
 - (1) Three hundred thousand dollars (\$300,000) per occurrence with a six hundred thousand dollar (\$600,000) aggregate for one (1) to eight (8) beds; or
 - (2) Five hundred thousand dollars (\$500,000) per occurrence with a one million dollar (\$1,000,000) aggregate for nine (9) or more beds; and
- (c) One hundred thousand dollars (\$100,000) per occurrence of sexual abuse or molestation of clients by staff or other persons.

6323.4 Residential facilities' physical design and structure shall be sufficient to accommodate staff, clients, and functions of the program and shall make available an area(s) for indoor social and recreational activities.

6323.5 A program that provides overnight accommodations shall not operate more beds than the number for which it is authorized by the Department.

6323.6 Other than routine household duties, no client shall be required to perform unpaid work.

6323.7 Upon admission to a residential program, each client shall be provided a copy of the program's house rules.

6323.8 Each residential program shall have house rules consistent with this chapter and that include, at a minimum, rules concerning:

- (a) The use of tobacco;
- (b) The use of the telephone;
- (c) Viewing or listening to television, radio, CDs, DVDs, or other media;
- (d) Movement of clients in and out of the facility; and
- (e) The prohibition of sexual relations between staff and clients.

- 6323.9 Each residential program shall be equipped, furnished, and maintained to provide a functional, safe, and comfortable home-like setting.
- 6323.10 The dining area shall have a sufficient number of tables and chairs to seat all individuals residing in the facility at the same time. Dining chairs shall be sturdy, non-folding, without rollers unless retractable, and designed to minimize tilting.
- 6323.11 Each residential program shall permit each client to bring reasonable personal possessions, including clothing and personal articles, to the facility unless the provider can demonstrate that it is not practical, feasible, or safe.
- 6323.12 Each residential facility shall provide clients with access to reasonable individual storage space for private use.
- 6323.13 Upon each client's discharge from a residential program, the provider shall return to the client, or the client's representative, any personal articles of the client held by the provider for safekeeping. The provider shall also ensure that the client is permitted to take all of his or her personal possessions from the facility. The provider may require the client or client's representative to sign a statement acknowledging receipt of the property. A copy of that receipt shall be placed in the client's record.
- 6323.14 Each residential program shall maintain a separate and accurate record of all funds that the client or the client's representative or representative payee deposits with the provider for safekeeping. This record shall include the signature of the client for each withdrawal and the signature of facility staff for each deposit and disbursement made on behalf of a client.
- 6323.15 Each residential facility shall be equipped with a functioning landline or mobile telephone for use by clients. The telephone numbers shall be provided to residents and to the Department.
- 6323.16 Staff bedrooms shall be separate from resident bedrooms and all common living areas.
- 6323.17 Each facility housing a residential program shall have a functioning doorbell or knocker.
- 6323.18 Each bedroom shall comply with the space and occupancy requirements for habitable rooms in 14 DCMR § 402.
- 6323.19 The provider shall ensure each client has the following items:
- (a) A bed, which shall not be a cot;

- (b) A mattress that was new when purchased by the provider, has a manufacturer's tag or label attached to it, and is in good, intact condition with unbroken springs and clean surface fabric;
- (c) A bedside table or cabinet and an individual reading lamp with at least a seventy-five (75) watt rate of capacity;
- (d) Storage space in a stationary cabinet, chest, or closet that provides at least one (1) cubic foot of space for each client for valuables and personal items;
- (e) Sufficient suitable storage space, including a dresser and closet space, for personal clothing, shoes, accessories, and other personal items; and
- (f) A waste receptacle and clothes hamper with lid.

6323.20 Each bed shall be placed at least three (3) feet from any other bed and from any uncovered radiator.

6323.21 Each bedroom shall have direct access to a major corridor and at least one (1) window to the outside, unless DCRA, or a successor agency responsible for enforcement of the D.C. Housing Code, has determined that it otherwise meets the lighting and ventilation requirements of the D.C. Housing Code for habitable rooms.

6323.22 Each facility housing a residential program shall provide one or more bathrooms for clients that are equipped with the following fixtures, properly installed and maintained in good working condition:

- (a) Toilet (water closet);
- (b) Sink (lavatory); and
- (c) Shower or bathtub with shower, including a handheld shower;
- (d) Grab bars in showers and bathtubs.

6323.23 Each residential facility shall provide at least one (1) bathroom for each six (6) occupants in compliance with 14 DCMR § 602.

6323.24 Each bathroom shall be adequately equipped with the following:

- (a) Toilet paper holder and toilet paper;
- (b) Paper towel holder and paper towels or clean hand towels;

- (c) Soap;
- (d) Mirror;
- (e) Adequate lighting;
- (f) Waste receptacle;
- (g) Floor mat;
- (h) Non-skid tub mat or decals; and
- (i) Shower curtain or shower door.

- 6323.25 Each residential provider shall ensure that properly anchored grab bars or handrails are provided near the toilet or other areas of the bathroom, if needed by any resident in the facility.
- 6323.26 Adequate provision shall be made to ensure each client's privacy and safety in the bathroom.
- 6323.27 Each residential program shall promote each client's participation and skill development in menu planning, shopping, food storage, and kitchen maintenance, if appropriate.
- 6323.28 Each residential program shall provide appropriate equipment (including a washing machine and dryer) and supplies to ensure sufficient clean linen and the proper sanitary washing and handling of linen and clients' personal clothing.
- 6323.29 Each program shall ensure that every client has at least three (3) washcloths, two (2) towels, two (2) sheet sets that include pillow cases, a bedspread, a pillow, a blanket, and a mattress cover in good and clean condition.
- 6323.30 Each blanket, bedspread, and mattress cover shall be cleaned regularly, whenever soiled, and before being transferred from one resident to another.
- 6323.31 Providers shall ensure that clients are allowed access to all scheduled or emergency medical and dental appointments.
- 6323.32 Providers serving parents and children must take precautions to ensure child safety, including but not limited to protection for windows, outlets, and stairways.
- 6323.33 Each facility housing a program that provides services for parents with children shall have extra supplies for babies to include diapers and powdered milk.
- 6323.34 The following provisions apply only to residential treatment programs, as defined

by this chapter. These provisions do not apply to residential recovery support services programs (*i.e.*, environmental stability services):

- (a) A program that provides overnight accommodations shall ensure that evening and overnight shifts have at least two (2) staff members on duty, at least one of whom is of the same gender as the program participants;
- (b) Children and youth under eighteen (18) may not reside at an adult residential treatment facility or visit overnight at a facility not certified to serve parents and children. This information must be included in the house rules;
- (c) Each provider shall maintain a current inventory of each client's personal property and shall provide a copy of the inventory, signed by the client and staff, to the client;
- (d) Each provider shall take appropriate measures to safeguard and account for personal property brought into the facility by a resident;
- (e) Each provider shall provide the client, or the client's representative, with a receipt for any personal articles to be held by the provider for safekeeping that includes and the date it was deposited with the provider and maintain a record of all articles held for safekeeping;
- (f) Each residential treatment program shall have a licensed dietitian or nutritionist available, a copy of whose current license shall be maintained on file, to provide the following services:
 - (1) Review and approval of menus;
 - (2) Education for individuals with nutrition deficiencies or special needs;
 - (3) Coordination with medical personnel, as appropriate; and
 - (4) A nutritional assessment for each client within three (3) calendar days of admission unless the client has a current assessment or doctor's order for dietary guidelines;
- (g) The provider shall provide at least three (3) meals per day and between meal snacks that:
 - (1) Provide a nourishing, well-balanced diet in accordance with dietary guidelines established by the United States Department of Agriculture;

- (2) Are suited to the special needs of each client; and
 - (3) Are adjusted for seasonal changes, particularly to allow for the use of fresh fruits and vegetables.
- (h) The provider shall ensure that menus are written on a weekly basis, that the menus provide for a variety of foods at each meal, and that menus are varied from week to week and adjusted for seasonal changes. Menus shall be posted for the clients' review;
 - (i) The provider shall ensure that a copy of each weekly menu is retained for a period of six (6) months. The menus retained shall include special diets and reflect meals as planned and as actually served, including handwritten notations of any substitutions. The provider shall also retain receipts and invoices for food purchases for six (6) months. The records required to be retained by this subsection are subject to review by the Department;
 - (j) Each meal shall be scheduled so that the maximum interval between each meal is no more than six (6) hours, with no more than fourteen (14) hours between a substantial evening meal and breakfast the following day;
 - (k) If a client refuses food or misses a scheduled meal, appropriate food substitutions of comparable nutritional value shall be offered;
 - (l) If a client will be away from the program during mealtime for necessary medical care, work, or other scheduled appointments, program shall provide an appropriate meal and in-between-meal snack for the client to carry with him or her and shall ensure that the meal is nutritious as required by these rules and suited to the special needs of the client;
 - (m) Each piece of bed linen, towel, and washcloth shall be changed and cleaned as often as necessary to maintain cleanliness, provided that all towels and bed linen shall be changed at least once each week;
 - (n) No person who is not a client, staff member, or child of a client (only in the case of programs for parents and children) may reside at a facility that houses a residential treatment program;
 - (o) A residential treatment program providing meals shall implement a written Nutritional Standards Policy that outlines their procedures to meet the dietary needs of its clients, ensuring access to nourishing, well-balanced, and healthy meals. The policy shall identify the methods and parties responsible for food procurement, storage, inventory, and preparation;
 - (p) The Nutritional Standards Policy shall include procedures for individuals

unable to have a regular diet as follows:

- (1) Providing clinical diets for medical reasons, when necessary;
 - (2) Recording clinical diets in the client's record;
 - (3) Providing special diets for clients' religious needs; and
 - (4) Maintaining menus of special diets or a written plan stating how special diets will be developed or obtained when needed.
- (q) A residential treatment program shall make reasonable efforts to prepare meals that consider the cultural background and personal preferences of the clients;
- (r) Meals shall be served in a pleasant, relaxed dining area that accommodates families and children; and
- (s) Under the supervision of a Qualified Practitioner, all Level 3 programs except MMIIWM programs shall:
- (1) Provide training in activities of daily living;
 - (2) Provide therapeutic recreational activities designed to help the client learn ways to use leisure time constructively, develop new personal interests and skills, and increase social adjustment; and
 - (3) Ensure that staff providing activities listed in subsections (1) and (2) above have a high school degree or a GED and at least twenty (20) hours of in-service training per year regarding issues of substance abuse.

6324 PROGRAMS SERVING PARENTS AND CHILDREN

6324.1 In addition to core requirements and other standards described in this chapter, a program providing SUD treatment services to parents and their children shall comply with the provisions of this section.

6324.2 The provider shall specify in its certification application the age range of the children that will be accepted in the program of parents with children, and ensure that it satisfies all applicable laws and regulations governing care for children including those listed in this section.

6324.3 The Department will include in the program certification a designation as a program serving parents with children, and specify the age range of children that may be accepted when the parents are admitted into the program and ensure that

children shall be supervised at all times.

- 6324.4 Programs shall ensure that parents designate an alternate caretaker who is not in the program to care for the children in case of emergency.
- 6324.5 Programs serving parents and young children (ages zero [0] to five [5]) shall also serve pregnant women.
- 6324.6 Programs shall ensure all parents and children are connected to a primary care provider and any other needed specialized medical provider and shall facilitate medical appointments and treatment for parents and children in the program.
- 6324.7 Programs shall ensure that childcare/daycare is available for children, provided while the parent participates in treatment services either directly or through contractual or other affiliation.
- 6324.8 A program that directly operates a child development facility shall be licensed in accordance with the District laws and regulations.
- 6324.9 Programs that serve parents with children shall ensure that school-age children are in regular attendance at a public, independent, private, or parochial school, or in private instruction in accordance with the District law and regulation, and support the parent's engagement with the child's school.
- 6324.10 Programs that serve parents with children shall ensure that children have access to tutoring programs.
- 6324.11 Before a parent and child can be admitted to a program serving parents and children, the program shall ensure that it has a copy of the child's immunization records, which must be up to date.
- 6324.12 Programs that serve parents with children shall record information about the children residing in or attending the program who are not formally admitted for treatment, including but not limited to the following, as applicable:
- (a) Individualized education plans (IEPs);
 - (b) Report cards;
 - (c) Health records; and
 - (d) Information linking the child to the course of treatment for the parent, as clinically indicated.
- 6324.13 Programs shall develop policies and procedures for determining the need to formally admit or refer a child as a discrete client.

- 6324.14 A program that is also certified to treat children and youth shall establish a separate record for each child when a clinical determination is made to formally admit the child as a discreet client.
- 6324.15 An individualized treatment plan shall be developed for any child who is formally admitted to the program as a discrete client.
- 6324.16 The program shall obtain informed consent prior to rendering services.
- 6324.17 Service delivery and program administration staff shall demonstrate experience and training in addressing the needs of parents and children.
- 6324.18 All services delivery staff shall receive periodic training regarding therapeutic issues relevant to parents and children. At least two (2) times per year, the program shall provide or arrange training on each of the following topics:
- (a) Child development; and
 - (b) The appropriate care and stimulation of infants, including drug-affected newborn infants.
- 6324.19 Service delivery staff shall maintain current training in first aid and cardiopulmonary resuscitation for infants and children.
- 6324.20 Programs shall ensure that an annual medical evaluation is performed for each parent and child.
- 6324.21 Programs shall ensure that recommendations by a physician, or licensed APRN, are followed.

6325 PROVIDER REQUIREMENTS FOR MEDICATION ASSISTED TREATMENT

- 6325.1 In accordance with 42 C.F.R. part 8, Certification of Opioid Treatment Programs, Medication Assisted Treatment (MAT) providers must also be certified by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA) and accredited by a national accreditation body that has been approved by SAMHSA.
- 6325.2 SUD treatment programs providing MAT with opioid replacement therapy shall comply with Federal requirements for opioid treatment, as specified in 42 C.F.R. part 8, and shall comply with District and Federal regulations for maintaining controlled substances as specified in Chapter 10, Title 22 of the District of Columbia Municipal Regulations and 21 C.F.R. part 1300, respectively.

- 6325.3 Each MAT program, whether providing inpatient or outpatient services, shall submit applications to the Department and to the U.S. Food and Drug Administration (FDA), respectively, and shall require the approval of both agencies prior to its initial operation.
- 6325.4 MAT programs shall submit to the Department photocopies of all applications, reports, and notifications required by Federal laws and regulations.
- 6325.5 MAT programs shall ensure the following:
- (a) That access to electronic alarm areas where drug stock is maintained shall be limited to a minimum number of authorized, licensed personnel;
 - (b) That each employee shall have his or her own individual code to access alarmed stock areas, which shall be erased upon termination;
 - (c) That all stored drugs (liquid, powder, solid, and reconstituted), including controlled substances, shall be clearly labeled with the following information:
 - (1) Name of substance;
 - (2) Strength of substance;
 - (3) Date of reconstitution or preparation;
 - (4) Manufacturer and lot number;
 - (5) Manufacturer's expiration date, if applicable; and
 - (6) If applicable, reconstituted/prepared drug's expiration date according to the manufacturer's expiration date or one (1) year from the date of reconstitution or preparation, whichever is shorter;
 - (d) Take-home medications shall be labeled and packaged in accordance with Federal and District laws and regulations and shall include the following information:
 - (1) Treatment program's name, address, and telephone number;
 - (2) Physician's name;
 - (3) Client's name;
 - (4) Directions for ingestion;

- (5) Name of medication;
- (6) Dosage in milligrams;
- (7) Date issued; and
- (8) Cautionary labels, as appropriate.

6325.6 Containers of drugs shall be kept covered and stored in the appropriate locked safe, with access limited by an electronic alarm system that conforms to the U.S. Drug Enforcement Administration (DEA) and District requirements.

6325.7 The Department shall be notified of any theft, suspected theft, or any significant loss of controlled substances, including spillage. Photocopies of DEA forms 106 and 41 shall be submitted to the Department.

6326 LEVELS OF CARE: ASSESSMENT AND IDENTIFICATION

6326.1 All individuals entering SUD treatment must be assessed and assigned to a particular level of care (LOC) in accordance with the Department-approved assessment tool(s) and the ASAM criteria.

6326.2 Each provider is responsible for ensuring that the client receives treatment in accordance with ASAM LOC requirements and this chapter.

6326.3 All treatment shall be:

- (a) Person-centered;
- (b) Provided only if determined to be medically necessary in accordance with the treatment plan; and
- (c) Provided as part of organized or structured treatment services.

6326.4 Prior to transitioning to a new LOC, at a minimum, an Ongoing Assessment must be performed to ensure that the client is appropriate for the new LOC.

6326.5 The Clinical Care Coordinator is responsible for ensuring appropriate referral, authorization, and transition to new LOCs.

6327 LEVEL OF CARE 1 – AR: ASSESSMENT AND REFERRAL

6327.1 Level of Care 1–AR involves the assessment and referral of a client to a specific LOC for SUD treatment.

6327.2 Level 1-AR providers shall have the ability to provide the following services:

- (a) Initial Assessment;
- (b) Case Management;
- (c) Crisis Intervention;
- (d) Brief Assessment; and
- (e) Drug Screening.

6327.3 Level 1-AR providers shall ensure appropriate medical staff is on duty to assess clients for acute withdrawal symptoms in addition to medical screenings.

6328 LEVEL OF CARE 1: OUTPATIENT

6328.1 Level 1 Outpatient requires one (1) to eight (8) hours of treatment services per week, in accordance with this section. Level 1 Outpatient is the appropriate LOC for individuals who are assessed as meeting the ASAM criteria for Level 1 and:

- (a) Recognize their SUD and are committed to recovery;
- (b) Are transitioning from a higher LOC;
- (c) Are in the early stages of change and not yet ready to commit to full recovery;
- (d) Have a co-occurring condition that is stable; or
- (e) Have achieved stability in recovery and can benefit from ongoing monitoring and disease management.

6328.2 Level I Outpatient providers may also be certified in the specialty service of Adolescent-Community Reinforcement Approach (ACRA) in accordance with § 6344 of this chapter for services to youth and young adults with co-occurring substance use and mental health disorders ages twelve (12) to twenty-one (21) for youth providers and twenty-two (22) to twenty- four (24) for adult providers.

6328.3 Level 1 Outpatient treatment duration varies but generally lasts up to one hundred eighty (180) days for an initial authorization; Level 1 treatment can continue long-term in accordance with the treatment plan, for individuals needing long-term disease management.

6328.4 Level 1 Outpatient services are determined by a Comprehensive Assessment, performed in accordance with § 6336 of this chapter.

6328.5 All providers shall comply with the minimum service requirements. Limitations

on services identified in this section are applicable to those providers with a Human Care Agreement with the Department.

6328.6 Case Management does not satisfy the minimum service hour requirements. Case Management shall be provided as clinically appropriate, in accordance with the client's treatment plan, and in accordance with § 6328.7 of this chapter.

6328.7 Level 1 Outpatient shall include the following mix of services in accordance with the client's treatment plan and this chapter (unless the client is receiving ACRA services in which case SUD Counseling, Case Management and Clinical Care Coordination shall be provided in accordance with § 6344):

- (a) Assessment/Diagnostic and Treatment Planning in accordance with § 6336 of this chapter:
 - (1) Comprehensive Assessment: Required if this is the individual's first LOC in a single course of treatment; optional for a new provider if the client has been transferred from another LOC;
 - (2) Ongoing Assessment: Required within seven (7) calendar days of admission if no comprehensive was performed at intake into Level 1, cannot be billed more than twice within a sixty (60)-day period, cannot occur on the same day as a comprehensive assessment, and an ongoing assessment with a corresponding treatment plan update must occur prior to a planned discharge from the LOC;
 - (3) Brief Assessment: Cannot exceed six (6) occurrences within the period of time that the individual is in Level 1.
- (b) SUD Counseling (in accordance with § 6340 of this chapter): Counseling shall be provided as a clinically appropriate combination of Individual, Family, and Group Counseling, including Group Counseling-Psychoeducation, according to the client's assessed needs.
- (c) Clinical Care Coordination (CCC) (in accordance with § 6337 of this chapter): Cannot exceed one hundred ninety-two (192) units (48 hours) during this LOC in a single course of treatment. The Clinical Care Coordinator is responsible for establishing the frequency of the ongoing assessments and must ensure the treatment plan is updated a minimum of every ninety (90) days.
- (d) Case Management (in accordance with § 6338 of this chapter): A minimum of four (4) units (1 hour) of Case Management-HIV is required for the duration of the LOC; a minimum of four (4) units (1 hour) of Case Management per month is required during the first six (6) months of the LOC in a single course of treatment; for those individuals in long-term

Level 1, after the first year a minimum of eight (8) units (2 hours) annually is required.

- (e) Drug Screening (in accordance with § 6341 of this chapter): Required at admission and as clinically indicated throughout the course of treatment.
- (f) Crisis Intervention: As required and in accordance with § 6339 of this chapter.

6328.8 Level 1 providers may provide Medication Assisted Treatment (MAT) per § 6343 of this chapter, if so certified.

6329 LEVEL OF CARE 2.1: INTENSIVE OUTPATIENT PROGRAM (IOP)

6329.1 Level 2.1 Intensive Outpatient Program (IOP) shall provide nine (9) to nineteen (19) hours of treatment services per week for adults and six (6) to nineteen (19) hours of treatment services per week for youth under the age of twenty-one (21). IOP is the appropriate level of care for individuals who are assessed as meeting the ASAM criteria for Level 2.1 and:

- (a) Recognize their SUD and are committed to recovery;
- (b) Are transitioning from a different LOC; and
- (c) Have stable medical or psychiatric co-occurring conditions.

6329.2 Level 2.1 IOP treatment duration varies from thirty (30) to sixty (60) days.

6329.3 All providers shall comply with the minimum service requirements; any limitations on services are applicable to those providers with a Human Care Agreement with the Department.

6329.4 Case Management does not satisfy the minimum service hour requirements. Case Management shall be provided as clinically appropriate, in accordance with the client's treatment plan, and in accordance with Subsection 6329.5 of this chapter.

6329.5 Level 2.1 IOP includes the following mix of core services, in accordance with the client's individual treatment plan:

- (d) Assessment/Diagnostic and Treatment Planning (§ 6336):
 - (1) Comprehensive Assessment: Required if this is the individual's first LOC in a single course of treatment; optional for a new provider if the client has been transferred from another LOC;
 - (2) Ongoing Assessment: Required within seven (7) calendar days of

admission if no comprehensive was performed at intake into Level 2.1. Cannot be billed more than twice within a sixty (60)-day period and cannot occur on the same day as a comprehensive assessment. An ongoing assessment with a corresponding treatment plan update must occur prior to a planned discharge from the LOC;

- (3) Brief Assessment: Cannot exceed four (4) occurrences within the period of time that the individual is in Level 2.1.
- (b) SUD Counseling (in accordance with § 6340 of this chapter): Counseling shall be provided as a clinically appropriate combination of Individual, Family, and Group Counseling, including Group Counseling-Psychoeducation, according to the client's assessed needs.
- (c) Clinical Care Coordination (CCC) (in accordance with § 6337 of this chapter): The Clinical Care Coordinator is responsible for establishing the frequency of the ongoing assessments and updates to the treatment plan.
- (d) Case Management (in accordance with § 6338 of this chapter): A minimum of four (4) units (1 hour) of Case Management-HIV is required for the duration of the LOC; other Case Management is provided in accordance with the treatment plan.
- (e) Drug Screening (in accordance with § 6341 of this chapter): Required at admission and as clinically indicated throughout the course of treatment.
- (f) Crisis Intervention: As required and in accordance with § 6339 of this chapter.

6329.6 Level 2.1 providers may provide Medication Assisted Treatment (MAT) per § 6343 of this chapter, if so certified.

6330 LEVEL OF CARE 2.5: DAY TREATMENT

6330.1 Level 2.5 Day Treatment shall provide twenty (20) or more hours of treatment services per week. Day Treatment providers must also be certified as a mental health provider by the Department or have a psychiatrist on staff. Day Treatment is the appropriate LOC for individuals who are assessed as meeting the ASAM criteria for Level 2.5 and:

- (a) Have unstable medical or psychiatric co-occurring conditions; and
- (b) Have issues that require daily management or monitoring but can be addressed on an outpatient basis.

- 6330.2 Level 2.5 Day Treatment generally lasts thirty (30) to sixty (60) days.
- 6330.3 All providers shall comply with the minimum service requirements. Limitations on services are applicable to those providers with a Human Care Agreement with the Department.
- 6330.4 Case Management does not satisfy the minimum service hour requirements. Case Management shall be provided as clinically appropriate, in accordance with the client's treatment plan, and in accordance with § 6330.5 of this chapter.
- 6330.5 Level 2.5 Day Treatment includes the following mix of core services as indicated on the treatment plan and in accordance with this chapter:
- (a) Assessment/Diagnostic and Treatment Planning (in accordance with § 6336 of this chapter):
 - (1) Comprehensive Assessment: Required if this is the individual's first LOC in a single course of treatment; optional if the client has been transferred from another LOC;
 - (2) Ongoing Assessment: Required within seven (7) days of admission if no comprehensive was performed at intake into Level 2.5. Cannot be billed more than twice within a sixty (60)-day period and cannot occur on the same day as a comprehensive assessment. An ongoing assessment with a corresponding treatment plan update must occur prior to a planned discharge from the LOC;
 - (3) Brief Assessment: Cannot exceed four (4) occurrences within the period of time that the individual is in Level 2.5.
 - (c) SUD Counseling (in accordance with § 6340 of this chapter): Counseling shall be provided as a clinically appropriate combination of Individual, Family, and Group Counseling, including Group Counseling-Psychoeducation, according to the client's assessed needs.
 - (c) Clinical Care Coordination (CCC) (in accordance with § 6337 of this chapter): The Clinical Care Coordinator is responsible for establishing the frequency of the ongoing assessments and updates to the treatment plan. CCC shall be provided as clinically appropriate.
 - (d) Case Management (in accordance with § 6338 of this chapter): A minimum of four (4) units (1 hour) of Case Management-HIV is required for the duration of the LOC; other Case Management per week is required in accordance with the treatment plan.
 - (e) Drug Screening (in accordance with § 6341 of this chapter): Required at

admission and as clinically indicated throughout the course of treatment.

- (f) Crisis Intervention: As required and in accordance with § 6339 of this chapter.

6330.6 Level 2.5 providers may provide Medication Assisted Treatment (MAT) per § 6343 of this chapter, if so certified.

6331 LEVEL OF CARE 3.1: CLINICALLY MANAGED LOW-INTENSITY RESIDENTIAL

6331.1 Level 3.1 Clinically Managed Low-Intensity Residential is a residential program that shall provide a minimum of five (5) hours of substance abuse treatment services per week for a period of up to ninety (90) days. Level 3.1 Clinically Managed Low-Intensity Residential is the appropriate level of care for individuals who are assessed as meeting the ASAM criteria for Level 3.1 and:

- (a) Are employed, in school, in pre-vocational programs, actively seeking employment, or involved in structured day program;
- (b) Recognize their SUD and are committed to recovery or are in the early stages of change and not yet ready to commit to full recovery but need a stable supportive living environment to support their treatment or recovery; and
- (c) May have a stable co-occurring physical or mental illness.

6331.2 Level 3.1 Clinically Managed Low-Intensity Residential generally lasts ninety (90) days.

6331.3 All providers shall comply with the minimum service requirements. Limitations on services are applicable to those providers with a Human Care Agreement with the Department.

6331.4 Case Management does not satisfy the minimum service hour requirements. Case Management shall be provided as clinically appropriate, in accordance with the client's treatment plan, and in accordance with § 6331.5 of this chapter.

6331.5 Level 3.1 Clinically Managed Low-Intensity Residential includes the following mix of core services, as indicated on the treatment plan and in accordance with this chapter:

- (a) Assessment/Diagnostic and Treatment Planning in accordance with § 6336 of this chapter:
- (1) Comprehensive Assessment: Required if this is the individual's

first LOC in a single course of treatment; optional if the client has been transferred from another LOC);

- (2) Ongoing Assessment: Required within seven (7) days of admission if no comprehensive was performed at intake into Level 3.1. Cannot be billed more than twice within a sixty (60)-day period and cannot occur on the same day as a comprehensive assessment. An ongoing assessment with a corresponding treatment plan update must occur prior to a planned discharge from the LOC;
 - (3) Brief Assessment: Cannot exceed three (3) occurrences within the period of time that the individual is in Level 3.
- (b) SUD Counseling (in accordance with § 6340 of this chapter): Counseling shall be provided as a clinically appropriate combination of Individual, Family, and Group Counseling, including Group Counseling-Psychoeducation, according to the client's assessed needs.
 - (c) Clinical Care Coordination (CCC) (in accordance with § 6337 of this chapter): The Clinical Care Coordinator is responsible for establishing the frequency of the ongoing assessments and updates to the treatment plan. A minimum of four (4) units (1 hour) of CCC is required for every twenty-eight (28) days.
 - (d) Case Management (in accordance with § 6338 of this chapter): A minimum of four (4) units (1 hour) of Case Management-HIV is required for the duration of the LOC; other Case Management is required at a minimum every twenty-eight (28) days.
 - (e) Drug Screening (in accordance with § 6341 of this chapter): Required at admission and as clinically indicated throughout the course of treatment.
 - (f) Crisis Intervention: As required and in accordance with § 6339 of this chapter.
 - (g) Medication Management: As required and in accordance with § 6342 of this chapter.

6331.6 Level 3.1 providers may provide Medication Assisted Treatment (MAT) per § 6343 of this chapter, if so certified.

6332 LEVEL OF CARE 3.3: CLINICALLY MANAGED POPULATION-SPECIFIC HIGH-INTENSITY RESIDENTIAL

6332.1 Level 3.3 Clinically Managed Population-Specific High-Intensity Residential shall provide no less than twenty (20) hours of treatment per week for a period of

up to ninety (90) days. Level 3.3 providers must also be certified as a mental health provider by the Department or have a psychiatrist on staff. Level 3.3 Clinically Managed Population-Specific High-Intensity Residential, also referred to as Extended or Long-term Care, is the appropriate LOC for individuals who are assessed as meeting the ASAM criteria for Level 3.3, need a stable supportive living environment to support their treatment or recovery and:

- (a) Have co-occurring or other issues that have led to temporary or permanent cognitive impairments and would benefit from slower-paced repetitive treatment; or
- (b) Have unstable medical or psychiatric co-occurring conditions.

6332.2 Level 3.3 Clinically Managed Population-Specific High-Intensity Residential generally last up to ninety (90) days.

6332.3 All providers shall comply with minimum service requirements. Each client must receive daily treatment services. Limitations on services are applicable to those providers with a Human Care Agreement with the Department.

6332.4 Case Management does not satisfy the minimum service hour requirements. Case Management shall be provided as clinically appropriate, in accordance with the client's treatment plan, and in accordance with § 6332.5 of this chapter.

6332.5 Level 3.3 Clinically Managed Population-Specific High-Intensity Residential includes the following mix of services, as indicated on the treatment plan and in accordance with this chapter:

- (a) Assessment/Diagnostic and Treatment Planning in accordance with § 6336 of this chapter:
 - (1) Comprehensive Assessment: Required if this is the individual's first LOC in a single course of treatment; optional if the client has been transferred from another LOC;
 - (2) Ongoing assessment: Required within seven (7) days of admission if no comprehensive was performed at intake into Level 3.3. Cannot be billed more than twice within a 60-day period and cannot occur on the same day as a Comprehensive Assessment. An ongoing assessment with a corresponding treatment plan update must occur prior to a planned discharge from the LOC;
 - (3) Brief assessment: Cannot exceed three (3) occurrences within the period of time that the individual is in Level 3.
- (b) SUD Counseling (in accordance with § 6340 of this chapter): Counseling

shall be provided as a clinically appropriate combination of Individual, Family, and Group Counseling, including Group Counseling-Psychoeducation, according to the client's assessed needs.

- (c) Clinical Care Coordination (CCC) (in accordance with § 6337 of this chapter): The Clinical Care Coordinator is responsible for establishing the frequency of the ongoing assessments and updates to the treatment plan.
- (d) Case Management (in accordance with § 6338 of this chapter): A minimum of four (4) units (1 hour) of Case Management-HIV is required for the duration of the LOC; other Case Management is required every twenty-eight (28) days unless the Clinical Care Coordinator documents justification for a lesser amount.
- (e) Drug Screening (in accordance with § 6341 of this chapter): Required at admission and as clinically indicated throughout the course of treatment.
- (f) Crisis Intervention: As required and in accordance with § 6339 of this chapter.
- (g) Medication Management: As required and in accordance with § 6342 of this chapter.

6332.6 Level 3.3 providers may provide Medication Assisted Treatment (MAT) per § 6343 of this chapter, if so certified.

6333 LEVEL OF CARE 3.5: CLINICALLY MANAGED HIGH-INTENSITY RESIDENTIAL (ADULT)/ CLINICALLY MANAGED MEDIUM-INTENSITY RESIDENTIAL (YOUTH)

6333.1 Level 3.5 is a residential program that generally provides twenty-five (25) hours of treatment services per week for a period of up to twenty-eight (28) days. Level 3.5 providers shall provide no less than twenty (20) hours of treatment services per week. Level 3.5 is the appropriate level of care for individuals who are assessed as meeting the ASAM placement criteria for Level 3.5, need a 24-hour supportive treatment environment to initiate or continue their recovery process and:

- (a) Have co-occurring or severe social/interpersonal impairments due to substance use; or
- (b) Significant interaction with the criminal justice system due to substance use.

6333.2 Level 3.5 generally lasts up to twenty-eight (28) days.

- 6333.3 All providers shall comply with minimum service requirements. Each client must receive treatment services on a daily basis. Limitations on services are applicable to those providers with a Human Care Agreement with the Department.
- 6333.4 Case Management does not satisfy the minimum service hour requirements. Case managed shall be provided as clinically appropriate, in accordance with the client's treatment plan, and in accordance with Subsection 6332.6.
- 6333.5 Level 3.5 includes the following mix of services, as indicated on the treatment plan and in accordance with this chapter:
- (a) Assessment/Diagnostic and Treatment Planning in accordance with § 6336 of this chapter:
 - (1) Comprehensive Assessment: Required if this is the individual's first LOC in a single course of treatment; optional if the client has been transferred from another LOC;
 - (2) Ongoing assessment: Required within seven (7) days of admission if no comprehensive was performed at intake into Level 3.5. Cannot be billed more than twice within a sixty (60)-day period and cannot occur on the same day as a Comprehensive Assessment. An ongoing assessment with a corresponding treatment plan update must occur prior to a planned discharge from the LOC;
 - (3) Brief assessment: Cannot exceed three (3) occurrences within the period of time the individual is in Level 3.
 - (c) SUD Counseling (in accordance with § 6340 of this chapter): Counseling shall be provided as a clinically appropriate combination of Individual, Family, and Group Counseling, including Group Counseling-Psychoeducation, according to the client's assessed needs.
 - (d) Clinical Care Coordination (CCC) (in accordance with § 6337 of this chapter): The Clinical Care Coordinator is responsible for establishing the frequency of the ongoing assessments and updates to the treatment plan. A minimum of twelve (12) units (3 hours) per week is required.
 - (e) Case Management (in accordance with § 6338 of this chapter): A minimum of four (4) units (1 hour) of Case Management-HIV is required for the duration of the LOC; a minimum of sixteen (16) units (4 hours) of Case Management is required every twenty-eight (28) days unless the Clinical Care Coordinator documents justification for a lesser amount.
 - (f) Drug Screening (in accordance with § 6341 of this chapter): Required at

admission and as clinically indicated throughout the course of treatment.

- (g) Crisis Intervention: As required and in accordance with § 6339 of this chapter.
- (h) Medication Management: As required and in accordance with § 6342 of this chapter.

6333.6 Level 3.5 providers may provide Medication Assisted Treatment (MAT) per § 6343 of this chapter, if so certified.

6334 LEVEL OF CARE 3.7-WM: MEDICALLY MONITORED INTENSIVE INPATIENT WITHDRAWAL MANAGEMENT (MMIWM)

6334.1 MMIWM is 24-hour, medically directed evaluation and withdrawal management service. The service is for clients with sufficiently severe signs and symptoms of withdrawal from psychoactive substances such that medical monitoring and nursing care are necessary but hospitalization is not indicated.

6334.2 Clients discharged from MMIWM treatment shall be directly admitted into a residential SUD treatment program (Level 3.1 – 3.5) through a “bed-to-bed” transfer unless the Department previously authorized an exception or the client refuses admission to a residential program.

6334.3 MMIWM shall not exceed five (5) days unless prior authorization for a longer stay is authorized by the Department. The maximum allowable stay is ten (10) days.

6334.4 MMIWM shall include the following services in accordance with ASAM guidelines, as clinically appropriate:

- (a) Medication Management;
- (b) Clinical Care Coordination;
- (c) Medication Assisted Treatment;
- (d) Crisis Intervention;
- (e) Case Management;
- (f) SUD Counseling, which may be billed separately; and
- (g) Comprehensive Assessment/Diagnostic, which may be billed separately.

6334.5 MMIWM providers shall have a physician on staff that is able to respond within

one (1) hour of notification.

6334.6 MMIIWM providers shall have medical staff (MD, PA, APRN, or RN) on duty twenty four (24) hours per day, seven (7) days per week. Medical staff shall have a client-to-staff ratio of 12-to-1 during daytime operating hours, a 17-to-1 ratio during evening hours, and a 25-to-1 ratio during the night shift.

6335 LEVEL OF CARE-R: RECOVERY SUPPORT SERVICES

6335.1 Level-R Recovery Support Services (RSS) covers the provision of non-clinical services for individuals in treatment or in need of supportive services to maintain their recovery.

6335.2 Level-R Recovery Support Service providers shall provide the following core recovery support services:

- (a) Recovery Support Evaluation;
- (b) Recovery Support Management;
- (c) Recovery Coaching;
- (d) Life Skills Support Services;
- (e) Education Support Services;
- (f) Recovery Social Activities; and
- (g) Transportation Services (Public).

6335.3 RSS providers may provide the following specialty services, in accordance with their certification:

- (a) Spiritual Support Services; and
- (b) Environmental Stability.

6335.4 Level-R Recovery Support Services are for individuals who have an identified need for recovery support services and:

- (a) Are actively participating in the Department treatment system;
- (b) Have completed treatment; or

- (c) Have a self-identified substance use issue that is not assessed as needing active treatment.

- 6335.5 If a recovery client is assessed as needing active treatment and not currently enrolled in treatment, he or she must be referred to an Assessment and Referral Center for treatment and begin receiving treatment services before enrolling in RSS.
- 6335.6 The duration of Level-R Recovery Support Services varies but lasts as long as needed, with a reassessment every ninety (90) days according to the client's recovery goals.
- 6335.7 Level-R Recovery Support Services are determined by a Recovery Support Evaluation, performed in accordance with Section 6344 of this chapter.
- 6335.8 All providers shall comply with the minimum service requirements. Limitations on services are applicable to those providers with a Human Care Agreement with the Department.
- 6335.9 RSS may not be provided while a client is in a MMIIWM program.
- 6335.10 Providers who are certified only as Level-R providers may not provide Level 1 through 3 treatment services.
- 6335.11 Each recovery program must have a recovery program manager and the recovery program manager is responsible for overseeing all services provided within the recovery program.
- 6335.12 Each recovery program must have a comprehensive curriculum for its Recovery Support Services that has been approved by the Department.
- 6336 CORE SERVICE: ASSESSMENT/DIAGNOSTIC AND TREATMENT PLANNING**
- 6336.1 Assessment/Diagnostic and Treatment Planning services include two distinct actions: (1) the assessment and diagnosis of the client and (2) the development of the treatment plan. An Assessment/Diagnostic and Treatment Planning Service may be (1) Initial, (2) Comprehensive, (3) Ongoing, or (4) Brief.
- 6336.2 The assessment/diagnostic portion of this service includes the evaluation and ongoing collection of relevant information about a client to determine or confirm an SUD diagnosis and the appropriate Level of Care (LOC). The assessment shall serve as the basis for the formation of the treatment plan, which is designed to help the client achieve and sustain recovery. The assessment instrument shall incorporate ASAM client placement criteria.

- 6336.3 Treatment planning services are required each time an Assessment/Diagnostic and Treatment Planning service is performed. Treatment planning services include the development of a treatment plan or a treatment plan update and necessary referrals.
- 6336.4 Providers shall use a tool(s) approved by the Department for both the assessment and treatment plan.
- 6336.5 A treatment plan identifies all services considered medically necessary to address the needs of the client as determined by the assessment. All services shall be delivered in accordance with the treatment plan as part of organized treatment services. The treatment plan shall be person-centered and include:
- (a) A substance use disorder diagnosis (and any other diagnoses);
 - (b) Criteria for discharge from the program based on completion of the established course of treatment, and/or transfer to a less intensive/restrictive level of care;
 - (c) A list of any agencies currently providing services to the individual and family including the type(s) of service and date(s) of initiation of those services;
 - (d) A list of client strengths and needs;
 - (e) Specific individualized treatment and recovery goals and objectives for each client;
 - (f) The treatment regimen, including specific services and activities that will be used to meet the treatment and recovery goals;
 - (g) An expected schedule for service delivery, including the expected frequency and duration of each type of planned service encounter;
 - (h) The name and title of personnel who will provide the services;
 - (i) The name and title of the client's Clinical Care Coordinator, primary substance abuse counselor, and case manager;
 - (j) A description of the involvement of family members or significant others, where appropriate;
 - (k) The identification of specific client responsibilities;
 - (l) The client's identified ASAM Level of Care (LOC);

- (m) For children through age twenty (20), services reasonably calculated to promote the development or maintenance of age-appropriate functioning;
- (n) The client or legal guardian's signature on the plan (if the client refuses to sign the treatment plan, the Clinical Care Coordinator shall document the reason(s) in the treatment plan); and
- (o) Signatures of all interdisciplinary team members participating in the development of the treatment plan. The Clinical Care Coordinator's signature on the treatment plan is required as certification that the services identified on the treatment plan are medically necessary.

6336.6 Initial, Comprehensive, Ongoing, and Brief assessments shall be performed by the following Qualified Practitioners, as evidenced by signature and dates on the assessment document and the treatment plan and in accordance with additional provisions of this section:

- (a) Qualified Physicians;
- (b) Psychologists;
- (c) Licensed Independent Clinical Social Workers ("LICSWs");
- (d) Licensed Graduate Social Workers ("LGSWs");
- (e) Licensed Professional Counselors ("LPCs");
- (f) Licensed Marriage and Family Therapists ("LMFTs");
- (g) APRNs;
- (h) Certified Addiction Counselors II ("CAC IIs") (may not diagnose); or CAC Is (may not diagnose).

6336.7 An Initial Assessment/Diagnostic and Treatment Planning service (Initial Assessment) is a behavioral health screening and assessment that (1) identifies the individuals need for SUD treatment, (2) determines the appropriate level of care of SUD treatment, and (3) initiates the course of treatment. An Initial Assessment may only be provided by a Department-designated Assessment and Referral Center (ARC), with a Level 1-AR certification. The following provisions apply to an Initial Assessment:

- (a) The provider shall use and complete a screening and assessment tool approved by the Department. The screening and assessment should result in identification of the necessary Level of Care (LOC) and an appropriate SUD provider referral, documented in the designated electronic record

format.

- (b) The provider shall record any medications used by the client;
- (c) Staff must have an in-person encounter with the client to conduct the initial assessment;
- (d) Providers must obtain and document client's understanding and agreement, evidenced by the client's signature, for consent to treatment, assessment, provider choice, the client bill of rights, and release of information;
- (e) An Initial Assessment should take at least forty (40) minutes to complete; and
- (f) For those providers with a Human Care Agreement with the Department, a maximum of one Initial Assessment may be billed within a thirty (30)-day period. .

6336.8

The following provisions apply to the Comprehensive Assessment/Diagnostic and Treatment Planning service (Comprehensive Assessment):

- (a) When a client enters his or her first LOC within a treatment episode, the provider shall perform a Comprehensive Assessment to determine his or her treatment and recovery needs. A Comprehensive Assessment consists of a comprehensive assessment and the development of a treatment plan.
- (b) A Comprehensive Assessment shall include the use of a Department-approved assessment tool and a detailed diagnostic formulation. The comprehensive assessment will document the client's strengths, resources, mental status, identified problems, current symptoms as outlined in the DSM, and recovery support service needs. The Comprehensive Assessment will also confirm the client's scores on the ASAM criteria and confirm that the assigned LOC is most applicable to the client's needs. The diagnostic formulation shall include presenting symptoms for the previous twelve (12) months, including mental and physical health symptoms, degree of severity, functional status, and differential diagnosis. This information forms the basis for the development of the individualized treatment plan as defined in § 6336.5 of this chapter.
- (c) A Comprehensive Assessment must be performed in-person by an interdisciplinary team consisting of the client, a Certified Addictions Counselor (CAC), and at least one Qualified Practitioner with the license and capability to develop a diagnosis. The client's Clinical Care Coordinator and case manager shall also participate in the interdisciplinary team. A completed treatment plan is required to establish medical

necessity.

- (d) A Comprehensive Assessment must be completed within seven (7) calendar days of admission to a provider. Providers at Level 3.7-WM must complete a Comprehensive Assessment within forty-eight (48) hours, or prior to discharge or transfer to another LOC, whichever comes first.
- (e) Within twenty-four (24) hours of admission at a new LOC, during the period prior to the completion of the Comprehensive Assessment, the provider shall review the Department-approved assessment tool used during the client's Initial Assessment to develop an Initial Treatment Plan. This Initial Treatment Plan will validate treatment until the Comprehensive Assessment is completed. A Qualified Practitioner as listed in § 6336.6 shall develop the Initial Treatment Plan. The Initial Treatment Plan is considered part of the Comprehensive Assessment and Treatment Planning service.
- (f) A Comprehensive Assessment shall take a minimum of three (3) hours to complete.
- (g) A Comprehensive Assessment shall include client understanding and agreement, documented by the client's signature, for consent to treatment, assessment, provider choice, client bill of rights, and release of information.
- (h) For those SUD providers with a Human Care Agreement with the Department, no more than one (1) Comprehensive Assessment shall be billed per LOC, and a Comprehensive Assessment cannot be billed on the same day as an Ongoing Assessment.

6336.9 An Ongoing Assessment occurs at regularly scheduled intervals depending on the LOC. The following provisions apply to ongoing assessments:

- (a) An Ongoing Assessment, conducted using a tool(s) approved by the Department, provides a review of the client's strengths, resources, mental status, identified problems, and current symptoms as outlined in the DSM.
- (b) An Ongoing Assessment will confirm the appropriateness of the existing diagnosis and revise the diagnosis, as warranted. The Ongoing Assessment will also revise the client's scores on all dimensions of the ASAM criteria, as appropriate, to determine if a change in LOC is needed.
- (c) An Ongoing Assessment includes a review and update of the treatment plan to reflect the client's progress, growth, and ongoing areas of need.
- (d) The Ongoing Assessment is also used prior to a planned transfer to a

different LOC and for discharge from a course of service.

- (e) The clinical care coordinator shall determine the frequency of ongoing assessments.
- (f) An Ongoing Assessment must be completed in-person with the client by an interdisciplinary team, which includes a CAC and at least one Qualified Practitioner with the license and capability to develop a diagnosis. The client's clinical care coordinator and primary counselor shall participate in the interdisciplinary team.
- (g) The Ongoing Assessment shall require a minimum of one (1) hour to complete.
- (h) The Ongoing Assessment requires documentation of the assessment tools, updated diagnostic formulation, and the treatment plan update. The diagnostic formulation shall include presenting symptoms since previous assessment (including mental and physical health symptoms), degree of severity, functional status, and differential diagnosis. The treatment plan update shall address current progress toward goals for all problematic areas identified in the assessment and adjust interventions and recovery support services as appropriate.
- (i) For providers with a Human Care Agreement with the Department, an Ongoing Assessment cannot be billed on the same day as a Comprehensive Assessment. These providers may bill a maximum of two (2) occurrences per sixty (60) days.

6336.10

A Brief Assessment is a review and documentation of a client's physical and mental status for acute changes that require an immediate response, such as a determination of a need for immediate hospitalization. The following provisions apply to brief assessments:

- (a) A Brief Assessment may also be used to incorporate minor updates to a client's diagnosis or treatment plan;
- (b) A Brief Assessment requires an in-person evaluation of the client by a Qualified Practitioner;
- (c) A single service of "Brief Assessment" requires a minimum of forty to fifty (40 – 50) minutes;
- (d) A Brief Assessment requires documentation of assessment tool(s), updated diagnostic formulation, and treatment plan update. The diagnostic formulation shall include presenting symptoms since previous assessment (including mental and physical health symptoms), degree of severity,

functional status, and differential diagnosis. The treatment plan update shall address current progress toward goals for all problematic areas identified in the assessment and adjust interventions and recovery support services as appropriate;

- (e) Providers should reassess the appropriateness of a client's LOC if frequent brief assessments are needed; and
- (f) For providers with a Human Care Agreement with the Department, a Brief Assessment cannot be billed on the same day as Comprehensive Assessment. For these providers, a Brief Assessment must be billed as a minimum of one (1) occurrence. In addition, these providers may bill a maximum of three (3) occurrences in Level 3; a maximum of four (4) occurrences in Level 2; and a maximum of six (6) occurrences in Level 1.

6337 CORE SERVICE: CLINICAL CARE COORDINATION

6337.1 Clinical Care Coordination (CCC) is the initial and ongoing process of identifying, planning, coordinating, implementing, monitoring, and evaluating options and services to best meet a client's health needs.

6337.2 The Clinical Care Coordinator is responsible for ensuring that the client is at the appropriate level of care. If the client fails to make progress or has met all of his or her treatment goals, it is the Coordinator's responsibility to ensure timely assessment and transfer to a more appropriate level of care.

6337.3 CCC focuses on linking clients as they transition through the levels of care, ensuring that the treatment plan is formulated with the overarching goal of recovery regardless of the client's current status. The Clinical Care Coordinator is responsible for facilitating specified outcomes through recovery that will restore a client's functional status in the community. The Clinical Care Coordinator has the overall responsibility for the development and implementation of the client's treatment plan.

6337.4 CCC also includes oversight of linkages to off-site services to meet additional needs related to a co-occurring medical and/or psychiatric condition, as documented in the treatment plan.

6337.5 The assigned clinical care coordinator in each case will monitor the compliance with, and effectiveness of, services over the treatment period and make a determination of the frequency of ongoing assessments. A clinical care coordinator shall have no more than seventy-five (75) clients assigned to his or her caseload, and shall ensure that each client receives a clinically appropriate amount of CCC.

6337.6 The CCC service must be provided by a licensed practitioner under Subsection

6337.7 of this chapter and must address the health and behavioral health of the client. CCC shall not include administrative facilitation of the client's service needs, which is the primary purpose of the Case Management service.

6337.7 The CCC service must be documented in an encounter note that indicates the intended purpose of that particular service, the actions taken, and the result(s) achieved.

6337.8 Qualified Practitioners for CCC are:

- (a) Qualified Physicians;
- (b) Psychologists;
- (c) LICSWs;
- (d) LGSWs;
- (e) APRNs;
- (f) RNs;
- (g) LISWs;
- (h) LPCs; and
- (i) LMFTs.

6337.9 For providers with a Human Care Agreement with the Department, the following restrictions apply to CCC:

- (a) CCC may not be billed in conjunction with a staff person's clinical supervision or at the same time as any assessment/diagnostic/treatment planning service;
- (b) CCC may not be billed separately for a person in MMIWM;
- (c) CCC may only be billed by the client's designated clinical care coordinator; and
- (d) A maximum of 128 units of CCC are allowed under Level 3, a maximum of 132 units are allowed under Level 2, a maximum of 192 units are allowed under Level 1, and a maximum of 208 units are allowed under Level-1 with MAT.

6338

CORE SERVICE: CASE MANAGEMENT

- 6338.1 Case Management facilitates implementation of the treatment plan and administrative facilitation of the client's service needs, including but not limited to scheduling of appointments, assisting in completing applications, facilitating transportation, tracking appointments, and collecting information about the client's progress.
- 6338.2 Case Management also encompasses the coordination of linkages such as vocational/educational services, housing services, legal monitoring entities (*e.g.* probation), childcare, public assistance, and social services. Case Management also includes training in the development of life skills necessary to achieve and maintain recovery.
- 6338.3 In addition to the case management activities listed below, Case Management-HIV entails providing access to testing and referrals for HIV and infectious diseases and coordination of services with medical care or specialty services related to an infectious disease (an individual does not need to be diagnosed with an infectious disease to receive this service).
- 6338.4 All Case Management services must be authorized in the individual's treatment plan.
- 6338.5 Additional key service functions of Case Management in a treatment program include:
- (a) Attending interdisciplinary team meetings for assessment/diagnostic services;
 - (b) Following up on service delivery by providers external to the treatment program and ensuring communication and coordination of services;
 - (c) Contacting clients who have unexcused absences from program appointments or from other critical off-site service appointments to re-engage them and promote recovery efforts;
 - (d) Locating and coordinating services and resources to resolve a client's crisis;
 - (e) Providing training in the development of life skills necessary to achieve and maintain recovery; and
 - (f) Participating in discharge planning.
- 6338.6 The assigned case manager for each client shall provide case management services with or on behalf of a client to maximize the client's adjustment and functioning within the community while achieving sobriety and sustaining

recovery. Each client shall have a case manager designated in his or her treatment plan. Each case manager shall be assigned no more than one hundred fifty (150) clients and shall ensure that each client receives clinically appropriate case management in accordance with the treatment plan.

- 6338.7 All case managers shall be supervised by a CAC II or a licensed practitioner. At least weekly, the case manager's supervisor shall review and approve encounter notes to indicate compliance with treatment plan. At least monthly, the case manager's supervisor shall provide regular case and chart review and meet in-person with the case manager. Providers with a Human Care Agreement with the Department shall comply with the Department policy on supervision.
- 6338.8 Case Management shall not be considered a counseling service or activity. An individual performing both SUD Counseling and Case Management as part of his or her normal duties shall maintain records that clearly document separate time spent on each of these functions, such as, work logs, encounter notes, and documentation in the client's record.
- 6338.9 Case Management services shall be provided by:
- (a) A Qualified Practitioner;
 - (b) An individual with at least a bachelor's degree from an accredited college or university in social work, counseling, psychology, or closely related field; or
 - (c) An individual with at least a GED or high school diploma, four (4) years of relevant, qualifying full-time-equivalent experience in human service delivery who demonstrates skills in developing positive and productive community relationship and the ability to negotiate complex service systems to obtain needed services and resources for individuals.

6339 CORE SERVICE: CRISIS INTERVENTION

- 6339.1 Crisis Intervention is an immediate short-term treatment intervention, which assists a client to resolve an acute personal crisis that significantly jeopardizes the client's treatment, recovery progress, health, or safety. Crisis Intervention does not necessarily lead to a change in LOC or a change to the treatment plan; however, if a change is needed, this service may be followed by a Brief Assessment.
- 6339.2 Crisis Intervention is a service available at all levels of care and can be provided to any individual in treatment, even if the service is not included on the treatment plan.
- 6339.3 Crisis Intervention services must be documented using an encounter note that

explains the crisis and the response.

6339.4 The following Qualified Practitioners may perform this service:

- (a) Qualified Physicians;
- (b) Psychologists;
- (c) LICSWs;
- (d) LGSWs;
- (e) APRNs;
- (f) RNs;
- (g) LISWs;
- (h) LPCs;
- (i) LMFTs; and
- (j) CAC Is and CAC IIs.

6339.5 For providers with a Human Care Agreement with the Department, Crisis Intervention shall be billed in increments of fifteen (15)-minute units. The following limits shall apply:

- (a) Level 1: 80 Units
- (b) Level 1 with MAT: 144 Units
- (c) Level 2: 120 Units
- (d) Level 3: 160 Units.

6340 CORE SERVICE: SUBSTANCE USE DISORDER COUNSELING

6340.1 SUD Counseling includes Individual, Family, Group, and Group-Psychoeducation Counseling.

6340.2 For providers with a Human Care Agreement with the Department, counseling shall be billed in increments of fifteen (15)-minute units, and a clinically appropriate combination of Individual, Family, Group, and Group-Psychoeducation counseling is limited to the following (the Department can approve additional units with justification):

- (a) Level 1: 32 Units per week;
- (b) Level 2: 80 Units per week; and
- (c) Level 3: 100 Units per week.

6340.3 Individual Substance Use Disorder Counseling (Individual SUD Counseling or Individual Counseling) is a one-on-one, in-person counseling interaction between a client and an authorized Qualified Practitioner for the purpose of supporting the client's recovery. The aim of Individual SUD Counseling is to improve functioning and cultivate the awareness, skills, and supports to facilitate long-term recovery.

6340.4 Individual SUD Counseling addresses the specific issues identified in the treatment plan. Individual counseling:

- (a) Shall be documented in an encounter note;
- (b) Shall not be conducted within the same or overlapping time period as Medication Management;
- (c) Shall not be considered or used as a Case Management service or activity; and
- (d) Shall be performed by one of the following Qualified Practitioners:
 - (1) Qualified Physicians;
 - (2) Psychologists;
 - (3) LICSWs;
 - (4) LGSWs;
 - (5) APRNs,
 - (6) RNs;
 - (7) LISWs;
 - (8) LPCs;
 - (9) LMFTs; or
 - (10) CAC Is and CAC IIs.

6340.5 Group SUD Counseling (Group Counseling) facilitates disclosure of issues that permit generalization to a larger group; promotes help-seeking and supportive behaviors; encourages productive and positive interpersonal communication; and develops motivation through peer support, structured confrontation, and constructive feedback. The aim of counseling is to cultivate the awareness, skills, and supports to facilitate long-term recovery. Group SUD Counseling helps clients develop appropriate psychosocial, personal, parenting, and family skills needed to facilitate long-term recover. The following provisions apply to Group SUD Counseling:

- (a) Group SUD Counseling addresses the specific issues identified in the treatment plan;
- (b) The focus of the group SUD counseling session shall be driven by the participant;
- (c) A maximum of fifteen (15) individuals may participate in a single Group SUD Counseling session;
- (d) Group SUD Counseling shall not be billed during recreational activities; and
- (e) Group SUD Counseling shall be performed by the following Qualified Practitioners:
 - (1) Qualified Physicians;
 - (2) Psychologists;
 - (3) LICSWs;
 - (4) LGSWs;
 - (5) APRNs;
 - (6) RNs;
 - (7) LISWs;
 - (8) LPCs;
 - (9) LMFTs; or
 - (10) CAC Is and CAC IIs.

6340.6 Group SUD Counseling-Psychoeducation promotes help-seeking and supportive behaviors by working in partnership with clients to impart current information and facilitate group discussion through lecture, audio-visual presentations, handouts, etc. to assist with developing coping skills that support recovery and encourage problem-solving strategies for managing issues posed by SUDs. This service should also address HIV, STDs, and other infectious diseases; clients are not required to have one of these diseases to receive this education. Group Counseling-Psychoeducation requires the following:

- (a) The subject of the counseling must be relevant to the client's needs as identified in his or her treatment plan;
- (b) This service must include facilitated group discussion of the relevant topic or topics;
- (c) An encounter note for each participant shall be completed, which documents the individual's response to the group;
- (d) A maximum of thirty (30) clients may participate in a single session; and
- (e) Qualified Practitioners authorized to perform the service are:
 - (1) Qualified Physicians;
 - (2) Psychologists;
 - (3) LICSWs;
 - (4) LGSWs;
 - (5) APRNs;
 - (6) RNs;
 - (7) LISWs;
 - (8) LPCs;
 - (9) LMFTs; and
 - (10) CAC Is and IIs.

6340.7 Family Counseling is a planned, goal-oriented therapeutic interaction between a Qualified Practitioner and the client's family, with or without the client present. The aim of Family Counseling is to improve the individual's functioning with his or her family and cultivate the awareness, skills, and supports to facilitate long-

term recovery. Family Counseling must address specific issues identified in the treatment plan. The following provisions apply to Family Counseling:

- (a) Family Counseling shall be documented using an encounter note; if the client is not present for the service, the note must explain how the session benefits the client;
- (b) A service encounter note documenting Family Counseling shall clearly state the relationship of the participant(s) to the client;
- (c) Family Counseling participants other than the client must meet the definition of “family member” in Section 6399; and
- (d) Qualified Practitioners authorized to provide Family Counseling must be competent to work with families and must be:
 - (1) Qualified Physicians;
 - (2) Psychologists;
 - (3) LICSWs;
 - (4) LGSWs;
 - (5) APRNs;
 - (6) RNs;
 - (7) LISWs;
 - (8) LPCs;
 - (9) LMFTs; or
 - (10) CAC Is and IIs.

6341 CORE SERVICE: DRUG SCREENING

- 6341.1 Drug Screening consists of toxicology sample collection and breathalyzer testing to determine and detect the use of alcohol and other drugs.
- 6341.2 Providers reimbursed by the District for Drug Screening must comply with the Department policy on drug screening; those providers not reimbursed by the District must have their own drug screening policy.
- 6341.3 Toxicology sample collection involves the collection of biological specimens for

drug analysis. The following provisions apply to toxicology sample collection:

- (a) The handling of biological specimens requires a chain of custody in accordance with District guidelines from the point of collection throughout the analysis process to ensure the integrity of the specimen;
- (b) Toxicology sample collection shall be conducted to verify abstinence or use of substances to inform treatment;
- (c) Toxicology sample collection shall include an in-person encounter with the client;
- (d) Documentation of the toxicology sample collection service requires an encounter note, laboratory request, and recorded laboratory results from an approved laboratory;
- (e) Chain of custody for the toxicology specimen must be observed and documented in accordance with District guidelines; and
- (f) Individuals collecting the samples must be properly trained to do so.

6341.4 Breathalyzer testing is the collection and documentation of valid breath specimens for alcohol analysis in accordance with Department standards. A Breathalyzer is conducted to test for blood alcohol content to inform treatment for an individual. The following provisions apply to Breathalyzer services:

- (a) Breathalyzer testing requires an in-person collection of the sample;
- (b) Breathalyzer testing must be documented with an encounter note and recorded results;
- (c) The chain of custody must be kept in accordance with District guidelines; and
- (d) Individuals collecting the samples must be properly trained to do so.

6342 SPECIALTY SERVICE: MEDICATION MANAGEMENT

6342.1 Medication Management shall include the coordination and evaluation of medications consumed by clients, monitoring potential side effects, drug interactions, compliance with doses, and efficacy of medications.

6342.2 Medication Management also includes the evaluation of a client's need for Medication Assisted Treatment (MAT), the provision of prescriptions, and ongoing medical monitoring/evaluation related to the use of psychoactive drugs.

- 6342.3 Medication Management is used to inform treatment and to assist with withdrawal management, as clinically appropriate.
- 6342.4 All providers certified as MAT or Level 3 providers must be able to provide Medication Management.
- 6342.5 Medication Management requires in-person interaction with the client and may not be conducted at the same or overlapping times as any other service.
- 6342.6 The Qualified Practitioner performing the Medication Management service or the clinical care coordinator, if not the same individual, must coordinate with the client's primary care practitioner unless the client's record documents that the client refused to provide consent for the coordination.
- 6342.7 Documentation of Medication Management services shall include an encounter note and appropriately completed medication fields in the record, if applicable.
- 6342.8 Medication Management may be provided by the following:
- (a) Qualified Physicians;
 - (b) APRNs;
 - (c) RNs;
 - (d) LPNs;
 - (e) PAs;
 - (f) LICSWs;
 - (g) LISWs;
 - (h) LGSWs;
 - (i) LPCs; and
 - (j) CAC Is and IIs, within the scope of their respective licenses.
- 6342.9 For providers with a Human Care Agreement with the Department, Medication Management shall be billed in increments of fifteen (15)-minute units. No more than ninety-six (96) units may be billed per LOC. Medication Management shall not be billed on the same day as MMIWM.

6343 SPECIALTY SERVICE: MEDICATION ASSISTED TREATMENT

- 6343.1 Medication Assisted Treatment (MAT) is the use of pharmacotherapy as long-term treatment for opiate or other forms of dependence. A client who receives MAT must also receive SUD Counseling. Use of this service should be in accordance with ASAM service guidelines and practice guidelines issued by the Department.
- 6343.2 Individuals appropriate for MAT must have an SUD that is appropriately treated with an MAT in accordance with Federal regulations.
- 6343.3 MAT providers must ensure that individuals receiving MAT understand and provide written informed consent to the specific medication administered. No person under eighteen (18) years of age may be admitted to MAT unless a parent or legal guardian consents in writing to such treatment.
- 6343.4 MAT may be administered on an in-office basis or as take-home regimen. Both MAT administrations include the unit of medication and therapeutic guidance. For clients receiving a take-home regimen, therapeutic guidance must include additional guidance related to storage and self-administration. MAT providers must comply with all Department policies concerning MAT.
- 6343.5 Therapeutic guidance provided during MAT shall include:
- (a) Safeguarding medications;
 - (b) Possible side-effects and interaction with other medications;
 - (c) Impact of missing doses;
 - (d) Monitoring for withdrawal symptoms and other adverse reactions; and
 - (e) Appearance of medication and method of ingestion.
- 6343.6 For providers with a Human Care Agreement with the Department:
- (a) MAT medication is billed on a per-dose basis;
 - (b) A single fifteen (15)-minute administration session may be billed when an individual is receiving take-home doses in accordance with ASAM criteria and Department policy;
 - (c) A client can be prescribed a maximum of one dose/unit per day;
 - (d) An initial and second authorization is for a maximum of ninety (90) days each; subsequent authorizations cannot exceed one hundred and eighty (180) days each; and

- (e) The maximum number of MAT services over a twelve (12)-month period is three hundred and sixty five (365) units of medication and administration.
- 6343.7 Providers shall have medical staff (MD, PA, APRN, or RN) on duty during all clinic hours. A physician shall be available on call during all clinic hours, if not present on site.
- 6343.8 A member of the medical staff must be available on call twenty-four (24) hours a day, seven (7) days a week.
- 6343.9 A physician must evaluate the client a minimum of once per month for the first year that a client receives MAT and a minimum of every six (6) months thereafter, in coordination with the treatment plan and as needed.
- 6343.10 A provider must review the results of a client's physical, which has been completed within the past twelve (12) months, prior to prescribing or renewing a prescription for MAT.
- 6343.11 Documentation for this service must include medication log updates and an encounter note for each visit, which captures the therapeutic guidance provided.
- 6343.12 MAT may be provided by the following:
- (a) Qualified Physicians;
 - (b) APRNs;
 - (c) Physicians Assistants (PAs) (supervised by Qualified Physicians);
 - (d) RNs; or
 - (e) LPNs (supervised by an MD, RN, or APRN).
- 6344 SPECIALTY SERVICE: ADOLESCENT – COMMUNITY REINFORCEMENT APPROACH (ACRA)**
- 6344.1 ACRA is a specialty service that can be infused into Level I Outpatient treatment as a more targeted approach to treatment for youth and young adults ages twelve (12) to twenty-four (24) years old with co-occurring mental health and substance use disorders. ACRA services include Counseling, Case Management, and Clinical Care Coordination when provided in accordance with the requirements of this section and the ACRA evidence-based practice certification model.
- 6344.2 The provider must have the following ACRA-certified staff for each ACRA team:

- (a) A clinical supervisor, with ACRA clinical supervisor certification, who is also a Master's-level qualified practitioner; and
- (b) One (1) to four (4) clinicians with ACRA clinician certification who are either Master's-level qualified practitioners or Bachelor's-level qualified practitioners with at least five (5) years' experience working with behaviorally-challenged youth.

6344.3 ACRA practitioners must comply with the supervision, taping, feedback and coaching requirements of the ACRA certification.

6344.4 A minimum of four units (one hour) of ACRA Counseling services should be provided each week. Additional units of ACRA Case Management and Clinical Care Coordination, and remaining Level 1 services shall be provided as clinically appropriate.

6344.5 ACRA generally lasts up to six (6) months with the first three (3) months of services provided in the office setting and the last three (3) months of service provided in the home or community setting, based on the client's needs and progress.

6344.6 ACRA may be provided by the following qualified practitioners who satisfy the requirements of Subsection 6344.2 above:

- (a) Qualified Physicians;
- (b) Psychologists;
- (c) LICSWs;
- (d) LGSWs;
- (e) APRNs;
- (f) RNs;
- (g) LISWs;
- (h) LPCs;
- (i) LMFTs; or
- (j) CAC Is and IIs.

6345 RECOVERY SUPPORT SERVICE: RECOVERY SUPPORT EVALUATION

- 6345.1 A Recovery Support Evaluation is a process used to evaluate and document a client's individual recovery support service needs, develop a comprehensive individual recovery support plan, and monitor client progress on achievement of goals and objectives every ninety (90) days.
- 6345.2 The purpose of the Recovery Support Evaluation is to identify domains that require support, using a Department-approved recovery support assessment tool, and to develop a recovery support plan.
- 6345.3 Recovery Support Evaluation requires an in-person encounter with the client and must be performed by staff trained to use the recovery support assessment tool.
- 6345.4 Required elements of a Recovery Support Evaluation include the completion of a Department-approved recovery support assessment tool and recovery support plan.
- 6345.5 Providers must document completion and client signatures for: consents, completion of the recovery support assessment tool and recovery support plan, client bill of rights, and release of information.
- 6345.6 A Recovery Support Evaluation shall take at least forty (40) minutes to complete.
- 6345.7 A maximum of two (2) occurrences of Recovery Support Evaluation are allowed every six (6) months. Additional Recovery Support Evaluations require approval from the Department.
- 6345.8 The clinical care coordinator is responsible for ensuring coordination if an individual is receiving treatment and recovery services from different providers. An individual receiving treatment and recovery services from different providers may receive the CAT and a separate Recovery Support Evaluation.
- 6345.9 An individual receiving treatment and recovery services from the same provider shall receive only the CAT and not a separate Recovery Support Evaluation or recovery support plan. The treatment plan developed under the CAT shall include specific recovery goals and identify recovery support services.
- 6345.10 The following staff may perform this service:
- (a) A Qualified Practitioner; or
 - (b) A Recovery Coach; or

- (c) An individual with at least a bachelor's degree from an accredited college or university in social work, counseling, psychology, or closely related field and training or relevant experience in substance use; or
- (d) An individual with at least four (4) years of relevant, qualifying full-time-equivalent experience in human service delivery who demonstrates skills in developing positive and productive community relationships and the ability to negotiate complex service systems to obtain needed services and resources for individuals.

6346 RECOVERY SUPPORT SERVICE: RECOVERY SUPPORT MANAGEMENT

- 6346.1 Recovery Support Management assists clients with the implementation of the recovery support plan, including but not limited to:
- (a) Scheduling of appointments, assisting in completing applications, facilitating transportation, tracking appointments, and collecting progress report information;
 - (b) Helping clients access the District service network and other community resources that help sustain recover and coordinating linkages such as vocational/educational services, housing services, judicial entities, childcare, public assistance, and social services.
- 6436.2 All Recovery Support Management services must be authorized in the individual's recovery support plan or treatment plan (if applicable).
- 6346.3 Additional key service functions of Recovery Support Management include:
- (a) Monitoring service delivery by providers external to the RSS program and ensuring communication and coordination of services;
 - (b) Contacting individuals who have unexcused absences from program appointments or from other critical off-site service appointments to re-engage the person and promote recovery efforts; and
 - (c) Locating and coordinating services and resources to resolve a client's crisis.
- 6346.4 If the client is also in active treatment, the treatment provider's staff shall provide these services through Case Management and Clinical Care Coordination. Recovery Support Management shall not be billed while the client is in active treatment.
- 6346.5 Each client not in active treatment shall have a designated Recovery Support

Manager. One (1) FTE is required for every fifty (50) clients.

- 6346.6 The recovery support manager's supervisor shall provide regular case and chart review, meet in-person with the case manager, and co-sign chart entries at least monthly to indicate compliance with the recovery support plan.
- 6346.7 RSS providers with a Human Care Agreement with the Department must comply with the Department policy on supervision.
- 6346.8 An encounter note is required at each provision of Recovery Support Management.
- 6346.9 SUD Counseling shall not be considered a Recovery Support Management service or activity. An individual performing both SUD Counseling and Recovery Support Management as part of his or her normal duties shall maintain records that clearly document separate time spent on each of these functions, such as work logs, encounter notes, and documentation in the patients' records.
- 6346.10 Recovery Support Management services shall be provided by one of the following:
- (a) A Qualified Practitioner;
 - (b) A Recovery Coach;
 - (c) An individual with a bachelor's degree from an accredited college or university in social work, counseling, psychology, or closely related field; or
 - (d) An individual with at least a GED or high school diploma, four (4) years of relevant, qualifying full-time-equivalent experience in human service delivery who demonstrates skills in developing positive and productive community relationship and the ability to negotiate complex service systems to obtain needed services and resources for individuals.

6347 RECOVERY SUPPORT SERVICE: RECOVERY COACHING

- 6347.1 Recovery Coaching is provided by a person in recovery from an SUD or another staff member who is familiar with the community's support for persons seeking to live an alcohol- and drug-free life.
- 6347.2 Recovery Coaching assists clients in reviewing the recovery support plan and reviewing strategies to achieve the identified goals and support abstinence, and assists the client to overcome barriers that may inhibit their recovery process and develop a network of supportive relationships.

- 6347.3 Recovery Coaching provides ongoing support to a client in accordance with the recovery support plan.
- 6347.4 Recovery Coaching requires an in-person or electronic encounter with a client in accordance with all documentation requirements as required in § 6322 of this chapter.
- 6347.5 Staff eligible to perform this service may be:
- (a) A Recovery Coach;
 - (b) An individual with at least a GED or high school diploma, four (4) years of relevant, qualifying full-time-equivalent experience in human service delivery who demonstrates skills in developing positive and productive community relationship and the ability to negotiate complex service systems to obtain needed services and resources for individuals; or
 - (c) A Qualified Practitioner.

6348 RECOVERY SUPPORT SERVICE: LIFE SKILLS SUPPORT SERVICES

- 6348.1 Life Skills Support Services help clients develop appropriate psychosocial skills needed to succeed in day-to-day life without the use of alcohol and drugs, including how to plan for and incorporate drug-free social activities into their recovery.
- 6348.2 The purpose of the Life Skills Support Services is to provide peer-to-peer support in a group setting to promote individual and community change through lived experiences.
- 6348.3 Life Skills Support Services requires in-person group encounters with clients. A maximum of fifteen (15) clients may participate in a group session.
- 6348.4 A Life Skills Support Services session must be guided by a curriculum approved by the Department.
- 6348.5 Life Skills Support Services sessions must be documented using an encounter note.
- 6348.6 The following staff may perform Life Skills Support Services:
- (a) A Recovery Coach;
 - (b) An individual with at least a GED or high school diploma, four (4) years of relevant, qualifying full-time-equivalent experience in human service delivery who demonstrates skills in developing positive and productive

community relationship and the ability to negotiate complex service systems to obtain needed services and resources for individuals; or

- (c) A Qualified Practitioner.

6349 RECOVERY SUPPORT SERVICE: SPIRITUAL SUPPORT SERVICES

6349.1 Spiritual Support Services shall provide spiritual support, which incorporates faith and religion in the recovery process based on spiritual practices and principles.

6349.2 The purpose of Spiritual Support Services is to provide strategies on how a client can incorporate spirituality into their recovery process.

6349.3 The following provisions apply to Spiritual Support Services:

- (a) Provision of the service requires an in-person encounter with the client in a group setting;
- (b) Only RSS clients may attend a Spiritual Support Services group session;
- (c) The Spiritual Support Services group may not prohibit clients from participation based on spiritual or religious beliefs; and
- (d) A maximum of thirty (30) clients may participate in a Spiritual Support Services group.

6349.4 Spiritual Support Services include ongoing support services through persons with lived experiences and similar spiritual beliefs.

6349.5 Spiritual Support Services group sessions must be documented using an encounter note.

6349.6 Staff that performs this service should have a background of study in the spiritual support being provided.

6349.7 The following staff may perform this service:

- (a) A Recovery Coach;
- (b) An individual with at least a GED or high school diploma, four (4) years of relevant, qualifying full-time-equivalent experience in human service delivery who demonstrates skills in developing positive and productive community relationship and the ability to negotiate complex service systems to obtain needed services and resources for individuals; or
- (c) A Qualified Practitioner.

6350 RECOVERY SUPPORT SERVICES: EDUCATION SUPPORT SERVICES

- 6350.1 Educational Support Services provide individual instruction and tools to expand a client's knowledge in specific recovery topics, including relapse prevention, employment preparation, money management, health and wellness, and family reunification, targeted to improve the client's functioning for substance-free living.
- 6350.2 The purpose of Education Support Services is to increase the client's ability to sustain long-term recovery.
- 6350.3 Education Support Services require an in-person encounter with the client.
- 6350.4 Educational Support Services must be documented using an encounter note.
- 6350.5 Educational Support Services maybe be provided on an individual or group basis.
- 6350.6 For individual Educational Support Services, a one-on-one interaction with the client is required.
- 6350.7 For group Educational Support Services, providers must use a curriculum approved for use in a group setting. Education Support Services groups may serve no more than thirty (30) clients.
- 6350.8 The following staff may perform this service:
- (a) A Recovery Coach; or
 - (b) An individual with at least a GED or high school diploma, four (4) years of relevant, qualifying full-time-equivalent experience in human service delivery who demonstrates skills in developing positive and productive community relationship, and the ability to negotiate complex service systems to obtain needed services and resources for individuals; or
 - (c) A Qualified Practitioner.

6351 RECOVERY SUPPORT SERVICE: TRANSPORTATION SERVICES (PUBLIC)

- 6351.1 Transportation Services provide transportation support (Metrobus or Metrorail) to a client for the purpose of attending RSS and other activities that support the client's recovery.
- 6351.2 The purpose of the Transportation Services is to provide transportation to help to a client to attend their scheduled appointments.

6351.3 Transportation Services require an in-person encounter to receive the transportation card.

6351.4 Transportation Services must be documented using an encounter note which includes the type of benefit and dollar value and be signed for by the client receiving the benefit.

6352 RECOVERY SUPPORT SERVICE: RECOVERY SOCIAL ACTIVITIES

6352.1 Recovery Social Activities provide group drug-free social activities for persons in recovery in order to demonstrate to the client how to maintain their recovery in drug-free environments.

6352.2 Recovery Social Activities require an in-person encounter with the client.

6352.3 Recovery Social Activities require an encounter note describing and documenting the social activity.

6352.4 The following staff may perform this service:

- (a) A Recovery Coach;
- (b) An individual with at least a GED or high school diploma, four (4) years of relevant, qualifying full-time-equivalent experience in human service delivery who demonstrates skills in developing positive and productive community relationship and the ability to negotiate complex service systems to obtain needed services and resources for individuals; or
- (c) A Qualified Practitioner.

6353 RECOVERY SUPPORT SERVICE: ENVIRONMENTAL STABILITY

6353.1 The Environmental Stability service provides a structured and stable living environment and recovery support system that includes recovery housing for up to six (6) months. The objective of Environmental Stability is to prepare the client for independent living upon completion of the Environmental Stability Service.

6353.2 Eligible persons for this service must:

- (a) Be drug- and alcohol-free (with the exception of prescribed medication) for thirty (30) days prior to admission;
- (b) Maintain sobriety throughout the program;
- (c) Be in recovery from a diagnosed SUD;

- (d) Be employed or in a training program, or participating in both work and training, for a minimum of thirty (30) hours per week or specifically excepted for medical reasons by the Director;
- (e) Deposit fifty percent (50%) of net income into the provider's client escrow account for the purposes of post-environmental-stability independent living;
- (f) Be enrolled and active in other Department-certified recovery support services; and
- (g) Must be prior authorized by the Department.

6353.3 The Environmental Stability provider shall comply with the Department's drug testing policy.

6353.4 Each Environmental Stability facility shall be for a single gender or for single parents with one child.

6353.5 Environmental Stability providers must comply with the applicable of provisions of Section 6323 of this chapter governing residential recovery programs.

6353.6 No Environmental Stability program shall use a name on the exterior of the building or display any logo that distinguishes the facility from any other residence in the neighborhood.

6399 DEFINITIONS

Admission - Entry into the SUD treatment or recovery program after completion of intake, screening, and initial assessment and a determination that an individual is eligible for the program.

Advance Practice Registered Nurse (APRN) - A person who is licensed or authorized to practice as an advanced practice registered nurse pursuant to the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2012 Repl. & 2014 Supp.)), and who has particular training and expertise in treating clients with SUD. An APRN is a Qualified Practitioner.

Affiliation Agreement - A legal agreement approved by the Department by and between a provider and another entity that describes how they will work together to benefit clients.

Applicant - A program that has applied to the Department for certification as an

SUD treatment or recovery program.

Case Manager - Program staff specially designated to provide Case Management services with or on behalf of a client to maximize the client's adjustment and functioning within the community while achieving sobriety and sustaining recovery. A client's case manager must be designated in his or her treatment plan.

Certification - The process of establishing that standards of care described in this chapter are met; or approval from the Department indicating that an applicant has successfully complied with all requirements for the operation of a substance use disorder treatment or recovery program in the District.

Certified Addiction Counselor (CAC) - A person who is certified to provide SUD counseling services in accordance with District law and regulations. A CAC may be certified as a CAC I or CAC II. A CAC is a Qualified Practitioner.

Child Development Facility - A center, home, or other structure that provides care and other services, supervision, and guidance for children up to fifteen (15) years of age on a regular basis, regardless of its designated name, but does not include a public or private elementary or secondary school engaged in legally required educational and related functions.

Client - A person admitted to an SUD treatment or recovery program who is assessed to need SUD treatment services or recovery services.

Clinical Care Coordination - The clinical, and evaluative activities that identifies the client's needs for substance abuse and other treatment services, community needs and other resources to achieve the goals and objectives identified in the treatment plan. Clinical Care Coordination establishes a framework of action to enable the client to achieve specified goals. It involves collaboration with client and significant others, coordination of treatment and referral services, liaison activities with community resources and managed care systems, client advocacy, and ongoing evaluation of treatment progress and client needs

Clinical Care Coordinator - A licensed or certified Qualified Practitioner who has the overall responsibility for the development and implementation of the client's treatment plan, is responsible for identification, coordination, and monitoring of non-SUD-treatment clinical services, and is identified in the client's treatment plan.

Clinical Staff - Staff who are licensed, certified, or registered by the District Department of Health, Health Regulation and Licensing Administration

(HRLA).

Communicable Disease - Any disease as defined in Title 22-B, § 201 of the District of Columbia Municipal Regulations (DCMR).

Continuity of Care Plan – A plan that provides for the ongoing care of clients in the event that a certified provider is no longer able to provide adequate care. The plan should include provision for the referral and transfer of clients, as well as for the provision of relevant treatment information, medications, and information to the new provider.

Co-Occurring Disorders - The presence of concurrent diagnoses of substance use disorder and a mental disease or disorder.

Crisis - An event that significantly jeopardizes the client's treatment, recovery progress, health or safety.

Department - The District of Columbia Department of Behavioral Health.

Director - The Director of the District Department of Behavioral Health.

Discharge - The time when a client's active involvement with a program is terminated.

Discharge Planning - Activities with or on behalf of an individual to arrange for appropriate follow-up care to sustain recovery after being discharged from a program, including educating the individual on how to access or reinstate additional services, as needed.

Discrete Clients - Children accompanied by a parent into a treatment environment that are clinically determined to require admission as a client with their own separate and distinct assessment, treatment plan, course of treatment, and record. Discrete Client does not apply to children who receive services primarily to support a parent's recovery.

District - The District of Columbia.

Drug - Substances that have the likelihood or potential to be misused or abused, including alcohol, prescription drugs, and nicotine.

Facility - Any physical premises which houses one or more SUD treatment or recovery programs.

Family Member - Individual identified by the client as a person with whom the client has a significant relationship and whose participation is important to the client's recovery.

Health Maintenance Organization (HMO) - A private organization which is a qualifying HMO under Federal regulations or has been determined to be an HMO pursuant to rules issued by the D.C. State Health Planning and Development Agency (SHPDA) in accordance with D.C. Official Code §§ 44-401 *et seq.*

Initial Treatment Plan - The treatment plan that is developed in conjunction with the first (non-comprehensive) diagnostic assessment conducted upon entry to a client's first LOC.

In-service Training - Activities undertaken to achieve or improve employees' competency to perform present jobs or to prepare for other jobs or promotions.

Interdisciplinary Team - Members of the SUD provider staff who provide services to the client. This group shall include the client, the client's CCC, a CAC, the client's case manager, and at least one QP with the license and ability to diagnose.

Licensed Graduate Social Worker (LGSW) – A person licensed as a graduate social worker in accordance with applicable District laws and regulations. An LGSW is a Qualified Practitioner.

Licensed Independent Clinical Social Worker (LICSW) - A person licensed as an independent clinical social worker in accordance with applicable District laws and regulations. An LICSW is a Qualified Practitioner.

Licensed Independent Social Worker (LISW) - A person licensed as a licensed independent social worker in accordance with applicable District laws and regulations. An LISW is a Qualified Practitioner.

Licensed Marriage and Family Therapist (LMFT) – A person licensed as a marriage and family therapist in accordance with applicable District laws and regulations. An LMFT is a Qualified Practitioner.

Licensed Practical Nurse (LPN) - A person licensed as practical nurse in accordance with applicable District laws and regulations.

Licensed Professional Counselor (LPC) - A professional counselor licensed in accordance with applicable District laws and regulations. An LPC is a Qualified Practitioner.

Major Investigations - Refers to the detailed inquiry or systematic examination of deaths related to suicide, unexpected deaths at a facility, death of a child or youth, and any other incident that the Director, DBH or the

Deputy Director, OA, determine need a major investigation.

Major Unusual Incidents - Adverse events that can compromise the health, safety, and welfare of persons; employee misconduct; fraud; and actions that are violations of law and policy.

Medicaid - The program described in the District of Columbia State Medicaid Plan, approved by CMS, and administered by the Department of Health Care (DHCF) to enable the District of Columbia to receive Federal financial assistance for a medical assistance program and other purposes as permitted by law.

Medical Necessity (or Medically Necessary) - Those services contained in an approved treatment plan reasonably calculated to prevent the worsening of, alleviate, correct, cure, or ameliorate an identified substance use disorder. For children through age twenty (20), services reasonably calculated to promote the development or maintenance of age-appropriate functioning are also considered medically necessary.

Medical Waste - Any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or in the testing of biologicals, including but not limited to: soiled or blood-soaked bandages, needles used to give shots or draw blood, and lancets.

Mental Illness - A diagnosable mental, behavioral, or emotional disorder (including those of biological etiology) which substantially impairs the mental health of the person or is of sufficient duration to meet diagnostic criteria specified within the DSM-IV or its ICD-9-CM equivalent (and subsequent revisions) with the exception of DSM-IV "V" codes, substance abuse disorders, mental retardation, and other developmental disorders, or seizure disorders, unless those exceptions co-occur with another diagnosable mental illness.

Notice of Infraction - An action taken by agencies to enforce alleged violations of regulatory provisions.

Opioid - A psychoactive substance in the narcotic class derived from opium, including natural and synthetic compounds. Substances in this class may produce pharmacological effects such as physical withdrawal symptoms when used for non-medicinal purposes.

Organized Treatment Services – Treatment that consists of a scheduled series of structured, face-to-face or group therapeutic sessions organized at various levels of intensity and frequency in order to assist the clients served in achieving the goals identified in the person-centered treatment plans. Also may be called structured treatment services.

Outcomes of Care - The results of a course of treatment, including abstinence or reduction of abuse of substances, elimination or reduction of criminal activity, reduction of antisocial activity associated with SUD, reduction in need for medical or mental health services, reduction of need for SUD treatment, increase in pro-social involvement, and increase in productivity and employment.

Outpatient Services - Therapeutic services that are medically or psychologically necessary, provided to a client according to an individualized treatment plan, and do not require the client's admission to a hospital or a non-hospital residential facility. The term "outpatient services" refers to services that may be provided (on an ambulatory basis) in a hospital; a non-hospital residential facility; an outpatient treatment facility; or the office of a person licensed to provide SUD treatment services.

Outreach - Efforts to inform and facilitate access to a program's services.

Parent - A person who has custody of a child as a natural parent, stepparent, adopted parent, or has been appointed as a guardian for the child by a court of competent jurisdiction.

Postpartum - A period of time for up to twenty-four (24) months after birth of an infant.

Privacy Officer - A person designated by an organization that routinely handles protected health information, to develop, implement, and oversee the organization's compliance with the U.S. Health Insurance Portability and Accountability Act (HIPAA) privacy rules, 42 C.F.R. part 2, and D.C. Mental Health Information Act.

Program - An SUD Treatment or Recovery Program certified by the Department at a specific Level of Care to provide substance use treatment or recovery services.

Program Director - An individual having authority and responsibility for the day-to-day operation of an SUD treatment or recovery program.

Protected Health Information (PHI) - Any written, recorded, electronic (ePHI), or oral information which either (1) identifies, or could be used to identify, a consumer; or (2) relates to the physical or mental health or condition of a consumer, provision of health care to a consumer, or payment for health care provided to a consumer. PHI does not include information in the records listed in 45 C.F.R. § 160.103.

Provider - An entity certified by the Department to provide either SUD treatment

or recovery support services or both.

Psychiatrist - A physician licensed in accordance with applicable District laws and regulations who has completed a residency program in psychiatry accredited by the Residency Review Committee for Psychiatry of the Accreditation Council for Graduate Medical Education and is eligible to sit for the psychiatric board examination. A psychiatrist is a Qualified Practitioner.

Psychologist - A person licensed to practice psychology in accordance with applicable District laws and regulations. A psychologist is a Qualified Practitioner.

Qualified Physician - A person who is licensed or authorized to practice medicine pursuant to the District law and regulations and eligible for a waiver pursuant to the federal Drug Addiction Treatment Act of 2000 or subsequent amendments.

Qualified Practitioner (QP) - Clinical staff authorized to provide treatment and other services. These clinical staff are (i) a qualified physician; (ii) a psychiatrist; (iii) a psychologist; (iv) a licensed independent clinical social worker (LICSW); (v) a licensed graduate social worker (LGSW); (vi) a licensed marriage and family therapist (LMFT); (vii) a physician's assistant (PA); (viii) an advance practice registered nurse (APRN); (ix) a registered nurse (RN); (x) a licensed professional counselor (LPC); (xi) an independent social worker (LISW); and (xii) a certified addiction counselor (CAC).

Recovery Coach - A Recovery Coach is a person with lived experience of addiction and recovery that meets the eligibility requirements and provides support to individuals in recovery from an SUD. The role of a Recovery Coach is to serve as a personal guide and mentor for people seeking or already in recovery. A Recovery Coach must have demonstrated recovery from a substance use disorder and be willing to self-disclose his or her own recovery; have a high-school diploma or General Education Degree certified by the state in which it was received; and be at least eighteen years of age.

Recovery Support Plan - A document developed during a Recovery Support Evaluation that outlines the client's needs, goals, and recovery services to be utilized to achieve those goals. The Recovery Support plan assists a person in recovery to develop goals and objectives to maintain their sobriety in the community with supports from family, community and recovery support programs.

Recovery Support Services - Non-clinical services provided to a client by a

certified RSS provider to assist him or her in achieving or sustaining recovery from an SUD.

Registered Nurse (RN) - A person licensed as a registered nurse in accordance with applicable District laws and regulations. An RN is a Qualified Practitioner.

Representative Payee – An individual or organization appointed by the Social Security Administration to receive Social Security or Supplemental Security Income (SSI) benefits for someone who cannot manage or direct someone else to manage his or her money.

Research - Experiments including new interventions of unknown efficacy applied to clients whether behavioral, psychological, biomedical, or pharmacological.

Residential Program - Any treatment or recovery program which houses clients overnight, including Level III treatment programs and environmental stability programs.

Substance Use Disorder (SUD) - A chronic relapsing disease characterized by a cluster of cognitive, behavioral, and psychological symptoms indicating that the beneficiary continues using a substance despite significant substance-related problems. A diagnosis of a SUD requires a beneficiary to have had persistent, substance related problem(s) within a twelve (12)-month period.

Treatment - A therapeutic effort to improve a client's cognitive or emotional conditions or the behavior of a client, consistent with generally recognized principles or standards in the SUD treatment field, provided or supervised by a Qualified Practitioner.

Treatment Plan - A document that meets the requirements of Subsection 6335.5 of this chapter and establishes medical necessity for all services identified to address the needs of the client as determined by the assessment.

Withdrawal Management - A program designed to achieve systematic reduction in the degree of physical dependence on alcohol or drugs.

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 filed with Suzanne Fenzel, Deputy Director, Office of Strategic Planning, Policy and Evaluation, Department of Behavioral Health, at 64 New York Ave., N.E., 2nd Floor, Washington, D.C. 20002, or Suzanne.Fenzel@dc.gov. Copies of the proposed rules may be obtained from www.dbh.dc.gov or from the Department of Behavioral Health at the address above.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF or the Department), pursuant to the authority set forth in An Act to enable the District of Columbia (District) to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat.774; D.C. Official Code § 1-307.02 (2014 Repl.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the intent to amend Chapter 95 (Medicaid Eligibility), Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR), by adding a new Section 9509, entitled “Eligibility of Individuals Above 133% FPL”.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), has promulgated Medicaid and the Children’s Health Insurance Program (CHIP) eligibility rules, which create a new state option to provide Medicaid coverage to all non-elderly individuals with incomes above one hundred thirty-three percent (133%) that does not exceed two hundred and ten percent (210%) of the federal poverty level (FPL). Under this option, this population’s eligibility for Medicaid shall be determined pursuant to the Patient Protection and Affordable Care Act of 2010, approved March 23, 2010 (Pub. L. No. 111-148, 124 Stat 119), as amended and supplemented by the Health Care and Education Reconciliation Act of 2010, approved January 5, 2010 (Pub. L. No. 111-152, 124 Stat. 1029)(codified as amended in scattered sections of 42 U.S.C.), and related regulations, under a modified adjusted gross income standard.

DHCF elects this state option to improve the health outcomes of adults living in the District of Columbia, with low-incomes and without dependent children. Accordingly, this proposed rule delineates this new eligibility category under the District of Columbia State Plan for Medical Assistance (State Plan) and establishes the requirements for eligibility determinations under this category.

The corresponding amendment to the State Plan requires approval by the Council of the District of Columbia (Council) and the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). The State Plan amendment (SPA) has been approved by the Council of the District of Columbia (Council) through the Medicaid Assistance Program Emergency Amendment Act of 2014, signed July 14, 2014 (D.C. Act 20-377; 61 DCR 007598 (August 1, 2014)), and is awaiting approval by CMS. The proposed rule is contingent upon approval by CMS of the corresponding SPA.

The Director also gives notice of the intent to take final rulemaking action to adopt this proposed rule in not less than thirty (30) days form the date of publication of this notice in the *D.C. Register*.

Chapter 95, MEDICAID ELIGIBILITY, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

A new Section 9509 is added to read as follows:

9509 ELIGIBILITY OF INDIVIDUALS ABOVE 133% FPL

- 9509.1 To be determined eligible for Medicaid under this section, an individual shall:
- (a) Be age twenty-one (21) through sixty-four (64);
 - (b) Have a household income determined in accordance with §§ 9506.10 through 9506.30, that is above one hundred thirty-three percent (133%) of the FPL but does not exceed two hundred-ten percent (210%) of the FPL;
 - (c) Not be a parent or caretaker relative of a dependent child;
 - (d) Not be otherwise eligible or enrolled under the following mandatory groups:
 - (1) SSI and related groups;
 - (2) Parent or Caretaker Relative;
 - (3) Pregnant Woman; or
 - (4) Former Foster Child.
 - (e) Meet all other applicable non-financial eligibility requirements identified at § 9506.9.
- 9509.2 The Department shall determine eligibility under this section effective January 1, 2016.

Comments on the proposed rule shall be submitted, in writing, to Claudia Schlosberg, J.D., Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4th Street, NW, Suite 900S, Washington, D.C. 20001, via telephone on (202) 442-8742, via email at DHCFPubliccomments.dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the proposed rule may be obtained from the above address.

DISTRICT OF COLUMBIA PUBLIC LIBRARY

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Public Library Board of Trustees, pursuant to the authority set forth in An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, as amended (29 Stat. 244, ch. 315, § 5; D.C. Official Code § 39-105 (2012 Supp.)); Section 3205 (jjj) 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 § 39-105 (2012 Supp.)); Section 2 of the District of Columbia Public Library Board of Trustees Appointment Amendment Act of 1985, effective September 5, 1985 (D.C. Law 6-17; D.C. Official Code § 39-105 (2012 Supp.)); the Procurement Reform Amendment Act of 1996, effective April 12, 1997, as amended (D.C. Law 11-259; 44 DCR 1423 (March 14, 1997)); and Section 156 of An Act Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, approved October 21, 1998 (112 Stat. 2681, Pub. L. 105-277; codified at D.C. Official Code § 39-105 (2012 Repl.)); hereby gives notice of its intent to amend Section 803 of Chapter 8 (Public Library) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR).

The Board of Trustees has appointed the Chief Librarian/Executive Director, through D.C. Official Code § 39-105(a)(10) (2012 Repl.), to establish rules and manage the day-to-day operations of the library. On May 27, 2015, the Board of Library Trustees of the District of Columbia Public Library (DCPL) voted to adopt the proposed new amendment(s) to the DCPL regulations regarding Fines and Penalties in §§ 803.1, 803.2, 803.3, 803.4, and 803.6 of Chapter 8. The proposed amendments will provide the DCPL the ability to eliminate fines and penalties for students age 19 and under.

Chapter 8, PUBLIC LIBRARY, of Title 19, AMUSEMENTS, PARKS, AND RECREATION, is amended as follows:

Section 803, FINES AND PENALTIES, Subsections 803.1 through 803.4, and Subsection 803.6, are amended to read as follows:

803.1 Adult borrowers, 20 years of age and older, shall be charged a long overdue fee of five dollars (\$ 5) for each item overdue thirty (30) days or more.

803.2 All borrowers, 20 years of age and older, shall be assessed lost and damaged fees on all material types including children’s materials and books that are overdue sixty (60) days or more, as follows:

- (a) Hardcover Books; \$ 20.00
- (b) Paperback Books, CDs, DVDs, and Audiobooks; and \$ 15.00
- (c) Magazines. \$ 8.00

- 803.3 Adult borrowers, 20 years of age and older, of materials and books are responsible for the payment of both lost and damaged fees and the long overdue fee, if applicable.
- 803.4 Adult borrowers 20 years of age and older who incur outstanding fees totaling forty dollars (\$ 40.00) or more on their library account will be blocked from checking-out or renewing books and other library materials, until the account is in good standing.
- 803.5 When library materials are ten days overdue the Library shall send a notice to the borrower.
- 803.6 [RESERVED]
- 803.7 The librarian or designee can at his/her discretion forgive fines for library materials. This option can be utilized when the borrower provides reasons such as: hospitalization, death in family, incarceration, fire, flood, or other catastrophic personal hardship.
- 803.8 The librarian or designee is authorized to cancel fines when the borrower claims that the library material was returned and it is found in the library or the library was closed due to an emergency.

Any person 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 the publication of this notice in the *D.C. Register*. Comments should be submitted to Grace Perry-Gaiter, DCPL, General Counsel, Martin Luther King Jr. Memorial Library, 901 'G' Street, N.W., 4th Floor, Washington, D.C. 20001. Telephone: (202) 727-1134. Copies of the proposed rulemaking may be obtained by writing to the address stated above.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF PROPOSED RULEMAKING****Z.C. Case No. 14-22
(Text and Map Amendment — 11 DCMR)
To Create and Implement the Walter Reed (WR) Zone**

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2012 Repl.)), hereby gives notice of its intent to amend the Zoning Map and Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (DCMR)). If adopted, the amendments would create and implement the WR Zone, which would allow mixed-use development on the former Walter Reed site, including development ranging from moderate to high density. The WR Zone would have eight (8) subzones. The WR Zone would be mapped on the portion of the Walter Reed site that is to be transferred to the District of Columbia, as described in more detail in this notice. The entire Walter Reed site is bounded by Georgia Avenue on the east, Aspen Street on the south, 16th Street on the west, Alaska Avenue on the northwest, and Fern Street on the north.

For certain of the proposed provisions, the Zoning Commission has authorized the advertisement of alternative provisions, for which comments are also invited.

The proposed text amendments includes references to existing streets and to proposed streets identified in the Walter Reed Medical Center Small Area Plan, as approved by the Walter Reed Army Medical Center Small Area Plan Approval Resolution of 2013, effective September 13, 2013, Res 20-0105 (60 DCR 12813).

Final rulemaking action shall be taken not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The Zoning Map is proposed to be amended as follows:

Rezone from R-1-B to WR-1 the area described in the metes and bounds descriptions at Exhibit 30 in the record of Z.C. Case No. 14-22 entitled “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT A.1,” “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT B,” and “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT C,” as well as the area of adjacent actual or proposed streets as depicted on those descriptions.

Rezone from R-1-B to WR-2 the area described in the metes and bounds descriptions at Exhibit 30 in the record of Z.C. Case No. 14-22 entitled “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT D” and “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT E,” as well as the area of adjacent actual or proposed streets as depicted on those descriptions.

Rezone from R-1-B to WR-3 the area described in the metes and bounds descriptions at Exhibit 30 in the record of Z.C. Case No. 14-22 entitled “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT A.2,” “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT F,” “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT G.4,” and “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT K.1,” as well as the area of adjacent actual or proposed streets as depicted on those descriptions.

Rezone from R-1-B to WR-4 the area described in the metes and bounds descriptions at Exhibit 30 in the record of Z.C. Case No. 14-22 entitled “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT G.1,” “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT G.2,” “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT G.5,” “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT H.1,” “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT H.2,” “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT H.3,” and “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT J.6,” as well as the area of adjacent actual or proposed streets as depicted on those descriptions.

Rezone from R-1-B to WR-5 the area described in the metes and bounds descriptions at Exhibit 30 in the record of Z.C. Case No. 14-22 entitled “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT J.8,” “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT J.9,” “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT K.2,” and “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT K.3,” as well as the area of adjacent actual or proposed streets as depicted on those descriptions.

Rezone from R-1-B to WR-6 the area described in the metes and bounds descriptions at Exhibit 30 in the record of Z.C. Case No. 14-22 entitled “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT G.2,” “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT G.6,” “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT J.1,” “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT J.7,” and “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT K.4.”

Rezone from R-1-B to WR-7 the area described in the metes and bounds descriptions at Exhibit 30 in the record of Z.C. Case No. 14-22 entitled “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT J.3,” “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT J.4,” and “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT J.5,” as well as the area of adjacent actual or proposed streets as depicted on those descriptions.

Rezone from R-1-B to WR-8 the area described in the metes and bounds descriptions at Exhibit 30 in the record of Z.C. Case No. 14-22 entitled “DESCRIPTION ASSESSMENT AND TAXATION OF PROPOSED LOT J.2,” as well as the area of adjacent actual or proposed streets as depicted on those descriptions.

Title 11 DCMR, ZONING, is amended as follows:

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Chapter 21, OFF-STREET PARKING REQUIREMENTS, § 2101, SCHEDULE OF REQUIREMENTS FOR PARKING SPACES, § 2101.1, is amended to exempt the WR Zone from the parking requirements of that chapter, so that the portion of the subsection prior to the appended table reads as follows:

2101.1 On and after May 12, 1958, all buildings or structures shall be provided with parking spaces as specified in the following table, except for buildings and structures located in the StE or the WR Zone Districts:

Chapter 26, INCLUSIONARY ZONING, is amended as follows:¹

Section 2602, APPLICABILITY, § 2602.1 is amended to include the WR Zone within the areas within which inclusionary zoning applies so that the entire subsection reads as follows:

2602.1 Except as provided in § 2602.3, the requirements and incentives of this chapter shall apply to developments that:

- (a) Are mapped within the R-2 through R-5-D, C-1 through C-3-C, USN, CR, SP, StE, WR, and W-1 through W-3 Zone Districts, unless exempted pursuant to § 2602.3;
- (b) Have ten (10) or more dwelling units (including off-site inclusionary units); and
- (c) Are either:
 - (1) New multiple-dwellings;
 - (2) New one- (1) family dwellings, row dwellings, or flats constructed concurrently or in phases on contiguous lots or lots divided by an alley, if such lots were under common ownership at the time of construction; or
 - (3) An existing development described in paragraph (a) or (b) for which a new addition will increase the gross floor area of the entire development by fifty percent (50%) or more.

Section 2603, SET-ASIDE REQUIREMENTS, is amended as follows:

¹ The alternative text for proposed § 3540 would exclusively govern the affordable housing requirements for the WR Zone District. If that alternative is adopted, none of the proposed amendments to Chapter 26 would be made.

By amending § 2603.3 to add a reference to the WR Zone District so that the subsection reads as follows:

2603.3 Inclusionary developments located in R-3 through R-5-E, C-1, C-2-A, StE, W-0, W-1, and WR Zone Districts shall set aside fifty percent (50%) of inclusionary units for eligible low-income households and fifty percent (50%) of inclusionary units for eligible moderate-income households. The first inclusionary unit and each additional odd number unit shall be set aside for low-income households.

By adding a new § 2603.8 to read as follows:

2603.8 In the WR Zone District, an inclusionary development shall devote no less than ten percent (10%) of the gross floor area being devoted to residential use for inclusionary units.²

Section 2604, BONUS DENSITY, § 2604.1 is amended to provide that bonus density is not available to inclusionary developments in the WR Zone District so that the entire subsection reads as follows:

2604.1 Inclusionary developments subject to the provisions of this chapter, except those located in the StE or WR Zone Districts, may construct up to twenty percent (20%) more gross floor area than permitted as a matter of right (bonus density), subject to all other zoning requirements (as may be modified herein) and the limitations established by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452; D.C. Official Code §§ 6-601.01, *et seq.* (2001 Ed.).

A new Chapter 35, WALTER REED ZONE, is added to read as follows:

CHAPTER 35 – WALTER REED ZONE

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Section	
3500	GENERAL PROVISIONS AND PURPOSE AND INTENT
3501	WR-1 ZONE

² Or in the alternative, new §§ 2603.8 and 2603.9 are added to read as follows:

2603.8 In the WR-1, WR-4, or WR-5 Zone Districts, an inclusionary development shall devote no less than ten percent (10%) of the gross floor area being devoted to residential use for inclusionary units.

2603.9 In the WR-2, WR-3, WR-7, or WR-8 Zone Districts, an inclusionary development shall devote no less than eight percent (8%) of the gross floor area being devoted to residential use for inclusionary units.

3502 WR-2 ZONE
3503 WR-3 ZONE
3504 WR-4 ZONE
3505 WR-5 ZONE
3506 WR-6 ZONE
3507 WR-7 ZONE
3508 WR-8 ZONE
3509 [RESERVED]
3510 HEIGHT AND ROOFTOP STRUCTURES
3511 STREETScape STANDARDS
3512 USE PERMISSIONS
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3541 GREEN AREA RATIO
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3590 USE GROUPS
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3500 GENERAL PROVISIONS AND PURPOSE AND INTENT (WR)

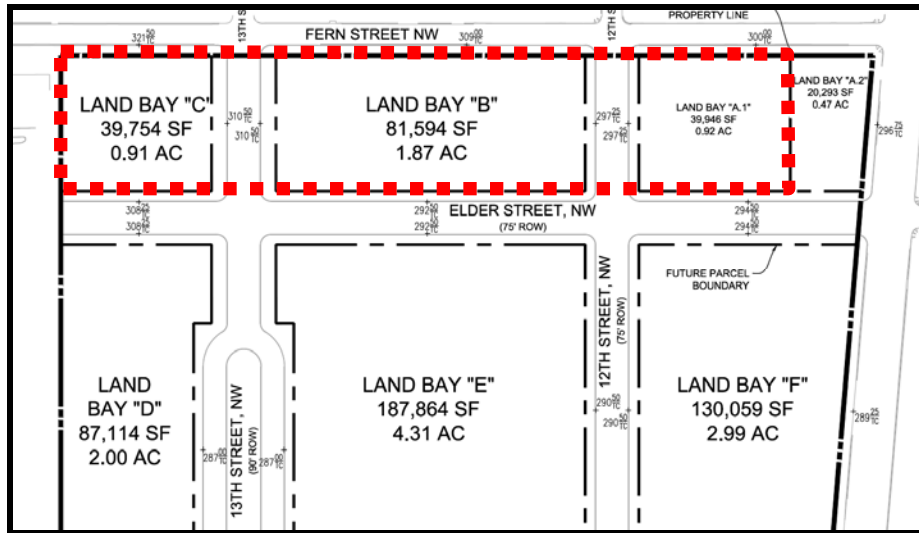
3500.1 The purposes of the Walter Reed (WR) zones are to:

- (a) Provide for the growth of the former Walter Reed Army Medical Center campus with a broad mix of uses, achieved through the adaptive reuse of existing buildings as well as new construction, as generally indicated in the Comprehensive Plan and as recommended by the planning studies of the area;
- (b) Preserve the unique historic architectural and landscape character of the Walter Reed campus as a resource for the adjacent neighborhoods and the District as a whole;
- (c) Reweave the Walter Reed campus into the physical and social fabric of the adjacent neighborhoods by extending the existing street grid into the WR Zone;

- (d) Create a vibrant town center that will provide economic development, employment, and retail opportunities for the District and adjacent neighborhoods;
- (e) Advance sustainability performance with green building techniques and promote innovative energy uses and stormwater management; and
- (f) Accommodate selected uses pursuant to a Base Realignment and Closure Act Notice of Interest process.

- 3500.2 This chapter shall constitute the Zoning Regulations for the geographic area described by the plat attached to Zoning Commission Order No. 14-22. Where there are conflicts between this chapter and other chapters or subtitles of this title, the provisions of this chapter shall govern.
- 3500.3 The WR Zone is divided into the WR-1 through the WR-8 zones. Each zone may have one (1) or more sub-areas, as identified in the Development Standards table for each zone. Each sub-area may be comprised of one (1) or more Land Bays.
- 3500.4 Land Bays are defined on the plat attached to Zoning Commission Order No. 14-22.
- 3500.5 Any reference to a street refers to either existing or proposed streets as depicted on the plat attached to Zoning Commission Order No. 14-22.
- 3500.6 Any reference to a building number refers to the buildings as identified in the Walter Reed Army Medical Center Small Area Plan, adopted by the Council of the District of Columbia, April 30, 2013.
- 3500.7 The area of private rights-of-way shall not be included in the area of any land bay, nor included in the calculation of FAR.
- 3500.8 In the WR Zone, square footage allocated for streetcar related facilities or for the production of energy, such as co- or tri-generation facilities, does not count against floor area ratio maximums.
- 3500.9 In the WR Zone, floor area allocated to a covered loading area, whose perimeter is at least seventy-five percent (75%) lined with other uses, does not count against floor area ratio maximums.

3501 WR-1 ZONE



3501.1 The WR-1 zone is intended to:

- (a) Provide for residential development that complements the character of nearby established residential neighborhoods;
- (b) Transition from the low to moderate scale residential uses north of Fern Street to the medium-density commercial and residential uses proposed for south of Elder Street; and
- (c) Discourage driveway access directly from the street to private off-street parking.

3501.2 The development standards for the WR-1 zone are set forth in the following table:

WR-1							
Sub-Area (Land Bays A.1, B and C)	Lot Width (min.)	Height (max.)	Stories (max.)	Lot Occupancy (max.)	Pervious Surface (min.)	Side Yard Setback (min.)	Rear Yard Setback (min.)
Lots with any frontage on Fern Street	18 ft.	40 ft. [alt. 50]	3 [alt. 4]	70%	10%	None required; 4 ft. if provided	None required
Any other lot	18 ft.	45 ft. [alt. 55]	4 [alt. 5]	70%	10%	None required; 4 ft. if provided	None required

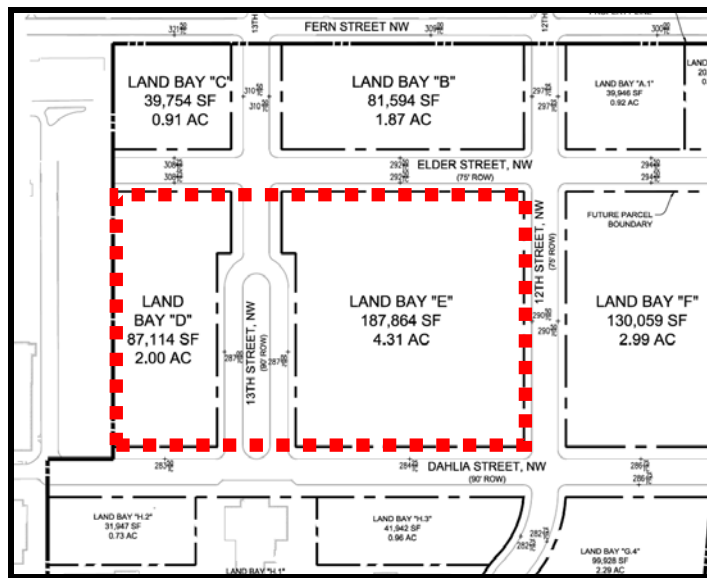
- 3501.3 The maximum number of permitted dwelling units on any lot shall be two (2), which includes both principal and accessory units.
- 3501.4 For any Inclusionary or affordable residential unit that is administered through the Department of Housing and Community Development, the minimum lot width shall be sixteen feet (16 ft).
- 3501.5 Height shall be measured in accordance with §§ 400.16 through 400.21, except that for any building fronting on Elder Street, the building height measuring point may be established at the finished grade at the middle of the front of the building.
- 3501.6 No building shall be located between Fern and Elder Streets within fifty feet (50 ft.) of the western boundary of the WR zone.
- 3501.7 In the WR-1 zone, no driveway or garage entrance providing access to parking or loading areas shall be permitted from a public or private street.
- 3501.8 In the WR-1 zone, any private driveway shall be constructed of pervious materials. This does not apply to a private alley.
- 3501.9 An addition to a one-family dwelling or flat, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted, even though the addition or accessory structure does not comply with all of the requirements of § 3501.2, as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this subsection.
- (a) The addition or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:
- (1) The light and air available to neighboring properties shall not be unduly affected;
 - (2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;
 - (3) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage;
 - (4) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or

accessory structure to adjacent buildings and views from public ways; and

- (b) The lot occupancy of all new and existing structures on the lot shall not exceed eighty percent (80%); and
- (c) The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties.

3502

WR-2 ZONE



3502.1 The WR-2 zone is intended to:

- (a) Create a vibrant and pedestrian-oriented commercial and residential center to serve as a housing, commercial, and retail anchor for the Walter Reed campus, adjacent neighborhoods, and the District.
- (b) Promote an engaging streetscape to activate adjacent uses and users;
- (c) Encourage clear visibility of retail uses along 12th street from Georgia Avenue; and
- (d) Create new passive and active open space amenities to accommodate residential and retail uses.

3502.2 The development standards for the WR-2 zone are set forth in the following table:

WR-2					
Sub-Area	Height (max.)	Stories (max.)	Floor Area Ratio (max.)		Residential Lot Occupancy Above the First Two Stories (max.)
			Total	Non-Residential Use	
Land Bay D	85 ft.	7	2.5	1.0	80%
Land Bay E	85 ft.	7	3.75	1.0	80%

3502.3 The non-residential maximum FAR requirement shall be measured per sub-area, as opposed to per building.

3502.4 Lot occupancy on the first two stories is permitted up to one hundred percent (100%), regardless of use.

3502.5 If less than 3.75 FAR is developed in Land Bay E, excess floor area can be transferred to Land Bay K.1 in the WR-3 zone, or Land Bay F in the WR-3 zone, or Land Bay D in the WR-2 zone, or a combination of those land bays, subject to the requirements of this subsection.

- (a) No more than one hundred fifty thousand square feet (150,000 sq. ft.) of floor area may be transferred in total, of which no more than fifty thousand square feet (50,000 sq. ft.) may be non-residential floor area;
- (b) The maximum total FAR and the maximum non-residential FAR on Land Bay E shall be reduced by the total amount of floor area transferred and the amount of non-residential floor area transferred, respectively;
- (c) The maximum total FAR and the maximum non-residential FAR on the receiving land bays shall be increased by the total amount of floor area transferred and the amount of non-residential floor area transferred, respectively;
- (d) The allowable building height and lot occupancy on the receiving parcels shall not be increased, but the total FAR and the non-residential FAR of the receiving land bays may be increased to the amounts listed in the following table:

Land Bay	Maximum FAR (Total)	Maximum FAR (Non-residential uses)
K.1	3.5	1.25
F	2.5	1.25
D	3.5	1.25

- (e) Before the transfer may occur, the applicant shall record in the Land Records of the District of Columbia a covenant for each property, in a form acceptable to the District, that states the size, in square feet, of Land Bays E, K.1, F and D, the maximum FAR and non-residential FAR permitted as a matter-of-right for Land Bays E, K.1, F and D, the total amount of floor area being transferred, the amount of non-residential floor area being transferred, and the resulting maximum FAR and non-residential FAR for both Land Bays E, K.1, F and D; and
- (f) The applicant for any building permit for Land Bays E, K.1, F or D shall submit with the permit application the covenant required by sub-paragraph (e) as well as any and all calculations used to derive the matter-of-right and resulting FARs for the land bays.

3502.6 In the WR-2 zone, no less than one hundred percent (100%) of the façade of buildings located along Elder Street, Dahlia Street, 12th Street and 13th Street shall be built to within ten feet (10 ft.) of the property lines abutting the subject street to a height of not less than twenty-five feet (25 ft.), except that:

- (a) The requirements of this subsection shall not apply to the portions of building façades that front on a plaza located along 12th Street;
- (b) The height requirement of this subsection may be reduced to eighteen feet (18 ft.) if the roof immediately above the 18 ft. façade is occupied by a public or private outdoor terrace; and
- (c) Relief from the build-to requirements of this subsection may be granted by the Board of Zoning Adjustment as a special exception subject to the requirements of § 3104, provided that the applicant adequately demonstrates that:
 - (1) The proposed design meets the intent of creating a streetwall along the street in question; and
 - (2) The area set back from the property line does not be unduly restrict access by the public by a gate, fence, wall or other barrier.

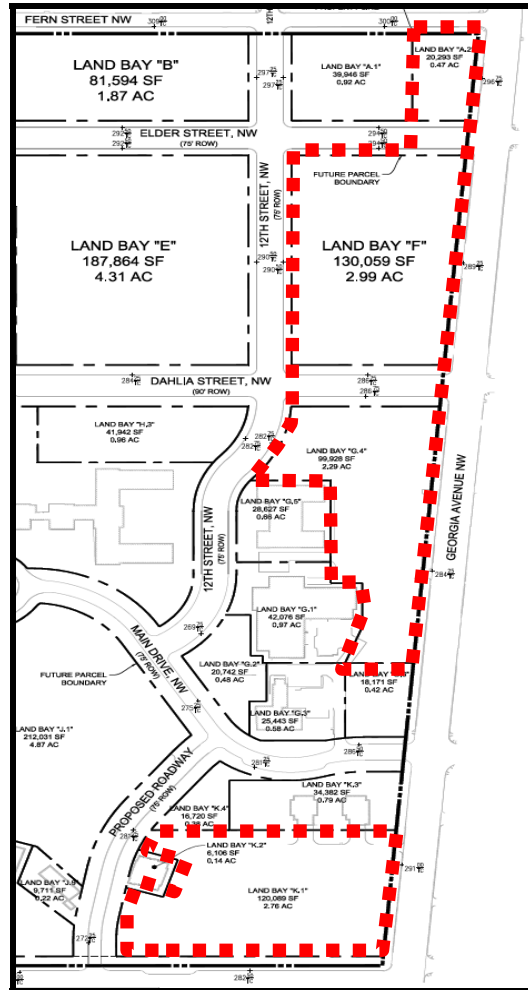
3502.7 In the WR-2 zone, all portions of the ground floor devoted to non-residential uses shall be subject to the following requirements:

- (a) The minimum floor to ceiling clear height shall be fourteen feet (14 ft.), except for those spaces within the ground floor of any building devoted to the following uses: mechanical, electrical, and plumbing; storage; fire control; loading; parking; and retail corridors and service corridors;

- (b) The surface of any streetwall or wall fronting on a plaza shall devote at least fifty percent (50%) of the surface area at the ground floor to display windows with clear glass or pedestrian entrances;
- (c) Each non-residential use with frontage on a public street or plaza shall have an individual public pedestrian entrance directly accessible from a sidewalk or plaza upon which the use has frontage;
- (d) Pedestrian entrances or areas where future entrances to non-residential uses could be installed without structural changes shall be located no more than an average distance of forty feet (40 ft.) apart on all facades fronting a public street or plaza;
- (e) On 12th Street, no single non-residential occupancy shall occupy more than one hundred (100) consecutive linear feet of ground floor building frontage. On other streets, no single non-residential occupancy shall occupy more than fifty (50) consecutive linear feet of ground floor building frontage; and
- (f) One or more building frontages of a grocery store may be exempt from the requirements of paragraph (e) provided that:
 - (1) The grocery store contains as an ancillary use a café, restaurant or similar use, or a seating area within the grocery store where food and beverages purchased on-site may be consumed;
 - (2) The use described in sub-paragraph (1) is located directly against the subject building frontage;
 - (3) Clear glass allows the plain view of the use from the exterior of the building;
 - (4) The use is open to the public at least during normal grocery store hours; and
 - (5) In no case shall a single non-residential occupancy occupy more than two hundred (200) consecutive linear feet of ground floor building frontage on 12th Street or one hundred feet (100 ft.) on any other street.

3503

WR-3 ZONE



3503.1 The WR-3 zone is intended to:

- (a) Provide for moderate to medium density commercial and residential development that activates Georgia Avenue frontage through enhanced ground floor retail opportunities, a more uniform street wall, and publically accessible plazas;
- (b) Maintains a sensitive scale of development in relation to properties on the east side of Georgia Avenue as appropriate; and
- (c) Preserve existing and encourage new green and open space to activate site, and to allow for recreation opportunities as appropriate.

3503.2 The development standards for the WR-3 zone are set forth in the following table:

WR-3						
Sub-Area	Height (max.)	Stories (max.)	Floor Area Ratio (max.)		Residential Lot Occupancy Above the First Two Stories (max.)	Setbacks
			Total	Non-Residential Use		
Land Bay A.2	70 ft.	5	3.5	1.0	80%	n/a
Land Bay F	See § 3503.3	6	1.75	1.0	80%	n/a
Land Bay G.4	75 ft.	6	3.0	1.0	80%	n/a
Land Bay K.1	70 ft.	5	2.75	1.0	80%	See § 3503.7

- 3503.3 For Land Bay F, the maximum height of buildings or structures shall be sixty feet (60 ft.) within one hundred feet (100 ft.) of Georgia Avenue, and seventy-five feet (75 ft.) elsewhere.
- 3503.4 For Land Bays F, G.4 and K.1, the non-residential maximum FAR requirement shall be measured by sub-area, as opposed to per building.
- 3503.5 Lot occupancy on the first two stories is permitted up to one hundred percent (100%), regardless of use, and except as limited by § 3503.10.
- 3503.6 Non-residential uses or building entrances to any use shall occupy one hundred percent (100%) of the ground floor building façades facing the plaza constructed pursuant to § 3503.10.
- 3503.7 In Land Bay K.1, any new construction shall be set back no less than twenty feet (20 ft.) from the Aspen Street property line as it exists as of January 1, 2015.
- 3503.8 In the WR-3 zone, no less than seventy percent (70%) of the façade of buildings located along Fern Street, Elder Street, Dahlia Street, Aspen Street and Georgia Avenue shall be built to the property lines abutting the subject street right-of-way to a height of not less than twenty-five feet (25 ft.), except that:
 - (a) The requirements of this subsection shall not apply to the portions of building façades that front on a plaza established pursuant to § 3503.10;
 - (b) The requirements of this subsection shall not apply to portions of building façades that are set back from the right-of-way for the purpose of preserving existing mature trees and for which trees the applicant for a building permit shall provide a permanent plan, approved by the Urban Forestry Administration, for tree maintenance and replacement.

- (c) The height requirement of this subsection may be reduced to eighteen feet (18 ft.) if the roof immediately above the 18 ft. façade is occupied by a public or private outdoor terrace; and
- (d) Relief from the build-to requirements of this subsection may be granted by the Board of Zoning Adjustment as a special exception subject to the requirements of § 3104, provided that the applicant adequately demonstrates that:
 - (1) The proposed design meets the intent of creating a streetwall along the street in question; and
 - (2) The area set back from the property line does not unduly restrict access by the public by a gate, fence, wall or other barrier.

3503.9 In the WR-3 zone, all portions of the ground floor devoted to non-residential uses shall be subject to the following requirements:

- (a) The minimum floor to ceiling clear height shall be fourteen feet (14 ft.), except for those spaces within the ground floor of any building devoted to the following uses: mechanical, electrical, and plumbing; storage; fire control; loading; parking; and retail corridors and service corridors;
- (b) The surface of any streetwall or wall fronting on a plaza shall devote at least fifty percent (50%) of the surface area at the ground floor to display windows with clear glass or pedestrian entrances;
- (c) Each non-residential use with frontage on a public street or plaza shall have an individual public pedestrian entrance directly accessible from a sidewalk or plaza upon which the use has frontage; and
- (d) Pedestrian entrances or areas where future entrances to non-residential uses could be installed without structural changes shall be located no more than an average distance of forty feet (40 ft.) apart on all facades fronting a public street or plaza.

3503.10 In Land Bay F a plaza shall be provided which meets the criteria of this subsection.

- (a) No part of a building above grade shall cover the areas described below, as illustrated in the diagram below. The resulting plaza is the minimum open space, and building façades need not front immediately upon or follow the boundaries of the prescribed open space:
 - (1) The central two hundred feet (200 ft.) of the frontage on Georgia Avenue between Dahlia and Elder Streets to a depth of one

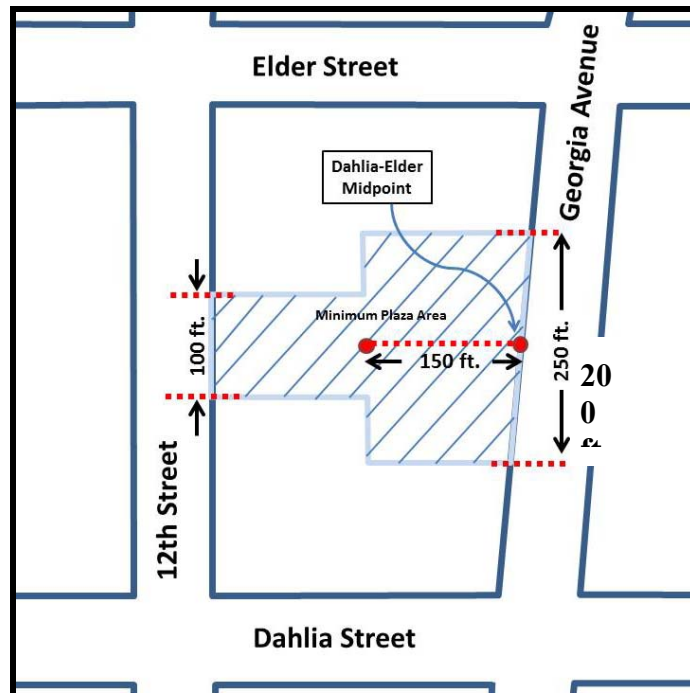
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hundred feet (150 ft.) west of Georgia Avenue, with the depth measured at the midpoint between Dahlia and Elder Streets and drawn parallel to Dahlia and Elder Streets; and

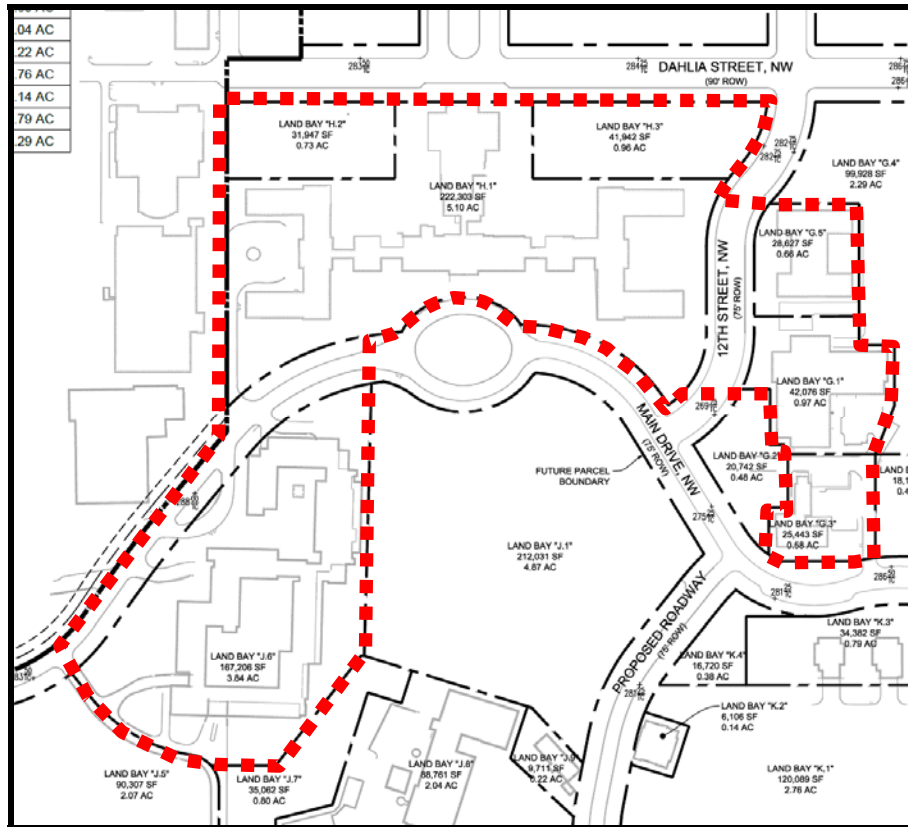
- (2) The central one hundred feet (100 ft.) of frontage on 12th Street between Dahlia and Elder Streets and extending east to connect to the open space described in § 3503.10(a)(1).



- (b) The open space described in § 3503.10(a) shall constitute a plaza that must:
 - (1) Be open to the sky;
 - (2) Be open and available to the general public on a continuous basis;
 - (3) Be lighted and landscaped;
 - (4) Preserve at least ninety percent (90%) of the existing mature, healthy trees; and
 - (5) Provide at least fifty percent (50%) pervious surface, including any water feature.

3504

WR-4 ZONE



3504.1 The WR-4 zone is intended to:

- (a) Provide for moderate density commercial and residential development that adaptively reuses and sensitively develops proximate to historic resources; and
- (b) Maintain the campus-like setting of Building 1 and other buildings through preservation of certain nearby open spaces.

3504.2 The development standards for the WR-4 zone are set forth in the following table:

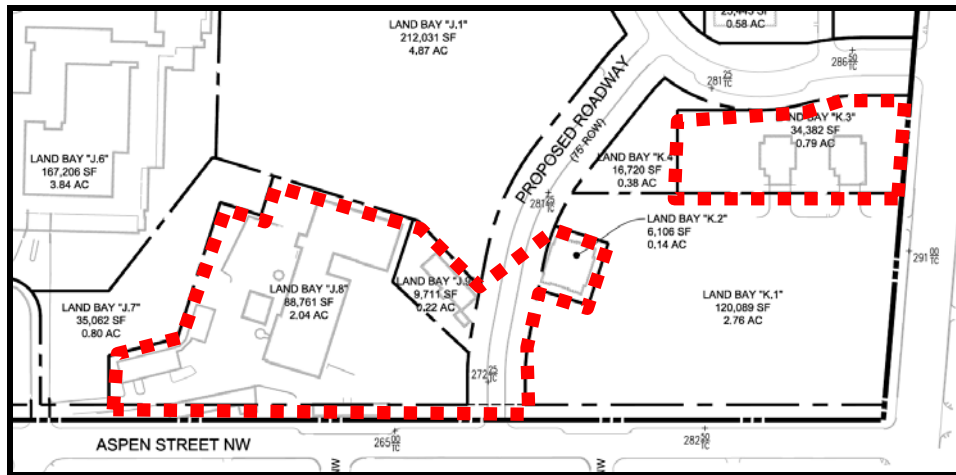
WR-4					
Sub-Area	Height (max.)	Stories (max.)	Floor Area Ratio (max.)	Lot Occupancy (max.)	Setbacks
Land Bay H.1	40 ft.	3	1.0	60%	See § 3504.3
Land Bays H.2 and H.3	40 ft.	3	2.0	100%	See § 3504.3
Land Bays G.1 and G.5	50 ft.	4	1.75	75%	n/a
Land Bay G.3	40 ft.	4	0.9	60%	See § 3504.4
Land Bay J.6	55 ft.	4	1.15	50%	n/a

3504.3 In Land Bays H.1, H.2 and H.3, no building or portion of a building shall be constructed east of the easternmost point of existing Building 1.

3504.4 In Land Bay G.3, no building or portion of a building shall be constructed south of the southernmost point of existing Building 12.

3504.5 In Land Bay H.3, no surface parking lot is permitted east of the easternmost point of existing Building 1.

3505 WR-5 ZONE



3505.1 The WR-5 zone is intended to:

- (a) Provide moderate density residential and commercial development that also supports arts and cultural uses; and

- (b) Encourage continuous east/west green connections and passive and active recreation opportunities.

3505.2 The development standards for the WR-5 zone are set forth in the following table:

WR-5					
Sub-Area	Height (max.)	Stories (max.)	FAR (max.)	Lot Occupancy (max.)	Setbacks
Land Bay K.3	50 ft.	3	1.0	35%	See § 3505.3
Land Bays J.9 and K.2	35 ft.	2	0.75	75%	n/a
Land Bay J.8	35 ft.	2	0.4	40%	See § 3505.4

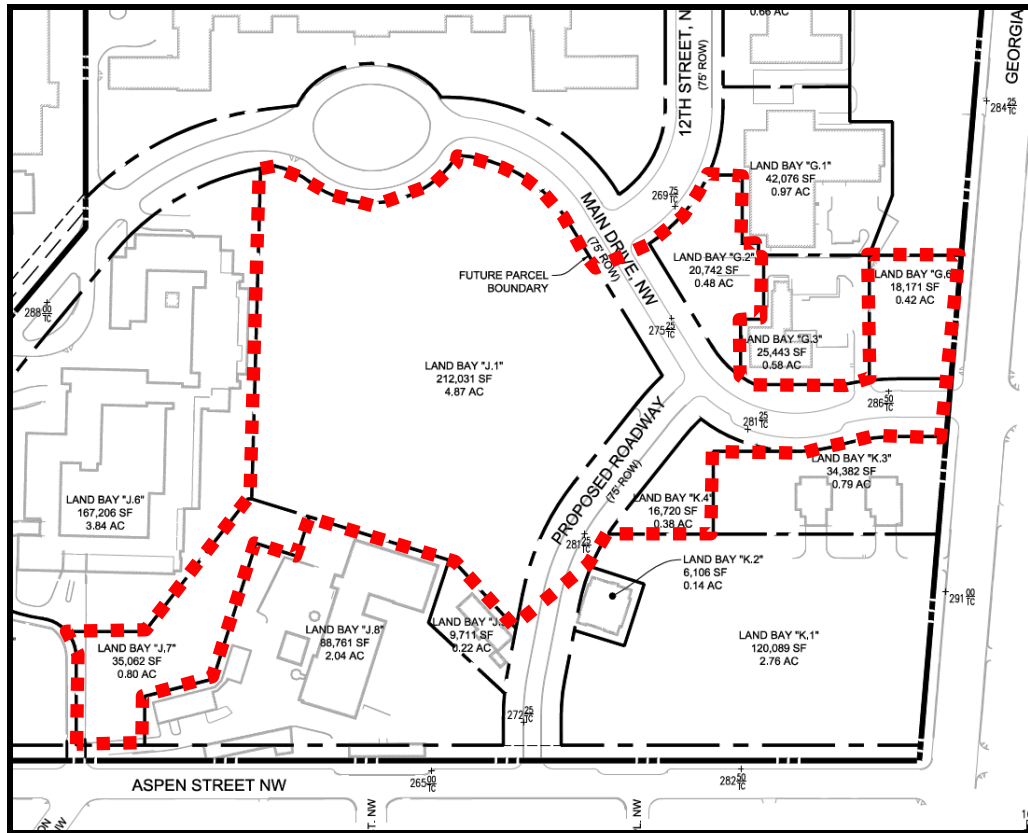
3505.3 In Land Bay K.3, no building or portion of a building shall be constructed north of the northernmost point of existing Buildings 8 or 9, or east of the easternmost portion of Building 8.

3505.4 In Land Bay J.8, any new construction shall be set back no less than twenty feet (20 ft.) from the Aspen Street property line as it exists on January 1, 2015. Existing buildings may be renovated and adaptively reused, even if within the setback area.

3505.5 For new construction in Land Bay J.8, all portions of the ground floor devoted to non-residential uses shall have a minimum floor to ceiling height of fourteen feet (14 ft.), except for those spaces within the ground floor of any building devoted to the following uses: mechanical, electrical, and plumbing; storage; fire control; loading; parking; and retail corridors and service corridors.

3506

WR-6 ZONE



3506.1 The WR-6 zone is intended to:

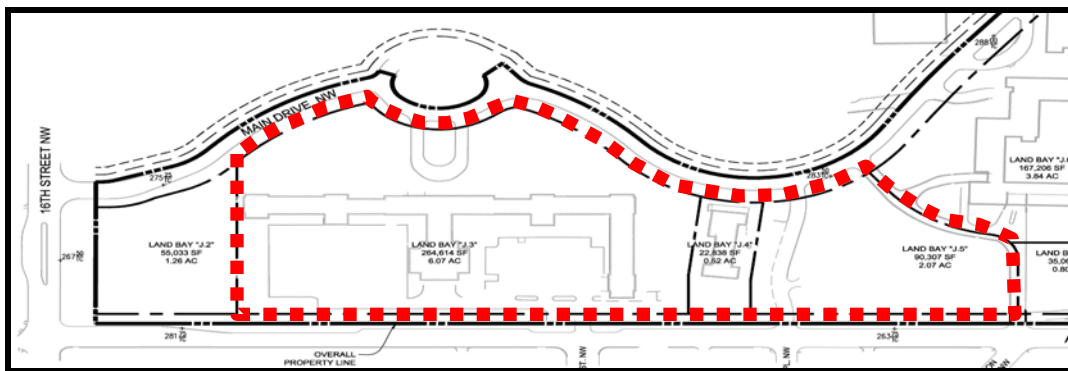
- (a) Preserve the unique character of the Great Lawn and maintain the campus atmosphere at the heart of the historic Walter Reed campus, including the landscaped entrances to the WR zone around Main Drive and East and West Cameron Drives;
- (b) Assure that the Great lawn’s permanent use is for its primary natural function as well as for enjoyment by the general public; and
- (c) Encourage continuous east/west green connections.

3506.2 The development standards for the WR-6 zone are set forth in the following table:

WR-6	
Sub-Area	FAR (max.)
Land Bays J.1, J.7, G.2, G.6, and K.4	0

- 3506.3 In the WR-6 zone no new surface parking lots are permitted.
- 3506.4 Notwithstanding the restriction of § 3506.2, temporary structures may be erected to house any temporary use, subject to the temporary use provisions of § 3591.6.
- 3506.5 Notwithstanding the restriction of § 3506.2, up to five permanent structures, of no more than four hundred square feet (400 sq. ft.) each, may be constructed for the general purpose of food and beverage sales, or other retail or service use ancillary to the role of the WR-6 as an open space zone. This section shall not imply approval by the Historic Preservation Review Board or any other permitting authority.
- 3506.6 In Land Bay J.7 an FAR of 0.5 is permitted for a Parks and Recreation use, or a similar use operated by a non-governmental entity.
- 3506.7 In Land Bay J.7, any new construction built pursuant to § 3506.5 shall be set back no less than 20' from the Aspen Street property line as it exists on January 1, 2015.

3507 WR-7 ZONE



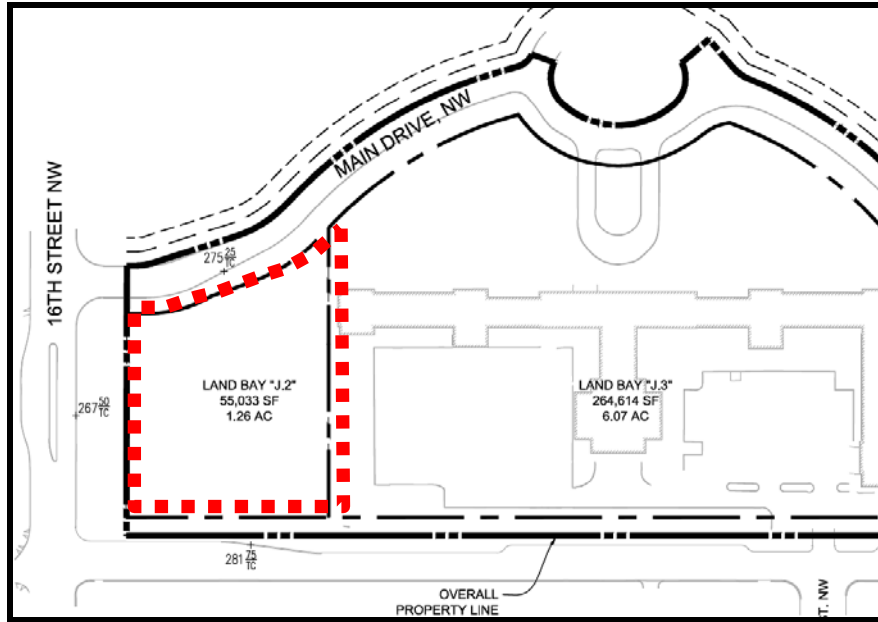
- 3507.1 The WR-7 zone is intended to:
 - (a) Provide medium density residential development that is sensitive to existing development on the south side of Aspen Street;
 - (b) Encourage adaptive reuse of existing buildings to accommodate, among other uses, institutions; and
 - (c) Encourage open and green space suitable for sustainable infrastructure and amenities as appropriate.
- 3507.2 The development standards for the WR-7 zone are set forth in the following table:

WR-7					
Sub-Area	Height (max.)	Stories (max.)	FAR (max.)	Lot Occupancy (max.)	Setbacks
Land Bay J.5	55 ft.	5	1.25	50%	See § 3507.3
Land Bay J.4	25 ft.	2	1.0	50%	See § 3507.3
Land Bay J.3	45 ft.	4	0.75	40%	See § 3507.3 See § 3507.4

- 3507.3 In the WR-7 zone, any new construction shall be set back no less than twenty feet (20 ft.) from the Aspen Street property line as it exists on January 1, 2015.
- 3507.4 In Land Bay J.3, no building or portion of a building shall be constructed north of the northernmost point of existing Building 11.

3508

WR-8 ZONE



3508.1 The WR-8 zone is intended to:

- (a) Provide medium density residential development that is sensitive to existing development on the south side of Aspen Street; and
- (b) Encourage open and green space suitable for sustainable infrastructure and amenities as appropriate.

3508.2 The development standards for the WR-8 zone are set forth in the following table:

WR-8					
Sub-Area	Height (max.)	Stories (max.)	FAR (max.)	Lot Occupancy (max.)	Setbacks
Land Bay J.2	See §3508.3	5	3.25	80%	See §3508.4

3508.3 In the WR-8 zone, the maximum height of buildings or structures shall be as follows:

- (a) Within twenty-five feet (25 ft.) of the setback specified in § 3508.4, fifty feet (50 ft.) above the finished grade at the middle of the Aspen Street building façade; and

- (b) Elsewhere, sixty-five feet (65 ft.) as measured from whichever measuring point is chosen for the building for the purpose of measuring height.

3508.4 In the WR-8 zone, any new construction shall be set back no less than twenty feet (20 ft.) from the Aspen Street property line, as it exists on January 1, 2015.

3509 [RESERVED]

3510 HEIGHT AND ROOFTOP STRUCTURES (WR)

3510.1 For the purposes of applying general zoning requirements of this title:

- (a) The WR-1, WR-7 and WR-8 zones shall be considered Residence Zones and shall be subject to § 411; and
- (b) The WR-2, WR-3, WR-4, WR-5, and WR-6 zones shall be considered Mixed Use or Commercial Zones and shall be subject to §§ 770.6 – 770.9 and 777.

3510.2 In the WR zone, the point chosen for measurement of height shall conform to the other provisions of this title, except that the point may be on either a public or private street.

3511 STREETScape STANDARDS (WR)

3511.1 In all WR zones, all buildings are subject to the following design requirements:

- (a) Façades that front on public or private streets or plazas shall not have blank walls uninterrupted for more than ten feet (10 ft.) by doors, windows or architectural features that modulate and articulate the building wall planes. Projections permitted into the public right of way by other regulations shall satisfy this requirement; and
- (b) Security grilles shall have no less than seventy percent (70%) transparency.

3512 USE PERMISSIONS (WR)

3512.1 This table specifies which use groups, defined in § 3590, are permitted by right (P), by right with conditions (C), as a special exception (S), or not permitted (N) within the WR Zones as either a principal or accessory use:

Use Category	ZONE							
	WR-1	WR-2	WR-3	WR-4	WR-5	WR-6	WR-7	WR-8
Agriculture, large	P	P	P	P	P	P	P	P
Agriculture, residential	P	P	P	P	P	P	P	P
Animal Sales, Care and Boarding	N	S § 3514.3	S § 3514.3	S § 3514.3	S § 3514.3	N	N	N
Antennas	C § 3513.2	C § 3513.2	C § 3513.2	C § 3513.2	C § 3513.2	N	C § 3513.2	C § 3513.2
Arts Design and Creation	C § 3513.3	P	P	P	P	P	P	C § 3513.3
Basic Utilities	P	P	P	P	P	P	P	P
Chancery	P	P	P	P	P	N	P	P
Community-based Institutional Facility	S § 3514.7	S § 3514.7	S § 3514.7	S § 3514.7	S § 3514.7	N	S § 3514.7	S § 3514.7
Daytime Care	C § 3513.5	C § 3513.6 S § 3514.4	C § 3513.6 S § 3514.4	C § 3513.6 S § 3514.4	C § 3513.6 S § 3514.4	N	C § 3513.6 S § 3514.4	C § 3513.6 S § 3514.4
Eating and Drinking Establishments	N	C § 3513.7 S § 3514.5	C § 3513.7 S § 3514.5	C § 3513.7 S § 3514.5	C § 3513.7 S § 3514.5	P	N	N
Education, College/University	N	P	P	P	P	N	C § 3513.8	N
Education, Private	N	P	P	P	P	N	C §3513.8	N
Education, Public	N	P	P	P	P	N	C § 3513.8	N
Emergency Shelter	C § 3513.4 S § 3514.6	C § 3513.4 S § 3514.6	C § 3513.4 S § 3514.6	C § 3513.4 S § 3514.6	C § 3513.4 S § 3514.6	N	C § 3513.4 S § 3514.6	C § 3513.4 S § 3514.6
Entertainment, Assembly and Performing Arts	N	P	P	P	P	P	N	N
Firearm Sales	N	N	N	N	N	N	N	N
Government, Large	N	N	N	N	N	N	N	N
Government, Local	N	P	P	P	P	N	N	N
Institutional, General	N	P	P	P	P	N	P	P
Institutional, Religious-Based	P	P	P	P	P	P	P	P
Lodging	N	P	P	P	P	N	N	N

Use Category	ZONE							
	WR-1	WR-2	WR-3	WR-4	WR-5	WR-6	WR-7	WR-8
Marine	N	N	N	N	N	N	N	N
Medical Care	N	P	P	P	P	N	P	P
Motor Vehicle-related	N	S § 3514.8	S § 3514.8	S § 3514.8	S § 3514.8	N	N	N
Office	N	P	P	P	P	N	P	N
Parking	C § 3513.9	C § 3513.9	C § 3513.9	C § 3513.9	C § 3513.9	N	C § 3513.9	C § 3513.9
Parks and Recreation	P	P	P	P	P	P	P	P
Production, Distribution and Repair	N	N	N	N	N	N	N	N
Residential	P	P	P	P	P	N	P	P
Retail	C § 3513.10	P	P	P	P	P	C § 3513.10	C § 3513.10
Service, Financial	N	P	P	P	P	N	N	N
Service, General	N	C § 3513.11	C § 3513.11	C § 3513.11	C § 3513.11	N	N	N
Sexually-based Business Establishment	N	N	N	N	N	N	N	N
Transportation Infrastructure	P	P	P	P	P	P	P	P
Waste-related Services	N	N	N	N	N	N	N	N

3512.2 For the purposes of the WR Zone, a community garden or playground managed by a non-profit organization or homeowners’ association shall be considered a use in the Parks and Recreation use group provided the community garden or playground is open to the public.

3512.3 A Home Occupation use, including a business, profession, or other economic activity, which is conducted full-time or part-time in a dwelling unit that serves as the principal residence of the practitioner, shall be permitted subject to the following conditions:

- (a) The home occupation use shall comply with the requirements of § 203 of this title; and
- (b) The home occupation use is not within a dwelling unit in an accessory building.

A home occupation use not meeting all of the above conditions may be permitted as a special exception by the Board of Zoning Adjustment under § 3104 of this title.

3513 CONDITIONAL USES (WR)

- 3513.1 The following conditions shall apply to the By Right with Conditions (C) uses in § 3512.
- 3513.2 Antennas shall be permitted subject to the standards and procedures that apply to the particular class of antenna in Chapter 27 of this title, which shall be applied to the WR Zone as follows:
- (a) The WR-1, WR-7 and WR-8 zones shall be considered Residential/R zones; and
 - (b) The WR-2, WR-3, WR-4, WR-5, and WR-6 zones shall be considered as C-2-A zones.
- 3513.3 An Arts Design and Creation use shall be permitted if it is clearly incidental to and accessory to the primary residential use, and subject to the following:
- (a) The practitioner of the Arts Design and Creation use must reside on the premises;
 - (b) All operations and storage of materials shall occur inside the building;
 - (c) Incidental sales of art work or other craft produced on site shall be permitted within the dwelling; and
 - (d) The practitioner may teach the art to one (1) or more apprentices.
- 3513.4 An Emergency Shelter for one (1) to four (4) persons shall be a matter-of-right use. An Emergency Shelter for more than four (4) persons may be permitted as a Special Exception pursuant to § 3514.6.
- 3513.5 In the WR-1 zone, Daytime Care uses shall be permitted by right subject to the following conditions:
- (a) The dwelling unit in which the use is located shall be the principal residence of the caregiver; and
 - (b) The use otherwise shall meet the definition of a home occupation.
- 3513.6 Daytime Care uses shall be permitted by right subject to the following conditions in the WR-2, WR-3, WR-4, WR-5, WR-7 and WR-8 zones:
- (a) A Daytime Care use is permitted by right for no more than twenty-five (25) persons not including resident supervisors or staff and their families;

- (b) Any outdoor play area shall be located on the same lot as the Daytime Care use; and
- (c) Daytime Care uses not meeting the above conditions may be permitted by special exception subject to § 3514.4 and the special exception criteria of § 3104.

3513.7 All Eating and Drinking Establishment uses shall be permitted by right except that:

- (a) A drive-through shall not be permitted; and
- (b) Fast Food Establishments and Fast Food Delivery Services may be permitted by special exception pursuant to § 3514.5 and if approved by the Board of Zoning Adjustment as a special exception under § 3104.

3513.8 Education (Public, Private, College/University) uses shall be permitted in the WR-7 zone only on Land Bay J.3.

3513.9 Parking shall be permitted by right provided that all off-street parking is provided in compliance with the provisions of § 3530;

3513.10 A Sale in the nature of a yard sale, garage sale, or home sales party may be held at a dwelling unit at most four (4) times during a twelve (12) month period.

3513.11 Service, General uses shall be permitted by right provided that a laundry or dry cleaning facility shall not exceed twenty-five hundred square feet (2,500 sq. ft.) of gross floor area.

3514 SPECIAL EXCEPTION USES (WR)

3514.1 The uses listed as requiring special exception approval (S) in § 3512 shall be permitted in a WR zone if approved by the Board of Zoning Adjustment pursuant to § 3104, subject to the provisions of this section.

3514.2 The Board of Zoning Adjustment may impose additional requirements pertaining to design, appearance, screening, lighting, location of buildings, soundproofing, hours of operation or other aspects of the proposed use that the Board of Zoning Adjustment deems necessary to protect adjacent or nearby property.

3514.3 Animal Sales, Care, and Boarding shall be subject to the following conditions:

- (a) The use shall produce no noise or odor objectionable to nearby properties, including residential units located in the same building as the use, and shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, acoustical concrete and masonry, and acoustical landscaping;

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- (b) The applicant shall demonstrate that the use will comply with the following conditions, and any Board of Zoning Adjustment approval shall be subject to the use's continued compliance with these standards:
 - (1) The use shall take place entirely within an enclosed building;
 - (2) The windows and doors of the space devoted to the animal boarding use shall be kept closed;
 - (3) No animals shall be permitted in an external yard on the premises;
 - (4) Animal waste shall be placed in closed waste-disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly; and
 - (5) Odors shall be controlled by means of an air filtration system (for example, High Efficiency Particulate Air "HEPA" filtration) or an equivalently effective odor control system;
- (c) A veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808 (h)(1); and
- (d) The Board of Zoning Adjustment may impose additional requirements pertaining to the location of buildings or other structures; entrances and exits; buffers, barriers, and fencing; soundproofing; odor control; waste storage and removal (including frequency); the species and/or number and/or breeds of animals; or other requirements, as the Board of Zoning Adjustment deems necessary to protect adjacent or nearby property.

3514.4 Daytime Care uses not meeting the conditions of § 3513.6 shall be permitted by special exception, subject to the following conditions:

- (a) The facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance; and
- (b) Any off-site play area shall be located so as to not endanger individuals traveling between the play area and the center or facility.

3514.5 Fast Food Establishment and Fast Food Delivery Services shall be permitted by special exception, subject to the following conditions:

- (a) No part of a lot on which a fast food establishment or food delivery business is located shall be within twenty-five feet (25 ft.) of a residential

zone, including WR-1, WR-7 and WR-8, unless separated therefrom by a street or alley;

- (b) Any outdoor refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater, with the entrance to the enclosure including an opaque gate;
- (c) The use shall not include a drive-through;
- (d) There shall be no customer entrance in the side or rear of a building that faces an alley containing a zone boundary line for a residential zone;
- (e) There shall be adequate facilities to allow deliveries to be made and trash to be collected without obstructing public rights-of-way or unreasonably obstructing parking spaces, aisles, or driveways on the site;
- (f) The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation; and
- (g) The use shall be located and designed so as to create no dangerous or other objectionable traffic conditions.

3514.6 Emergency Shelter use for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the following conditions:

- (a) There shall be no other property containing an emergency shelter for seven (7) or more persons either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the property;
- (b) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;
- (c) The proposed facility shall meet all applicable code and licensing requirements;
- (d) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area;
- (e) The Board of Zoning Adjustment may approve more than one (1) emergency shelter in a square or within five hundred feet (500 ft.) only when the Board of Zoning Adjustment finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations; and

- (f) The Board of Zoning Adjustment may approve a facility for more than twenty-five (25) persons, not including resident supervisors or staff and their families, only if the Board of Zoning Adjustment finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District.

3514.7 Community-based institutional facilities (CBIF) for one (1) to twenty (20) persons, not including resident supervisors or staff and their families subject to the following conditions:

- (a) There shall be no other property containing a CBIF for seven (7) or more persons in the same square;
- (b) There shall be no other property containing a CBIF for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property;
- (c) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;
- (d) The proposed facility shall meet all applicable code and licensing requirements;
- (e) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area; and
- (f) The Board of Zoning Adjustment may approve more than one (1) community-based institutional facility in a square or within five hundred feet (500 ft.) only when the Board of Zoning Adjustment finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.

3514.8 All motor vehicle related uses are prohibited except motor vehicle sales, which may be permitted by Special Exception subject to the following conditions:

- (a) There shall be no outdoor storage of vehicles;
- (b) The surface of any streetwall or wall fronting on a plaza shall devote at least fifty percent (50%) of the surface area at the ground floor to display windows with clear glass or pedestrian entrances;

- (c) Vehicular access into the showroom shall be through a moveable glass façade, or through an internal ramp or elevator from an underground garage.
- (d) If vehicular access into the showroom is from the street through a moveable façade, the applicant shall submit a plan showing the area external to the building, including landscaping, hardscape, the method by which vehicles shall be transferred into the showroom, and where any necessary delivery trucks shall unload and park. The Board of Zoning Adjustment shall find that the loading activities shall not unduly impact pedestrian movement outside the building, or negatively impact the streetscape, including street trees and street furniture. If the use fronts on a public street, approval under this section shall not imply approval by the Public Space Committee or any other permitting authority.
- (e) Any repair of vehicles shall occur inside the building in a location not visible from the right-of-way.
- (f) The Board of Zoning Adjustment shall find that the use does not impair the overall pedestrian or retail environment of the neighborhood.

3515 PROHIBITED USES (WR)

3515.1 In addition to the use groups listed in the table in § 3512 as not permitted, the following uses are prohibited in the WR Zone District as both principal and accessory uses:

- (a) Drive-through or drive-in, as either a principal or accessory use;
- (b) Any establishment that has as its principal use the administration of massages; and
- (c) Self-service storage establishment that provides separate storage areas for individual or business uses.

3515.2 Any use not listed in the table in § 3512 as permitted by right or otherwise permitted by conditions, special exception or as an accessory or home occupation in this section/chapter shall be deemed to be not permitted unless determined by the Zoning Administrator to be compatible with like permitted uses and consistent with the general use impacts of permitted uses.

3616-3529 [RESERVED]

3530 AUTOMOBILE PARKING (WR)

- 3530.1 The cumulative total of all automobile parking spaces, including below-grade, surface, and above-grade structured parking, shall not exceed a total of three thousand four hundred (3,400) parking spaces.
- 3530.2 Each application to the Department of Consumer and Regulatory Affairs for a development that includes parking shall provide an accounting of the total number of parking spaces within the WR zone which count towards the parking space limit of § 3530.1.
- 3530.3 Parallel parking spaces on a private street shall not count toward the limit of § 3530.1, provided they are open to use by the public and not reserved for a particular or private use.
- 3530.4 Parking spaces dedicated for use by a car-sharing service or dedicated for the charging of electric vehicles shall not count toward the limit of § 3530.1.
- 3530.5 Additional parking spaces beyond the limit of § 3530.1 shall be permitted by special exception by the Board of Zoning Adjustment pursuant to § 3104 and provided that the applicant addresses compliance with the following standards:
- (a) The application shall include:
 - (1) A detailed accounting of the existing and proposed number and locations of parking spaces provided pursuant to § 3530.1; and
 - (2) A traffic study assessing the impacts of the proposed additional parking spaces that would, at a minimum, include an updated trip generation study, parking occupancy study for the entire site, and impacts on local traffic patterns, for referral to and comment by the District Department of Transportation (DDOT). The parameters of the analysis shall be outlined by DDOT prior to the application; and
 - (3) A transportation demand management (TDM) plan, for referral to and comment by DDOT. The parameters of the analysis shall be outlined by DDOT prior to the application.
 - (b) Vehicular access and egress to the additional parking will be located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, function efficiently, and create no dangerous or otherwise objectionable traffic conditions.
- 3530.6 For any application pursuant to § 3530.5:
- (a) The Board of Zoning Adjustment shall judge, balance, and reconcile the need for additional on-site parking against any adverse impacts the

presence of the parking will have on traffic, and the aesthetics and development of the surrounding neighborhood; and

- (b) The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, signs, massing, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the WR zone.

3530.7 Parking spaces need not be located on the same lot as the building or buildings they are intended to serve, but must be located within the WR zone.

3530.8 Parking spaces may be shared among more than one (1) use, whether the uses are on the same lot or on separate lots. A parking space that is shared among more than one (1) use shall be subject to the following conditions:

- (a) The parking space and the uses shall all be within the WR Zone;
- (b) The parking space shall not serve as required parking for any other use during the days and times each use the space serves is in operation;
- (c) A written agreement assigning the parking space to each use, stating compliance with § 3530.9(b), shall be signed by the owner of the parking space and the owner of each use requiring the parking space;
- (d) The final, original written agreement shall be filed with the Zoning Administrator prior to the issuance of the first certificate of occupancy for the use;
- (e) Any amendment or successor agreement must be filed no later than ten (10) days following execution by the parties; and
- (f) The Zoning Administrator shall maintain a file of all written agreements and amendments for each lot containing a parking space shared between multiple uses and for the lots sharing the parking space.

3530.9 Parking spaces shall not be located between a street right-of-way line and the more restrictive of either a building façade or a line extending from and parallel to a building façade. A building used solely as a parking attendant shelter shall not trigger this restriction. Notwithstanding the restriction of this subsection, the existing surface parking lot south of Building 11 may remain, but shall not be expanded in size.

3530.10 Parking spaces within an above-grade structure shall be lined with preferred uses on the ground and second floors to a depth of fifteen feet (15 ft.) minimum, except the portions of the building façade used for vehicular, bicycle or pedestrian access to the parking area. For the purposes of this subsection, preferred uses

shall include any use from the Arts Design and Creation; Eating and Drinking Establishments; Office; Residential; Retail; Service, General; and Service, Financial use groups.

- 3530.11 All parking spaces, other than mechanical parking spaces, shall be accessible at all times from a driveway accessing either an improved street or an improved alley or alley system with a minimum width of ten feet (10 ft.). Parking spaces provided within or accessed by a mechanized parking system need not meet the accessibility requirement of this subsection as long as the mechanized parking system does.
- 3530.12 New parking spaces and drive aisles shall be designed in accordance with the standards of 11 DCMR Chapter 21 of this title.
- 3530.13 Approval of a driveway under this chapter shall not be interpreted to imply permission for a curb cut in public space. All curb cuts in public space shall obtain all necessary approvals and permissions.
- 3530.14 All access to parking facilities, whether from a public or private right of way, shall meet DDOT and Public Space Committee standards

3531 BICYCLE PARKING (WR)

- 3531.1 When bicycle parking spaces are required, signs shall be posted in a prominent place at each entrance to the building or structure stating where bicycle parking spaces are located.
- 3531.2 A property owner shall provide and maintain all required bicycle parking spaces so long as the structure that the bicycle parking spaces are designed to serve exists. Maintenance of required bicycle parking spaces shall include keeping all racks and spaces clear of snow, ice, and any other obstructions.
- 3531.3 Where required bicycle parking is provided as racks, the racks must meet the following standards:
- (a) The bicycle frame and one wheel can be locked to the rack with a high security U-shaped shackle lock without removing a wheel from the bicycle;
 - (b) A bicycle six feet (6 ft.) long can be securely held with its frame supported in at least two (2) places so that it cannot be pushed over or fall in a manner that would damage the wheels or components;
 - (c) Racks shall be placed a minimum of thirty inches (30 in.) on center from one another; twenty-four inches (24 in.) from any other obstructions; with

a forty-eight inch (48 in.) minimum aisle separating racks; and provide a minimum clearance width of twelve inches (12 in.) for each bicycle; and

(d) The rack shall be securely anchored.

3531.4 Each required bicycle parking space shall be accessible without moving another bicycle.

3531.5 Bicycle parking spaces shall be provided as stated in this subsection.

(a) All residential uses with eight (8) or more dwelling units and non-residential uses with four thousand square feet (4,000 sq. ft.) or more of gross floor area shall provide bicycle parking spaces pursuant to the following table:

Use	Long-Term Spaces	Short-Term Spaces
Agriculture, Large	None	2 spaces
Agriculture, Residential	None	None
Animal Sales, Care and Boarding	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Antennas	None	None
Arts Design and Creation	1 space for each 10,000 sq. ft.	1 space for each 20,000 sq. ft.
Basic Utilities	1 space for each 20,000 sq. ft.	None
Chancery	1 space for each 5,000 sq. ft.	1 space for each 40,000 sq. ft.
Community-Based Institutional Facility	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Daytime Care	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Eating and Drinking Establishment	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Education, College / University	1 space for each 7,500 sq. ft.	1 space for each 2,000 sq. ft.
Education, Private School	1 space for each 7,500 sq. ft.	1 space for each 2,000 sq. ft.
Education, Public	1 space for each 7,500 sq. ft.	1 space for each 2,000 sq. ft.
Emergency Shelter	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Entertainment, Assembly, and Performing Arts	1 space for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Firearm Sales	1 space for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Government, Large-Scale	1 for each 7,500 sq. ft.	1 space for each 40,000 sq. ft. but no less than 6 spaces
Government, Local	1 for each 7,500 sq. ft.	1 space for each 40,000 sq. ft. but no less than 6 spaces
Medical Care	1 space for each 10,000 sq. ft.	1 space for each 40,000 sq. ft.
Institutional, General	1 space for each 7,500 sq. ft.	1 space for each 2,500 sq. ft. but no less than 8 spaces
Institutional, Religious	1 space for each 7,500 sq. ft.	1 space for each 2,500 sq. ft. but no less than 8 spaces

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Use	Long-Term Spaces	Short-Term Spaces
Lodging	1 space for each 10,000 sq. ft.	1 space for each 40,000 sq. ft.
Marine	None	1 space for each 3,500 sq. ft.
Motor Vehicle-related	1 space for each 20,000 sq. ft.	1 space for each 10,000 sq. ft.
Office	1 for each 2,500 sq. ft.	1 space for each 40,000 sq. ft.
Parking	None	None
Parks and Recreation	None	1 space for each 10,000 sq. ft. but no less than 6 spaces
Production, Distribution, & Repair	1 space for each 20,000 sq. ft.	None
Residential House Residential Flat	None	None
Residential Apartment	1 space for each 3 dwelling units	1 space for each 20 dwelling units
Retail	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Service, General	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Service, Financial	1 for each 10,000 sq. ft.	1 space for each 3,500 sq. ft.
Sexually-based Business Establishment	1 for each 10,000 sq. ft.	1 space for each 10,000 sq. ft.
Transportation Infrastructure	None	None
Waste-related Services	1 space for each 20,000 sq. ft.	None

- (b) After the first fifty (50) bicycle parking spaces are provided for a use, additional spaces are required at one-half (1/2) the ratio specified in § 802.1
- (c) Notwithstanding §§ 3531.5(a) and (b), no property shall be required to provide more than one hundred (100) short-term bicycle parking spaces. All properties with a long-term bicycle parking requirement shall provide at least two (2) long-term spaces, and all properties with a short-term requirement shall provide at least two (2) short-term spaces. The bicycle parking standards of this chapter shall be met when a new building is constructed.
- (d) When a property changes use categories or adds a use category, the property shall add any bicycle parking spaces necessary to meet the requirements for the new use. However, historic resources shall not be required to provide additional bicycle parking spaces for a change in use when the gross floor area of the building is not expanded.
- (e) An addition to an existing building, or the expansion of a use within a building, triggers additional bicycle parking requirements only when the gross floor area of the building or use is expanded or enlarged by twenty-five percent (25%) or more beyond the gross floor area on [enactment date of amendment], or in the case of a new building, the gross floor area used to calculate the initial parking requirement. The additional minimum

parking required shall be calculated based upon the entire gross floor area added.

- (f) Additions to historic resources shall be required to provide additional bicycle parking spaces only for the addition's gross floor area and only when the addition results in at least a fifty percent (50%) increase in gross floor area beyond the gross floor area existing on [enactment date of amendment].
- (g) If a use operates solely outside of a building, any expansion of that use shall conform to the applicable bicycle parking standards.
- (h) Uses governed by a campus plan are subject to the bicycle parking requirements approved by the Zoning Commission and are not subject to the bicycle parking requirements otherwise applicable.
- (i) When there is more than one (1) use on a lot, the number of bicycle parking spaces provided must equal the total required for all uses. If a single use falls into more than one (1) use category for which different bicycle parking minimums apply, the standard that requires the greater number of bicycle parking spaces shall apply.

3531.6 The amount of bicycle parking shall be calculated pursuant to the rules of this subsection.

- (a) All bicycle parking standards shall be calculated on the basis of gross floor area, except for Residential uses, which base bicycle parking standards on the number of dwelling units.
- (b) For purposes of calculating bicycle parking standards, gross floor area does not include floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space.
- (c) Calculations of bicycle parking spaces that result in a fractional number of one half (0.5) or more shall be rounded up to the next consecutive whole number. Any fractional result of less than one-half (1/2) shall be rounded down to the previous consecutive whole number.

3531.7 Short-Term Bicycle Parking Spaces shall meet the following requirements:

- (a) Required short-term bicycle parking spaces shall be located either on the same lot as the use they are intended to serve or on public space within twenty feet (20 ft.) of the lot. A use providing short-term bicycle parking on adjacent public space must obtain approval of a public space application under Title 24 DCMR;

- (b) Required short-term bicycle parking spaces shall be located within one-hundred and twenty feet (120 ft.) of a primary entrance to the building they serve;
- (c) Areas devoted to short-term bicycle parking on private property shall be surfaced and maintained with an all-weather surface;
- (d) Required short-term bicycle parking spaces shall be provided as bicycle racks that meet the standards of § 3531.3;
- (e) An aisle at least four feet (4 ft.) wide between rows of bicycle parking spaces and the perimeter of the area devoted to bicycle parking shall be provided. Aisles shall be kept clear of obstructions at all times. Where the bicycle parking is on or adjacent to a sidewalk, the aisle may extend into the right-of-way; and
- (f) Required short-term bicycle parking spaces shall be provided in a convenient, well-lit location that can be viewed from the building the spaces are intended to serve. Required short-term bicycle parking spaces shall be available for shoppers, customers, commuters, messengers, and all other visitors to the site.

3531.8

Long-Term Bicycle Parking Spaces shall meet the following requirements:

- (a) All required long-term bicycle parking spaces shall be located within the building of the use requiring them;
- (b) Except as noted below, required long-term bicycle parking spaces shall be located no lower than the first cellar level or the first complete parking level below grade, and no higher than the first above-grade level. Spaces shall be available to employees, residents, and other building occupants;
- (c) If vehicular parking is segregated on different levels of a parking garage based on use, required long-term bicycle parking spaces may be located on the garage level dedicated to the use which generated the bicycle parking requirement. However, in no instance shall required long-term bicycle spaces be located lower than the second parking level below grade or the second parking level above grade.
- (d) Required long-term bicycle parking shall be provided as racks or lockers. Bicycle racks for required long-term parking shall be provided in a parking garage or a bicycle storage room;
- (e) Where required long-term bicycle parking is provided in a garage, it shall be clearly marked and be separated from adjacent motor vehicle parking spaces by wheel stops or other physical automobile barrier;

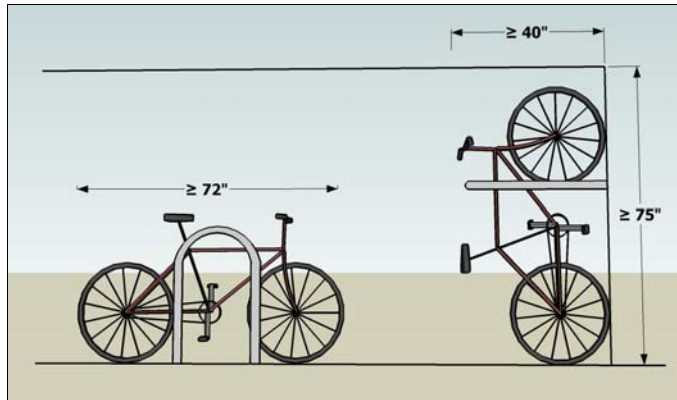
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- (f) Where required long-term bicycle parking is provided in a bicycle room, the room shall have either solid walls or floor-to-ceiling fencing. The room shall have locked doors;
- (g) For any bicycle room with solid walls, the entirety of the interior of the bicycle room shall be visible from the entry door. A motion-activated security light enclosed in a tamper-proof housing shall be provided in each bicycle room;
- (h) Where required long-term bicycle parking is provided in lockers, the lockers shall be securely anchored and meet the following minimum dimensions:
 - (1) Twenty-four inches (24 in.) in width at the door end;
 - (2) Eight inches (8 in.) in width at the opposite end;
 - (3) Seventy-two inches (72 in.) in length; and
 - (4) Forty-eight inches (48 in.) in height;
- (i) Each required long-term bicycle parking space shall be directly accessible by means of an aisle of a minimum width of four feet (4 ft.) and have a minimum vertical clearance of seventy-five inches (75 in.). Aisles shall be kept clear of obstructions at all times;
- (j) A minimum of fifty percent (50%) of the required long-term bicycle parking spaces shall allow the bicycles to be placed horizontally on the floor or ground. Vertical bicycle racks shall support the bicycle without the bicycle being suspended; and
- (k) Each required long-term bicycle parking space shall be a minimum width of twenty-four inches (24 in.), and shall be:

- (1) A minimum of seventy-two inches (72 in.) in length if the bicycles are to be placed horizontally; or
- (2) A minimum of forty inches (40 in.) in length if the bicycles are to be placed vertically.



3531.9

Showers and Changing Facilities for newly constructed buildings and buildings that expand in gross floor area by more than twenty five percent (25%) shall meet the requirements of this subsection, which is intended to ensure that long-term bicycle parking spaces are usable by the long-term occupants, especially employees, of non-residential uses:

- (a) A non-residential use that requires long-term bicycle parking spaces and that occupies more than twenty-five thousand square feet (25,000 sq. ft.) in gross floor area shall provide a minimum of two (2) showers. An additional two (2) showers shall be installed for every fifty thousand square feet (50,000 sq. ft.) of gross floor area above the first twenty-five thousand square feet (25,000 sq. ft.), up to a maximum requirement of six (6) showers;
- (b) A non-residential use that requires long-term bicycle parking spaces and that occupies more than twenty-five thousand square feet (25,000 sq. ft.) in gross floor area shall provide a minimum number of clothing lockers equal to six-tenths (0.6) times the minimum number of required long-term bicycle parking spaces. Each locker required by this subsection shall be a minimum of twelve inches (12 in.) wide, eighteen inches (18 in.) deep, and thirty-six inches (36 in.) high; and
- (c) Showers and lockers required by this subsection shall be accessible to employees and other long-term occupants of the use requiring them. Showers and lockers shall be located within the same building as the use requiring them.

- (d) Where more than one non-residential use in a building requires shower and locker facilities under this subsection, the uses may share a single shower and locker facility, as long as the total number of showers and lockers is equal to the sum total required for the uses individually.

3531.10 When providing the number of bicycle parking spaces or showers and changing facilities required is impractical or contrary to other District regulations, or when it is unnecessary due to a lack of demand for bicycle parking, the Board of Zoning Adjustment may grant, as a special exception, a full or partial reduction in the minimum number of long-term spaces, the minimum number of short term spaces, or the quantity of shower and changing facilities required for a use or structure, subject to the general requirements of § 3104, the limitations of § 3531.10(b), and the requirements of this subsection:

- (a) If requesting a reduction in the amount of parking, the applicant must demonstrate one (1) of the following:
 - (3) Due to the physical constraints of the property, the required bicycle parking spaces cannot be provided on the lot or, in the case of short-term bicycle parking spaces, on abutting public space; or
 - (4) The use or structure will generate demand for less bicycle parking than the minimum bicycle parking standards require, as a result of:
 - (A) The nature of the use or structure;
 - (B) Land use or topographical characteristics of the neighborhood that minimize the need for required bicycle parking spaces, or
 - (C) A transportation demand management plan approved by DDOT, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval, will result in demand for less short-term bicycle parking than the minimum bicycle parking standards require; or
 - (5) The nature or location of an historic resource precludes the provision of bicycle parking spaces; or providing the required bicycle parking would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.
- (b) A reduction in parking granted under this subsection shall only be for the amount that the applicant demonstrates cannot be physically provided, and proportionate to the reduction in bicycle parking demand demonstrated by the applicant; and

- (c) If requesting a reduction in the quantity of shower and changing facilities, the applicant must demonstrate that:
 - (1) The intent of § 3531.9 is met; and
 - (2) Either:
 - (A) The use will not generate the demand for the full number of showers and changing facilities required; or
 - (B) The property owner has an arrangement to make use of showers and changing facilities off-site, and that the showers and changing facilities will be reasonably available to long-term occupants of the use requiring the facilities.

3532 LOADING (WR)

- 3532.1 Any building permit application for new construction or addition to an existing building shall be accompanied by a detailed loading plan demonstrating full compliance with this chapter.
- 3532.2 All access to loading facilities, whether from a public or private right of way, shall meet DDOT and Public Space Committee standards.
- 3532.3 The Zoning Administrator may at his discretion, request that DDOT review and make a recommendation regarding any item on the loading plan prior to approving the building permit application.
- 3532.4 No certificate of occupancy shall be issued unless the loading facilities have been constructed in accordance with the approved loading plans.
- 3532.5 All buildings or structures shall be provided with loading berths and service/delivery spaces as follows, except for structures erected on Kingman and Heritage Islands for which the construction of service delivery loading spaces shall be prohibited:

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
Agriculture	None	None
Animal Sales, Care and Boarding		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Antennas		

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
	None	None
Arts Design and Creation		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Basic Utilities		
20,000 to 50,000 sq. ft. gross floor area	1	1
More than 50,000 to 200,000 sq. ft. gross floor area	2	1
More than 200,000 sq. ft. gross floor area	3	1
Chancery		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Community-Based Institutional Facility		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Daytime Care		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Education		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Emergency Shelter		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Entertainment, Assembly, and Performing Arts		
50,000 to 100,000 sq. ft. gross floor area	1	None
More than 100,000 to 500,000 sq. ft. gross floor area	2	None
More than 500,000 sq. ft. gross floor area	3	None
Firearm Sales		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Food and Alcohol Services		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Government, Large-Scale		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Government, Local		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Health Care		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Institutional		
30,000 to 100,000 sq. ft. gross floor area	1	1

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
More than 100,000 sq. ft. gross floor area	2	1
Lodging		
10,000 to 50,000 sq. ft. gross floor area	1	None
More than 50,000 to 100,000 sq. ft. gross floor area	2	None
More than 100,000 to 500,000 sq. ft. gross floor area	3	None
More than 500,000 sq. ft. gross floor area	4	None
Marine		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Motor Vehicle-related		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Office		
20,000 to 50,000 sq. ft. gross floor area	1	1
More than 50,000 to 200,000 sq. ft. gross floor area	2	1
More than 200,000 sq. ft. gross floor area	3	1
Parking		
	None	None
Parks and Recreation		
More than 30,000 sq. ft. gross floor area	None	1
Production, Distribution, and Repair		
5,000 to 25,000 sq. ft. gross floor area	1	None
More than 25,000 sq. ft. gross floor area	2	None
For each 100,000 sq. ft. gross floor area more than 50,000 sq. ft.	1	None
Residential		
More than 50 dwelling units	1	1
Retail		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Service		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Sexually-oriented Business Est.		
5,000 to 20,000 sq. ft. gross floor area	1	None
More than 20,000 to 100,000 sq. ft. gross floor area	2	1
More than 100,000 sq. ft. gross floor area	3	1
Transportation Infrastructure		
	None	None
Waste-related Services		
5,000 to 25,000 sq. ft. gross floor area	1	None
More than 25,000 sq. ft. gross floor area	2	None
For each 100,000 sq. ft. gross floor area more than 50,000 sq. ft.	1	None

- 3532.6 The loading requirements must be met when a new building or structure is constructed.
- 3532.7 No loading berths are required for buildings or structures with a gross floor area less than the minimum specified in § 3532.4.
- 3532.8 Each loading berth shall be accompanied by one (1) adjacent loading platform.
- 3532.9 When a property changes or adds a use category, the following shall apply:
- (a) Additional loading berths, loading platforms and service/delivery spaces shall be required only when the minimum number of loading spaces required for the new use category exceeds the number of spaces required for the prior use category that occupied the same floor area;
 - (b) When determining the amount of additional required loading, it shall be assumed that the previous use provided the minimum number of spaces required; and
 - (c) Historic resources shall not be required to provide additional loading for a change in use without expansion.
- 3532.10 An addition to an existing building, or the expansion of a use within a building triggers additional loading requirements only when the gross floor area of the building or use is expanded or enlarged by twenty-five percent (25%) or more beyond the gross floor area on [effective date of Chapter 35], or in the case of a new building, the gross floor area used to calculate the initial loading requirement. The additional minimum loading berths and service/delivery spaces required shall be calculated based upon the entire gross floor area added.
- 3532.11 An addition to a historic resource shall be required to provide additional loading berths, loading platforms, and service/delivery spaces only for the addition's gross floor area and only when the addition results in at least a fifty percent (50%) increase in gross floor area beyond the gross floor area existing on [effective date of Chapter 35].
- 3532.12 Where two (2) or more uses share a building or structure, the uses may share loading as long as internal access is provided from all shared uses requiring loading.
- 3532.13 For a building or structure having three (3) or more required loading berths in one location, the loading berths may be stacked.

- 3532.14 No other use shall be conducted from or upon the loading berth or service/delivery space or any portion thereof.
- 3532.15 Each service/delivery space shall be clearly marked “For Service and Delivery Vehicles Only” and used exclusively for such vehicles.
- 3532.16 The provision of loading spaces shall be governed by the rules of measurement contained in this subsection.
- (a) When two (2) or more non-residential uses in the same use category share a building or structure, all of the uses in the same use category shall be added together to derive the total gross floor area, to determine the required number of berths and spaces for that use category;
 - (b) When two (2) or more uses in different use categories share a building or structure, the building or structure is only required to provide enough berths and spaces to meet the requirement for the use category with the highest requirement, and not the combination of requirements for all use categories provided that all uses that require loading have access to the loading area;
 - (c) At least one (1) loading berth shall be provided when the sum of the gross floor area of the separate uses exceeds the minimum gross floor area requiring loading berths for any one (1) of the separate uses; and
 - (d) For purposes of calculating loading requirements for non-residential uses, gross floor area does not include floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space.
- 3532.17 Loading facilities shall be located as described in this subsection.
- (a) Except as provided elsewhere in this subsection, all loading berths and service/delivery spaces shall be located within the building or structure the berths or spaces are designed to serve;
 - (b) Loading may be located in the rear or side yard of the building that it is designed to serve, but must be screened in accordance with § 3532.20;
 - (c) All loading platforms shall be located contiguous and with unobstructed access to the loading berth and shall have unobstructed access to an entrance to the building or structure;
 - (d) All uses in the building shall have direct access to required loading platforms or access through a common interior space or corridor;

- (e) All loading berths shall be designed so that no vehicle or any part thereof shall project over any lot line, front setback line, or building restriction line; and
- (f) Required loading berths may be provided in facilities designed to serve jointly two (2) or more adjoining buildings or structures on lots that share a party wall or lot line or are separated only by an alley within a single square; provided:
 - (1) The number of berths in the joint facilities shall not be less than that required for the total combined requirement in § 3532.4; and
 - (2) A binding covenant that is acceptable to the Zoning Administrator, ensuring the joint use of the loading berths and entered into by all property owners concerned, shall be recorded in the land records of the District of Columbia for the affected properties. A certified true copy of the recorded covenant shall be filed with the Zoning Administrator. Joint use of the loading berths by all parties involved shall continue in effect so long as the binding agreement remains in force. If the agreement becomes legally ineffective or inoperable, the loading berths shall be provided as otherwise required by this section.

3532.18 Access to loading facilities shall be provided as required by this subsection.

- (a) All loading berths and service/delivery spaces shall be accessible at all times from a driveway meeting the following requirements:
 - (1) A driveway or access aisle leading to a loading berth or service/delivery space shall have a minimum width of twelve feet (12 ft.) a maximum width of twenty-four (24) feet, and a maximum slope of twelve percent (12%); and
 - (2) No driveway providing access to a loading berth or service/delivery space shall be located in such a way that a vehicle entering or exiting from the loading berth blocks any street intersection; and
- (b) A loading berth or service/delivery space shall be designed so that it is usable and accessible by the vehicles that it is intended to serve.

3532.19 The size, layout and maintenance of loading facilities shall be as prescribed in this subsection.

- (a) All loading berths shall be a minimum of twelve feet (12 ft.) wide, have a minimum depth of thirty feet (30 ft.) and have a minimum vertical clearance of fourteen feet (14 ft.);
- (b) All service/delivery spaces shall be a minimum of ten feet (10 ft.) wide, have a minimum depth of twenty feet (20 ft.) and have a minimum vertical clearance of ten feet (10 ft.);
- (c) All loading berths shall be accompanied by one (1) adjacent loading platform that meets the following requirements:
 - (1) A loading berth that is less than fifty-five feet (55 ft.) deep shall have a platform that is at least one hundred square feet (100 sq. ft.) and at least eight feet (8 ft.) wide;
 - (2) A loading berth that is fifty-five feet (55 ft.) deep or greater shall have a platform that is at least two hundred square feet (200 sq. ft.) and at least twelve feet (12 ft.) wide;
 - (3) Loading platforms shall have a minimum vertical clearance of ten feet (10 ft.); and
 - (4) A loading platform floor shall consist of one (1) horizontal level.
- (d) No loading platform need be provided for loading berths if the required loading berth is increased in depth for the full width thereof, such that the resulting enlarged loading berth is equal in area to the combined area of a required loading berth and a required loading platform;
- (e) The dimensions specified in this section for loading berths and service/delivery spaces are exclusive of access aisles, maneuvering space, and loading platforms;
- (f) All loading berths and service/delivery spaces including access aisles, driveways, and maneuvering areas shall be surfaced and maintained with an all-weather surface; and
- (g) A loading berth or service/delivery space, including access aisles, driveways, and maneuvering areas, shall be maintained and used as a loading berth or service/delivery space for as long as the use exists that the loading berth or service/delivery space is designed to service.

3532.20 Trash rooms and trash receptacles shall meet the following requirements.

- (a) Buildings requiring loading must have a designated trash area either within the building or within a loading berth or within an accessory

building or structure immediately adjacent to the loading area or within an enclosed receptacle in a designated trash area within the loading area. All new developments over two thousand square feet (2,000 sq. ft.) of gross floor area, other than buildings with only one (1) or two (2) dwelling units, must clearly show the area for the building's trash receptacles on the building plans.

- (b) Trash receptacles external to a building shall be screened and covered.

3532.21 Screening and lighting for loading facilities shall meet the requirements of this subsection.

- (a) All loading berths or service/delivery spaces that are not enclosed within a building shall have screening around the entire perimeter, subject to the standards of §§ 3532.20(c) and (d).
- (b) Screening is not required if the loading area is in a rear yard and separated from all contiguous property by at least twenty-five feet (25 ft.).
- (c) The screening required by § 3532.20(a) shall be a solid masonry wall at least twelve inches (12 in.) thick and seventy-two inches (72 ins.) high. The wall shall harmonize with the main structure in architectural character, material, and color.
- (d) Gaps in the screening are allowed only to provide driveways and pedestrian exits or entrances that open directly onto a street or alley. No individual gap may exceed twenty feet (20 ft.) in width.
- (e) Any lighting used to illuminate a loading berth, loading platform or service/delivery space shall be arranged so that all direct light rays are confined to the surface of the berth, platform, or space.
- (f) Any loading berths or service/delivery spaces that are not enclosed within a building, if potentially visible from a public right-of-way, shall have, in addition to the wall required by this subsection, a screen of evergreen trees, planted at a distance of no more than fifteen feet (15') on center, of a species that at maturity would have a typical height of at least fifteen feet (15').

3532.22 The Board of Zoning Adjustment may grant a special exception from the requirements of this section when providing the number of spaces required is impractical or contrary to other District regulations, subject to the criteria of this subsection.

- (a) The Office of Zoning shall refer any application under this section to the Office of Planning and the District Department of Transportation for review and report.
- (b) The Board of Zoning Adjustment may grant, as a special exception, a full or partial reduction of the number of loading berths or service/delivery spaces required by § 3532.4 if, in addition to meeting the general requirements of § 3104, the applicant demonstrates that:
 - (1) The only means by which a motor vehicle could access the lot is from a public street, and provision of a curb cut or driveway on the street would violate any regulation in this section, or in Chapters 6 or 11 of Title 24 DCMR; or
 - (2) For an historic resource, providing the required loading facilities would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the historic resource.
- (c) The Board of Zoning Adjustment may grant, as a special exception, a waiver of the access requirements of § 3532.17 if, in addition to meeting the general requirements of § 3104, the applicant demonstrates that:
 - (1) The lot has unusual topography, grades, shape, size, or dimensions; or
 - (2) Alternate access arrangements would improve site design, landscaping, or traffic patterns or provide safer ingress or egress.
- (d) The Board of Zoning Adjustment may grant, as a special exception, modifications or waivers of the screening requirements of § 3532.20 if, in addition to meeting the general requirements of § 3104, the applicant demonstrates that:
 - (1) Existing protective and screening walls on the lot or on adjacent property are adequate to prevent adverse impacts on adjacent property; or
 - (2) Provision of protective screening walls would result in the removal of healthy trees or other landscaping, or architectural features determined by the Board of Zoning Adjustment to be worthy of protection or to provide equal screening benefits.
- (e) When granting a special exception under this subsection, the Board of Zoning Adjustment may impose conditions as to screening, lighting, coping, setbacks, fences, location of entrances and exits, widening of abutting alleys, loading management or transportation demand

management practices, or any other requirement it deems necessary to protect adjacent or nearby property and promote the public health, safety, and welfare.

3533 – 3539 [RESERVED]

3540 INCLUSIONARY ZONING (WR)

3540.1 All residential development is subject to Inclusionary Zoning and shall be constructed according to the provisions set forth in Chapter 26 of this title, except that the FAR, lot occupancy, and height listed in the Development Standards for each WR zone shall serve as the maximum permitted density and building envelopes for buildings and structures, including for the provision of inclusionary units.

OR IN THE ALTERNATIVE

3540 AFFORDABLE HOUSING

3540.1 Affordable housing shall be provided as described in this section. The provisions of Chapter 26 of this title shall not apply.

3540.2 The purposes of this section are to:

- (a) Ensure the provision of a significant amount of affordable housing, including for very low income households; and
- (b) Ensure that the affordable housing is distributed throughout the WR zone.

3540.3 The FAR, lot occupancy, and height listed in the Development Standards for each WR zone shall serve as the maximum permitted density and building envelopes for buildings and structures, including for the provision of affordable units.

3540.4 For the entire WR zone, during the initial control period established in the Land Disposition Agreement in effect as of the date a building permit is applied for (“Initial Control Period”) no less than four hundred and thirty two (432) units of affordable housing shall be provided subject to §§ 3540.5 and 3540.6.

3540.5 Of the four hundred and thirty two (432) units:

- (a) No less than 114 rental units shall be reserved for and provided at rents affordable to households earning thirty percent (30%) or less of the Area Median Income (AMI);

- (b) No less than 139 units shall be reserved for and provided at rents or sales prices affordable to households earning fifty percent (50%) of the AMI or less; and
- (c) No less than 179 units shall be reserved for and provided at rents or sales prices affordable to households earning eighty percent (80%) of the AMI or less.

3540.6 A minimum amount of affordable units shall be provided in each zone, and in each multifamily building, according to the following table. The remaining affordable units may be located anywhere in the WR zone.

	Column A	Column B
Zone	Minimum Percentage of Residential Units to be Provided as Affordable Units in the Zone	Of the Units Prescribed in Column A, the Minimum Percentage to be Provided in Each Multifamily Building in the Zone
WR-1	8%	n/a
WR-2	8%	20%
WR-3	8%	12.5%
WR-4	8%	20%
WR-5	8%	25%
WR-7	8%	25%
WR-8	8%	25%

3540.7 At the expiration of the Initial Control Period each multifamily building within the WR-2 through WR-8 zones shall devote no less than eight percent (8%) of its units to affordable units, which shall remain affordable in accordance with § 2540.8 for so long as the multifamily building exists.

3540.8 At the expiration of the Initial Control Period, each multifamily building within the WR-2 through WR-8 zones shall set-aside Fifty percent (50%) of affordable units aside for households earning fifty percent (50%) of the AMI or less and fifty percent (50%) of affordable units shall for households earning eighty percent (80%) of the AMI or less. The first affordable unit that becomes available after the expiration of the Initial Control Period and each additional odd number unit shall be set aside for households earning fifty percent (50%) of the AMI or less.

3540.9 At the expiration of the Initial Control Period no less than eight percent (8%) of all units within the WR-1 zone shall be devoted to affordable units, which shall remain affordable in accordance with § 3540.10 for so long as the units exists.

3540.10 At the expiration of the Initial Control Period Fifty percent (50%) of affordable units within the WR-1 zone shall be set-aside for households earning fifty percent (50%) of the AMI or less and fifty percent (50%) of affordable units shall be set-aside for households earning eighty percent (80%) of the AMI or less. The first affordable unit that becomes available after the expiration of the Initial Control Period and each additional odd number unit shall be set aside for households earning fifty percent (50%) of the AMI or less.

3540.11 In the WR zone, each application for a building permit for a residential use shall include in tabular and map format a description of which affordable units have been provided to date and where, which affordable units have yet to be provided and where they are anticipated to be provided, and how the provisions of this section are being met.

3540.12 Pursuant to § 3104, the Board of Zoning Adjustment may hear and decide any requests for relief from §§ 3540.5 – 3540.6, subject to the application demonstrating that the purposes of § 3540.2 would still be met.

3541 GREEN AREA RATIO (WR)

3541.1 In the WR-2, WR-3, WR-4, WR-5, WR-7 and WR-8 zones, the GAR requirement is four tenths (0.4), pursuant to Chapter 34 of this title.

3542 PLANNED UNIT DEVELOPMENTS (WR)

3542.1 A planned unit development (PUD) in the WR Zone shall be subject to the following provisions in addition to the provisions of Chapter 24 of this title:

- (a) The minimum area required for a proposed PUD shall be fifteen thousand square feet (15,000 sq. ft.).
- (b) In the WR-1, WR-5, WR-6, WR-7 and WR-8 zones, the height, number of stories and FAR provided in the relevant zone's development standards table shall serve as the maximum permitted for a PUD.
- (c) In the WR-2, WR-3 and WR-4 zones, the maximum height and FAR limits for PUDs in the WR Zone shall be the following:
 - (1) For the WR-2 zone, the limits on height, number of stories and FAR provided in the development standards table in § 3502 may be increased by no more than ten feet (10 ft.), one (1) story, and twenty percent (20%) FAR;
 - (2) For the WR-3 zone, the limits on height, number of stories and FAR provided in the development standards table in § 3503 may

be increased by no more than ten feet (10 ft.), one (1) story, and twenty percent (20%) FAR;

- (3) For the WR-4 zone, the limits on height, number of stories and FAR provided in the development standards table in § 3504 may be increased by no more than ten feet (10 ft.), one (1) story, and twenty percent (20%) FAR.

3543 SPECIAL EXCEPTION RELIEF (WR)

3543.1 Except for § 3503.10 or as provided elsewhere, relief from any section of this chapter may be heard and decided by the Board of Zoning Adjustment as a special exception. In addition to the general special exception criteria of § 3104, the Board of Zoning Adjustment must find that the request for relief is consistent with the purposes of the WR zone.

3544 – 3589 [RESERVED]

3590 USE GROUPS

3590.1 When used in this chapter, the following use categories shall have the following meanings:

(a) Agriculture, large

- (1) The on-site cultivation, or maintenance of plants, or the breeding or keeping of animals and livestock intended for personal use or eventual sale or lease off-site. Typical products of an agricultural use include produce, field crops, flowers, ornamental crops, livestock, poultry, honeybees, or other animal husbandry; and
- (2) Examples include, but are not limited to: farm, truck garden, beekeeping, greenhouse, dairy, or horticultural nursery..
- (3) Exceptions: This use group does not include the customary landscaping of yards, residential gardening or household pets.

(b) Agricultural, residential

- (1) The on-site cultivation, or maintenance of plants, or keeping of small domestic animals intended for personal use, sale on-site, or eventual sale off-site. Typical products of a residential agricultural use include produce, garden crops, flowers, and honeybees. This use group does not include the customary landscaping of yards, keeping of household pets, or the breeding or housing of large breed animals.

- (2) Examples include, but are not limited to: small scale truck garden, beekeeping, greenhouse, or community garden.
- (c) Animal Sales, Care, and Boarding
- (1) The on-site sale, medical care, or short term boarding of animals for a fee. These uses may include licensed veterinary practices such as medicine, surgery, or dentistry for animals, or the provision of animal services such as grooming, training, or care-taking; and
 - (2) Examples include, but are not limited to: pet shop, veterinary clinic or hospital, pet grooming establishment, dog day care center, animal boarding facility, animal sales establishment, or animal shelter.
 - (3) Exceptions: This use group does not include uses which would typically fall within the Agriculture use categories or the selling of a litter of a domestic pet.
- (d) Antennas - A structure conducting, transmitting, or receiving communication signals. This use group encompasses the portions of the structure responsible for signal transmission and reception, any associated towers, immediately-related support and stabilizing elements, and rotating or other directional mechanisms; and examples include, but are not limited to: commercial broadcast antenna, mobile telecommunication antenna, microwave dish, satellite earth station, whip, or yagi antennas.
- (e) Arts Design and Creation
- (1) The on-site design, rehearsal, or creation of visual, auditory, or performance art. This use may encompass work space for artists, artisans, or craftsmen practicing fine arts or applied arts or crafts, and may include the sale of items created on the site; and
 - (2) Examples include, but are not limited to: artist studio, artisan production including kiln-firing, metal-working, wood-working, furniture making and glass-blowing arts, and photographic studio.
 - (3) Exceptions: This use group does not include uses which would typically fall within the Entertainment, Assembly and Performing Arts, Educational, or Sexually-based Business Establishment use groups.
- (f) Basic Utilities

- (1) The commercial or governmental generation, transmission, distribution, or storage of energy, water, stormwater, cable, or telecommunication-related information. This use commonly takes the form of infrastructure services which are provided city-wide.
 - (2) Examples include, but are not limited to: electrical sub-station, telephone exchange, optical transmission node, electronic equipment facility, sewer plant, water treatment plant, methods and facilities for renewable energy generation, or utility pumping station.
 - (3) Exceptions: This use group does not include uses which would typically fall within the Antennas or Waste-related Services use groups.
- (g) Chancery
- (1) The principal offices of a foreign mission used for diplomatic or related purposes, and annexes to such offices (including ancillary offices and support facilities), including the site and any building on such site that is used for such purposes.
 - (2) Exceptions: This use group does not include uses which would typically fall within the Office, or Residential use group, such as an ambassador's residence or embassy staff residence building.
- (h) Community-based Institutional Facility
- (1) A use providing court-ordered monitored care to individuals who have a common need for treatment, rehabilitation, assistance, or supervision in their daily living; have been assigned to the facility; or are being detained by the government, other than as a condition of probation.
 - (2) Examples include, but are not limited to: adult rehabilitation home, youth rehabilitation home, or detention or correctional facilities that do not fall within the Large Scale Government use group.
 - (3) Exceptions: This use group does not include uses which more typically would fall within the Emergency Shelter or Large Scale Government use group. This use group also does not include Residential or Medical Care uses that were previously defined as community residence facilities, health care facilities, substance abuser's homes, or youth residential care homes.
- (i) Daytime Care

- (1) The non-residential licensed care, supervision, counseling, or training, for a fee, of individuals who are not related by blood, adoption, or marriage to the caregiver, and who are present on the site for less than twenty-four (24) hours per day.
 - (2) Examples include, but are not limited to: an adult day treatment facility, child care centers and programs, pre-schools, nursery schools, before-and-after school programs, or elder care centers and programs.
 - (3) Exceptions: This use group does not include uses which more typically fall within the Health Care, or Parks and Recreation use groups. This use does not refer to home-based care given by parents, guardians, or relatives of the individuals requiring care which does not require a Certificate of Occupancy.
- (j) Eating and Drinking Establishments
- (1) The sale of food, alcoholic drinks, or refreshments prepared on the premises and sold to customers for consumption on or off the premises.
 - (2) Examples include, but are not limited to: prepared food shop, restaurant, fast food restaurant, or fast food drive-through; within these defined terms, uses may also include but are not limited to bar, café, cafeteria, cocktail lounge, coffee shop, delicatessen; an ice cream parlor and nightclub.
 - (3) Exceptions: This use group does not include uses which more typically would fall within the Sexually-based Business Establishment use group.
- (k) Education, College/University - An institution of higher educational or academic learning providing facilities for teaching and research, offering courses of general or specialized study leading to a degree, and authorized to grant academic degrees; This use may include accessory athletic and recreational areas, dormitories, cafeterias, ancillary commercial uses, multiple academic and administrative buildings, and sports facilities.
- (l) Education, Private
- (1) An educational, academic or institutional use with the primary mission of providing education and academic instruction that provides District or state mandated basic education or educational uses. These uses may include accessory play and athletic areas, dormitories, cafeterias, recreational, or sports facilities.

- (2) Exceptions: This use group does not include uses which more typically would fall within the Daytime Care, Public Education or College/University Education use group. This use group also does not include the home schooling of children in a dwelling by their parent, guardian, or private tutor.
- (m) Education, Public
 - (1) Public or public charter schools at the elementary, middle, junior high, or high school level; these uses may include accessory athletic areas, dormitories, cafeterias, recreational, or sports facilities.
 - (2) Exceptions: This use group does not include uses which more typically would fall within the Daytime Care, Private Education or College/University Education use group. This group also does not include the home schooling of children in a dwelling by their parent, guardian, or private tutor.
- (n) Emergency Shelter - A use providing thirty (30) days or less of temporary housing to indigent, needy, homeless, or transient individuals. Emergency Shelter uses may also provide ancillary services such as counseling, vocational training, or similar social and career assistance.
- (o) Entertainment, Assembly, and Performing Arts
 - (1) A use involving facilities designed primarily for public assembly that enables patrons to experience visual, auditory, performance, or literary arts; attend sporting events or conferences; or to participate in active leisure activities. These uses may be characterized by activities and structures that draw large numbers of people to specific events or shows.
 - (2) Examples include, but are not limited to: bowling alley, miniature golf, movie theatre, concert hall, museum, or stadium.
 - (3) Exceptions: This use group does not include uses which more typically would fall within the Arts Design and Creation, Sexually-based Business Establishment, or Parks and Recreation use groups.
- (p) Firearm Sales
 - (1) A use engaged in the on-site sale, lease, or purchase of firearms or ammunition. This use group has been established to identify those uses which offer sales of goods whose impacts are incompatible with the intended health, safety, and welfare of other uses of land.

- (2) Examples include, but are not limited to: gun store, ammunition sales, pawn shop carrying guns, or weaponry store.
- (q) Government, Large
- (1) A use involving services owned, managed, or provided by a governmental entity and associated with providing regional or wider services.
 - (2) Examples include, but are not limited to: airports, jails, truck dispatch facilities or police/fire training facilities.
 - (3) Exceptions: This use group does not include uses which more typically would fall within the Motor-Vehicle-related or Transportation Infrastructure use groups.
- (r) Government, Local
- (1) A use involving services owned, managed, or provided by local government and associated with providing neighborhood-scaled services to meet the community needs of the directly adjacent areas.
 - (2) Examples include, but are not limited to: public community centers, police stations, libraries, or fire stations.
 - (3) Exceptions: This use group does not include large-scale government uses with a regional or larger service area or uses which more typically would fall within the Large Scale Government, Emergency Shelter, Parks and Recreation, or Motor Vehicle-related use group. It also does not include administrative offices of local government agencies, when those office functions meet the definition of the Office use group.
- (s) Institutional, General
- (1) A non-governmental use involving the public assembly of people or provision of services for social or cultural purposes and which may include uses of a public, nonprofit, or charitable nature generally providing local service on-site to people of a local community.
 - (2) Examples include, but are not limited to: private clubs, private community centers, private libraries, non-profit or social service providers.

(3) Exceptions: This use group does not include uses which more typically would fall within the Religious Based Institutional, Chancery, Education, Entertainment, Assembly, and Performing Arts, Local Government, Service, Office, or Parks and Recreation use groups.

(t) Institutional – Religious Based

(1) A non-governmental use involving the public assembly of people or provision of services for religious purposes and which may include related services or uses fundamental to the religious mission.

(2) Examples include, but are not limited to: churches, synagogues, temples, mosques, other places of worship, and related religious schools.

(3) Exceptions: This use group does not include uses which more typically would fall within the General Institutional, Chancery, Education, Entertainment, Assembly, and Performing Arts, Local Government, Service, Office, or Parks and Recreation use groups.

(u) Lodging

(1) A use providing customers with temporary housing for an agreed upon term of less than thirty (30) consecutive days; any use where temporary housing is offered to the public for compensation, and is open to transient rather than permanent guests.

(2) Examples include, but are not limited to: hotels, motels, inns, or bed and breakfast establishments.

(3) Exceptions: This use group does not include uses which more typically would fall within the Emergency Shelter or Residential use group.

(v) Marine

(1) A use in which proximity to the waterfront constitutes an integral aspect of its function; or uses which depend upon access to the water for their effectuality. This use group includes activities associated with water and marine-based travel, movement, storage, and related activities.

- (2) Examples include, but are not limited to: marina, boathouse, boat launch, dock, or pier, boat repair facility, water taxi facility, or water facilities.
- (3) Exceptions: This use group does not include uses which more typically would fall within the Motor Vehicle-related use group.

(w) Medical Care

- (1) A use involving the on-site licensed provision of medical diagnosis, treatment, or prevention of illness or disease of humans. These facilities may provide medical or surgical care to patients or offer overnight care.
- (2) Examples include, but are not limited to: dentist, doctor, optician, hospitals, clinics, or medical offices. This use group also includes any “healthcare facility” as defined under the definition of Community Based Residential Facility at § 199.1 of this title.
- (3) Exceptions: This use group does not include uses which more typically would fall within the Community-based Institutional Facility or Emergency Shelter use group.

(x) Motor Vehicle-related

- (1) A use engaging primarily in the on-site sale, rental, service, maintenance, or refueling of motor vehicles or their components. These uses include the sale, installation or repair of parts, components, accessories, or fuel for motor vehicles.
- (2) Examples include, but are not limited to: gasoline service station, auto repair facility, carwash, automobile sales, boat sales, or motorcycle sales.
- (3) Exceptions: This use group does not include uses which more typically would fall within the Retail or Parking use group.

(y) Office

- (1) A use engaging primarily in on-site administrative, business, professional, research, or laboratory-based activities. These uses are characterized by activities in an office setting that focus on the provision of off-site sale of goods or on-site information-based services, usually by professionals.

- (2) Examples include, but are not limited to: real estate agency, law firm, accounting firm, advertising agency, stockbrokerage firm, or laboratory.
 - (3) Exceptions: This use group does not include uses which more typically would fall within the Health Care, Education, Local Government, Retail, Production, Distribution, and Repair, Financial Service, or Chancery use group.
- (z) Parking
- (1) A use involving the on-site short or long-term storage of motor vehicles, including surface lots or within structures, when such motor vehicle storage is not provided as accessory parking for another use.
 - (2) Examples include, but are not limited to: public parking lot, public parking garage, and private garage.
 - (3) Exceptions: This use group does not include parking that is accessory to another use.
- (aa) Parks and Recreation
- (1) A use involving publicly accessible passive or active open space or a structure or facility under the jurisdiction of a public agency that is used for community recreation activities.
 - (2) Examples include, but are not limited to: Public plazas, parks, outdoor recreation, community gardens; Areas devoted to recreational activities such as picnicking, boating, fishing, bicycling, tennis, or swimming; Classes and services relating to health and wellness, culture, arts and crafts, or education; and Structures or other recreation facilities such as auditorium, multi-purpose room, gymnasium, meeting space, open space, playground, playing court, golf course, playing field, or swimming pool, with associated accessory uses such as kitchen facilities.
 - (3) Exceptions: This use group does not include private recreation centers such as a commercial gymnasium, or uses which more typically would fall within the Entertainment, Assembly, and Performing Arts, Arts Design and Creation, Health Care, or Service use group.
- (bb) Production, Distribution, and Repair

- (1) A use involving the on-site production, distribution, repair, assembly, processing, or sale of materials, products, technology, or goods intended for a wholesale, manufacturing, or industrial application. Uses may include firms that provide centralized services or logistics for retail uses, and wholesale goods establishments commonly selling to businesses in bulk. These uses typically have little contact with the public;
- (2) Examples include, but are not limited to: manufacturing facility, concrete plant, asphalt plant, material salvage, hauling or terminal yard, chemical storage or distribution, outdoor material storage, acetylene gas manufacturing, fertilizer manufacturing, rock quarrying, warehouse, ground shipping facility, or wholesale sales.
- (3) Exceptions: This use group does not include uses which more typically would fall within the Retail, Service or Waste-related Services use group.

(cc) Residential

- (1) A use offering habitation on a continuous basis of at least 30 days. The continuous basis is established by tenancy with a minimum term of a month or property ownership. This use group also includes residential facilities that provide housing and supervision for persons with disabilities, which may include 24-hour on-site supervision, lodging, and meals for individuals who require supervision within a structured environment, and which may include specialized services such as medical, psychiatric, nursing, behavioral, vocational, social, or recreational services.
- (2) Examples include, but are not limited to: single dwelling unit, multiple dwelling units, community residence facilities, retirement homes, rooming units, substance abusers' home, youth residential care home, assisted living facility, floating homes, and other residential uses.
- (3) Exceptions: This use group does not include uses which more typically would fall within the Lodging, Education, or Community-based Institutional Facility use groups.

(dd) Retail

- (1) A use engaging primarily in the on-site sale of goods, wares, or merchandise directly to the consumer or persons without a resale license. These uses include goods commonly sold to individuals in small quantities for their direct use.

- (2) Examples include, but are not limited to: shop, appliance, computer, drug, jewelry, fabric, department, large format, or grocery stores, clothing or gift boutique, and pawn and antique shops.
 - (3) Exceptions: This use group does not include wholesale goods commonly sold to businesses in bulk, corner store use, or uses which more typically would fall within the Arts Design and Creation, Eating and Drinking Establishments, Automobile-related, Firearm Sales, Marine, Production, Distribution, and Repair, or Sexually-based Business use groups.
- (ee) Service, Financial
- (1) A use engaging primarily in the provision of banking, loan, mortgage or other similar financial services.
 - (2) Examples include, but are not limited to: banks, credit unions, and mortgage companies.
 - (3) Exceptions: This use group does not include uses which more typically would fall within the Office use group.
- (ff) Service, General
- (1) A use engaging primarily in the contracting of work that does not necessarily result in a tangible commodity. These uses may provide personal services or provide small-scale product repair or services for consumer and business goods on-site. Service uses which provide services off-site are typically Office uses.
 - (2) Examples include, but are not limited to: appliance repair, fitness center, yoga studio, shoe repair, tailor, hair salon and barber, or parcel delivery service.
 - (3) Exceptions: This use group does not include uses which more typically would fall within the Eating and Drinking Establishments, Entertainment, Assembly, and Performing Arts, Local Government, Parks and Recreation, Animal Care and Boarding, Motor Vehicle-related, Accommodation, Daytime Care Facility, Health Care, Sexually-based Business Establishment, Arts Design and Creation, Marine, or Waste-related Services use groups.
- (gg) Sexually-based Business Establishment

- (1) A use involving goods, services, or live performances that are characterized by their emphasis on matter depicting, describing, or related to specified sexual activities. Specified sexual activities include, but are not limited to: acts of sexual stimulation or arousal including human genitals in a discernibly turgid state, human masturbation, sexual intercourse, sodomy, or bestiality; or any erotic touching of human genitals, pubic region, buttock, or breast. This use group has been established to identify those uses which offer services or goods whose sexually-oriented impacts are incompatible with the intended health, safety, and welfare of other uses of land.
 - (2) Examples include, but are not limited to: sexually-themed bookstores, newsstands, theatres, and amusement enterprises.
- (hh) Transportation Infrastructure
- (1) A use involving structures or conveyances designed for individual mode or multimodal public transportation purposes. These uses may include land or facilities for the movement or storage of transportation system components.
 - (2) Examples include, but are not limited to: streetcar or bus passenger depots, transportation rights of way, Metro stations, mass transit stations, bus stops, bicycle paths, bus transfer stations, accessways, airports, bicycle facilities, multi-use paths, pedestrian connections, or streets.
 - (3) Exceptions: This use group does not include uses which more typically would fall within the Basic Utilities use group.
- (ii) Waste-related Services
- (1) A use involving the collection, transportation, recycling, or disposal of refuse either on-site or at a transfer station. This use group may include the collection of sanitary wastes or uses that produce goods or energy from wastes.
 - (2) Examples include, but are not limited to: composting facility, incinerator, solid waste handling facility, or non-intensive recycling facility. Unless otherwise noted, these terms have the same meaning as defined in the Solid Waste Facility Permit Act of 1995.

- 3591.1 This section establishes rules for assigning and codifying use groups and use categories and regulations for the operation of temporary uses.
- 3591.2 The following rules shall be used to determine a use group:
- (a) Use groups describe activities being performed on-site that have similar functions, physical characteristics, impacts, or operational behaviors;
 - (b) All individual uses shall be included in at least one (1) use group. On- and off-site activities associated with a use may cause that use to be included in more than one (1) group;
 - (c) A principal use may have one (1) or more accessory uses;
 - (d) The Zoning Administrator shall determine the category or categories for a use, based on consistency with § 3590;
 - (e) The following may be considered when determining the appropriate group or groups for a use:
 - (1) The description of the activity or activities in relationship to the definition of each use category;
 - (2) The relative amount of site or floor space and equipment devoted to each activity;
 - (3) The relative amounts of sales from each activity;
 - (4) The customer type for each activity;
 - (5) The relative number of employees in each activity;
 - (6) The typical hours of operation;
 - (7) The building and site arrangement;
 - (8) The number and type of vehicles used;
 - (9) The relative number of vehicle trips generated by the activity;
 - (10) How the use is advertised;
 - (11) How the use is licensed;
 - (12) Similarities in function to the examples and exceptions listed for each use group; and

- (f) The activities, functions, physical characteristics, and impacts of a use on a property may not change unless that change has been determined by the Zoning Administrator to be consistent with that use group or a different use group permitted within the applicable zone.

3591.3 When a site contains more than one (1) use and these uses fall within different use groups, each use is subject only to the regulations of the applicable use group.

3591.4 If a use is determined to fall into more than one (1) use group, the use is subject to the regulations for all applicable use groups. If this results in conflicting conditions or criteria, the most stringent conditions shall be met.

3591.5 Accessory uses shall conform to the following rules:

- (a) Any use allowed as a permitted use in a zone shall be allowed as an accessory use within that zone;
- (b) Any use allowed only with conditions in a zone shall be allowed as an accessory use within that zone, subject to all applicable conditions; and
- (c) Accessory uses:
 - (1) Shall be allowed only when associated with permitted or conditionally permitted uses; and
 - (2) Shall meet all of the conditions of the appropriate use group.

3591.6 Temporary uses shall conform to the following rules:

- (a) Any use allowed as a permitted use in a zone shall be allowed as a temporary use within that zone;
- (b) Any use allowed only with conditions in a zone shall be allowed as a temporary use within that zone, subject to all applicable conditions; and
- (c) Temporary uses:
 - (1) Shall have the time period of the allowance established on the Certificate of Occupancy but shall not exceed five (5) years; and
 - (2) Shall not result in the erection of any new permanent structures, although existing permanent structures may be used for a temporary use.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001. Ms. Schellin may also be contacted by telephone at (202) 727-6311 or by email at zcsubmissions@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-168
June 19, 2015

SUBJECT: Delegation of Authority to the Director of the Department of General Services to Convey an Easement to the District of Columbia Water and Sewer Authority


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422 of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22 (2014 Repl.), it is hereby **ORDERED** that:

1. The Director of the Department of General Services (DGS) is delegated the authority to execute and convey an easement to the District of Columbia Water and Sewer Authority for use of the property located in Square 5283, Lot 153, with an address of 5601 East Capitol Street, SE, in the District of Columbia, (the "**Property**") for the purpose of providing water and sewer service to the Property, and all other documents necessary to effectuate the right to use the Property.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL E. BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-169
June 19, 2015

SUBJECT: Reappointment — Historian-in-Residence


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2014 Repl.), and Mayor's Order 2012-94, dated July 2, 2012, it is hereby **ORDERED** that:

1. **DR. JANETTE HOSTON HARRIS** is hereby reappointed Historian-in-Residence and shall serve in that position at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL E. BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-170
June 22, 2015

SUBJECT: Designation of Special Event Areas — Beat the Streets

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2014 Repl.), and pursuant to 19 DCMR 1301.8, it is hereby **ORDERED** that:

1. The following public space areas shall be designated as Special Event Areas to accommodate activities associated with Beat the Streets:
 - a. On Wednesday, June 24, 2015, commencing at 3:00 p.m. and continuing until 7:30 p.m., the 300 block of W Street, N.W., shall be closed to vehicular traffic;
 - b. On Wednesday, July 1, 2015, commencing at 3:00 p.m. and continuing until 7:30 p.m., the 1000 block of 7th Street, N.E., shall be closed to vehicular traffic;
 - c. On Wednesday, July 8, 2015, commencing at 3:00 p.m. and continuing until 7:30 p.m., the 5700 block of 6th Street, N.E., shall be closed to all vehicular traffic;
 - d. On Wednesday, July 15, 2015, commencing at 3:00 p.m. and continuing until 7:30 p.m., the 1200 block of Valley Avenue, S.E., shall be closed to all vehicular traffic;
 - e. On Wednesday, July 22, 2015, commencing at 3:00 p.m. and continuing until 7:30 p.m., the 700 block of 24th Street, N.E., shall be closed to vehicular traffic
 - f. On Wednesday, July 29, 2015, commencing at 3:00 p.m. and continuing until 7:30 p.m., the 3700 block of Hayes Street, N.E., shall be closed to vehicular traffic; and
 - g. On Thursday, August 20, 2015, commencing at 5:00 p.m. and continuing until 7:00 p.m., the 2800 block of Sumner Road, S.E., shall be closed to vehicular traffic.
2. The designated areas shall be operated and overseen by the Metropolitan Police Department.
3. This Order is authorization for the use of the designated streets and curb

lanes only, and the named operator shall secure and maintain all other licenses and permits applicable to the activities associated with the operation of the event. All building, health, life, safety, and use of public space requirements shall remain applicable to the Special Event Area designated by this Order.

4. **EFFECTIVE DATE:** This Order shall be effective immediately.


MURIEL E. BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

CAPITAL CITY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

Capital City Public Charter School invites all interested and qualified vendors to submit proposals for the below services. Proposals are due no later than 5 PM, July 15, 2015. The RFP with bidding requirements and supporting documentation can be obtained by contacting Douglas Lilley at dlilley@ccpcs.org.

- Transportation Services
- Special Education Testing Services
- Payroll Services
- Translation Services
- School Supplies
- Office Supplies
- Recruitment of Teacher Residents
- Temporary Staffing
- Special Education and Therapeutic Services
- Information Technology Equipment and Services
- Janitorial Supplies
- Financial and Retirement Audit
- Professional Development and School Design
- Budgeting, accounting, financial and grant reporting, audit report, various analyses, and other business or operations consulting services
- Printer and Copier Services
- Landscaping Services
- Electricity
- Pest Control
- Special Education Assessment and Textbooks
- General Contracting Services
- Janitorial Services
- HVAC Services
- Food Service
- Math Consultant
- Security Guard Services
- Planning guides, Curriculum Resources, Quiz Tools, etc. Services
- Computers
- IT Supplies

CHILD AND FAMILY SERVICES AGENCY**NOTICE OF PUBLIC MEETING****Mayor's Advisory Committee on Child Abuse and Neglect (MACCAN)**

Tuesday – June 30, 2015

10:30 a.m. – 12:00 p.m.

Child and Family Services Agency
200 I Street SE, Conference Room 1001-A
Washington, DC 20003

Agenda

1. Call to Order
2. Ascertainment of Quorum
3. Acknowledgement of Adoption of the Minutes of the April 28, 2014, meeting
4. Report by the Chair and Co-Chair of MACCAN
 - a. Update on Membership
 1. Reminder to submit applications to MOTA
5. Presentation 11:00-12:00
 - a. Prevent Child Abuse America, James Hmurovich and Barbara Shaffer
6. Opportunity for Public Comment
7. Adjournment
8. Next Meeting August 25, 2015, 10:30-12:00 pm @ CFSA

If any questions/comments, please contact Roni Seabrook at (202) 724-7076 or roni.seabrook@dc.gov.

CHILDREN'S GUILD DC PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

Multiple Services

Children's Guild DC Public Charter School seeks qualified vendors/contractors to submit proposals the following areas:

1. School/Classroom Instructional Technology Equipment and Network Hardware including laptops and desktop computers, Chromebooks, along with network hardware including switches and wireless access points.
2. To provide office and classroom clerical supplies.
3. To provide staffing for The Children's Guild DC Public Charter School. The school will employ approximately 120 staff members including teachers, special education teachers, teacher aides, administrators, and support staff. The vendor will employ the staff and provide all benefit and payroll administration. The vendor will allow the school to make all final decisions on the hiring of staff for the school, including making recommendations of whom to hire. The vendor will be responsible for the bi-monthly payroll processing, benefit administration including health, welfare, and retirement benefits, electronic timekeeping, and maintaining all records. The vendor will be responsible for filing all appropriate reporting to any and all agencies, including tax remittance and filings.
 - a. Must be able to process multiple payroll groups
 - b. Must provide electronic linking of benefits, payroll, and timekeeping systems that can be accessed by the school.
 - c. Must have previous experience with staffing for educational institutions, specifically experience with K-12 schools

For deadlines, specifications and other bid requirements pertaining to the RFP visit <http://www.childrenguild.org/rfp/>.

DC BILINGUAL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****FINANCIAL MANAGEMENT**

DC Bilingual PCS is advertising the opportunity to bid on the provision of financial management at 33 Riggs Rd NW 20011. All bids not addressing areas outlined in the RFP will not be considered. RFP can be found at <http://dcbilingual.org/who-were-looking>.

For more information, please contact Hannah Buie, Operations Manager at 828-301-7143.
Email: hbuie@centronia.org

Proposals will be accepted by email until **7/3/15**.

BA7/14/14

BOARD OF ELECTIONS**CERTIFICATION OF ANC/SMD VACANCY**

The District of Columbia Board of Elections hereby gives notice that there is a vacancy in one (1) Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 1B04

Petition Circulation Period: **Monday, June 29, 2015 thru Monday, July 20, 2015**

Petition Challenge Period: **Thursday, July 23, 2015 thru Wednesday, July 29, 2015**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections
441 - 4th Street, NW, Room 250N
Washington, DC 20001**

For more information, the public may call **727-2525**.

DEPARTMENT OF EMPLOYMENT SERVICES
OFFICE OF WAGE AND HOUR

PUBLIC NOTICE

District of Columbia Minimum Wage Increase – 2015

Beginning July 1, 2015, the minimum wage in the District of Columbia will increase from \$9.50 per hour to \$10.50 per hour for all workers, regardless of size of employer. The Minimum Wage Amendment Act of 2013 was signed into law on January 15, 2014 after unanimous passage by the D.C. Council and includes provisions to further increase the minimum wage through 2016.

Under the law, the District's minimum wage is slated to increase by \$1.00 on July 1 each year from 2014 through 2016, capping at \$11.50 per hour. Beginning July 1, 2017, the District's minimum wage will increase annually in proportion to the annual average increase in the Consumer Price Index for All Urban Consumers in the Washington Metropolitan Statistical Area for the preceding 12 months.

The base minimum wage for tipped restaurant employees will remain at \$2.77 per hour. However, if an employee's hourly tip earnings (averaged weekly) added to the base minimum wage do not equal the District's full minimum wage, the employer must pay the difference.

Every employer subject to the provisions of the Act must post the D.C. Minimum Wage poster in or about the premises at which any employee covered is employed.

Please direct all inquiries to:

Mohammad Sheikh
Deputy Director, Labor Standards Bureau
(202) 671-0588

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR § 210, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue an air quality permit (#6223-R1) to the Federal Bureau of Prisons to operate a 275 kWe emergency generator set with a 315 hp diesel fired engine at the Federal Bureau of Prisons – Central Office, GSA HOLC Building, located at 320 First Street NW, Washington, DC 20534. The contact person for facility is Brett Barrientos, Facility Manager, at 202 532-5842. The applicant's mailing address is 320 First Street NW, Washington, DC 20534.

Emissions:

Maximum emissions from the 275 kW emergency generator, operating five hundred (500) hours per year, is expected to be as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Total Particulate Matter (PM Total)	0.17
Oxides of Sulfur (SO _x)	0.16
Oxides of Nitrogen (NO _x)	2.44
Volatile Organic Compounds (VOC)	0.19
Carbon Monoxide (CO)	0.53

The proposed overall emission limits for the equipment are as follows:

- a. Emissions from the unit shall not exceed those in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E. [40 CFR 60.4205(b), 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)]:

Pollutant Emission Limits (g/kW-hr)		
NMHC+NO _x	CO	PM
4.7	5.0	0.40

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

- c. In addition to Condition II(b) exhaust opacity, measured and calculated as set forth in 40 CFR 86, Subpart I, shall not exceed [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.113]:
 1. 20 percent during the acceleration mode;
 2. 15 percent during the lugging mode;
 3. 40 percent during the peaks in either the acceleration or lugging modes. *Note that this condition is streamlined with the requirements of 20 DCMR 606.1.*
- d. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after July 27, 2015 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR § 210, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue an air quality permit (#6224-R1) to the Federal Bureau of Prisons to operate a 200 kWe emergency generator set with a 306 hp diesel fired engine at the Federal Bureau of Prisons – Central Office, GSA HOLC Building, located at 320 First Street NW, Washington, DC 20534. The contact person for facility is Brett Barrientos, Facility Manager, at (202) 532-5842. The applicant's mailing address is 320 First Street NW, Washington, DC 20534.

Emissions:

Maximum emissions from the 200 kWe emergency generator, operating five hundred (500) hours per year, is expected to be as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Total Particulate Matter (PM Total)	0.17
Oxides of Sulfur (SO _x)	0.16
Oxides of Nitrogen (NO _x)	2.37
Volatile Organic Compounds (VOC)	0.19
Carbon Monoxide (CO)	0.51

The proposed overall emission limits for the equipment are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after July 27, 2015 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR § 210, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue an air quality permit (#6225-R1) to Federal Bureau of Prisons to operate a 50 kWe emergency generator set with a 99 hp diesel fired engine at the Federal Bureau of Prisons – Central Office, GSA HOLC Building, located at 320 First Street NW, Washington, DC 20534. The contact person for facility is Brett Barrientos, Facility Manager, at (202) 532-5842. The applicant's mailing address is 320 First Street NW, Washington, DC 20534.

Emissions:

Maximum emissions from the 50 kWe emergency generator, operating five hundred (500) hours per year, is expected to be as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Total Particulate Matter (PM Total)	0.055
Oxides of Sulfur (SO _x)	0.051
Oxides of Nitrogen (NO _x)	0.77
Volatile Organic Compounds (VOC)	0.061
Carbon Monoxide (CO)	0.17

The proposed overall emission limits for the equipment are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after July 27, 2015 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR § 210, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue an air quality permit (#6226-R1) to the Federal Bureau of Prisons to operate a 300 kWe emergency generator set with a 465 hp diesel fired engine at the Federal Bureau of Prisons – Central Office,, GSA HOLC Building, located at 320 First Street NW, Washington, DC 20534. The contact person for facility is Brett Barrientos, Facility Manager, at (202) 532-5842. The applicant's mailing address is 320 First Street NW, Washington, DC 20534.

Emissions:

Maximum emissions from the 275 kW emergency generator, operating five hundred (500) hours per year, is expected to be as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Total Particulate Matter (PM Total)	0.26
Oxides of Sulfur (SO _x)	0.24
Oxides of Nitrogen (NO _x)	3.60
Volatile Organic Compounds (VOC)	0.29
Carbon Monoxide (CO)	0.78

The proposed overall emission limits for the equipment are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after July 27, 2015 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

2014 Required Financial Disclosure Statement Filers Who Failed to File

NOTICE OF CORRECTION

The following were incorrectly reported as individuals who failed to file 2014 financial disclosure statements in the D.C. Register published on June 12, 2015 at DCR 008448. These individuals either timely filed or were not required to file a public financial disclosure statement.

<i>FDS ID</i>	<i>Incumbent</i>	<i>Title</i>	<i>Agency Name</i>
FDS000152696	Bender, Jonathan	Candidate	ANC
FDS000151997	Anderson, Keith	Director	District Department of the Environment
FDS000151210	Beall, Cecily	Supervisory Environmental Protection Specialist	District Department of the Environment
FDS000151209	Besse, Sheila	Supervisory Environmental Protection Specialist	District Department of the Environment
FDS000150786	Bolling, Melinda	Supvy. Attorney Advisor	Office of the Attorney General
FDS000151199	Brooks, Samuel	Associate Director for Sustain	Department of General Services
FDS000151027	Brown, Mathew	Deputy Director, Res. Alloc	District Department of Transportation
FDS000151208	Burrell, Collin	Supervisory Environmental Protection Specialist	District Department of the Environment
FDS000152524	Butler, Mannone	Unknown	Criminal Justice Coordinating Council
FDS000152379	Campbell, Robert	Unknown	Department of General Services
FDS000159737	Carter, Michael	Deputy Director	Department of Public Works
FDS000151231	Cooke, Sharon	Supervisory Public Affairs Specialist	District Department of the Environment
FDS000152007	Cotton, Issac	Energy Program Officer	District Department of the Environment
FDS000159758	Chrappah, Ernest	Chief of Operations	DC Taxicab Commission
FDS000159900	Cross, Carolyn	Deputy Director for Operations	Department of Corrections
FDS000151429	Demas, Haydn	Unknown	Office of Disability Rights
FDS000151211	Douglas, Diane	Environmental Specialist	District Department of the Environment

<i>FDS ID</i>	<i>Incumbent</i>	<i>Title</i>	<i>Agency Name</i>
FDS000151417	Durso, Emily	Unknown	Washington Convention & Sports Authority Bd. of Directors
FDS000151224	Erville, Pierre	Supervisory Environmental Protection Specialist	District Department of the Environment
FDS000152552	Faruk, Tehsin	Unknown	Office of the Chief Technology Officer
FDS000151221	Hagos, Abraham	Environmental Engineer	District Department of the Environment
FDS000152015	Harris, Alvin	Entomologist	District Department of the Environment
FDS000151220	Hochberg, Adriana	Chief of Staff	District Department of the Environment
FDS000151431	Hunt, Jessica	Unknown	Office of Disability Rights
FDS000151219	Jackson, Richard	Supervisory Environmental Protection Specialist	District Department of the Environment
FDS000151233	Karikari, Timothy	Supervisory Environmental Engineer	District Department of the Environment
FDS000151218	Karimi, Hamid	Supervisory Environmental Protection Specialist	District Department of the Environment
FDS000159700	Kelly, Michael	Director	Dept. of Housing and Community Dev.
FDS000151217	Kelton, Steve	Supervisory Environmental Protection Specialist	District Department of the Environment
FDS000152022	King, Bryan	Supervisory Environmental Protection Specialist	District Department of the Environment
FDS000152023	Lawrence, Taresa,	Energy Program Officer	District Department of the Environment
FDS000159705	Levin, Saul	Interim Director	Department of Health
FDS000151230	Loncke, Lancelot	Energy Program Officer	District Department of the Environment
FDS000150165	Mahaley Jones, Hosanna	State Superintendent	Office of State Superintendent of Education
FDS000151430	McFadden-Resper, Susie	Unknown	Office of Disability Rights
FDS000152981	Miller, Darryl	Unknown	Office of the Chief Financial Officer
FDS000151428	Mitchell, Christina	Unknown	Office of Disability Rights
FDS000151228	Mitchell, Jean	Associate Director for Support	District Department of the Environment

<i>FDS ID</i>	<i>Incumbent</i>	<i>Title</i>	<i>Agency Name</i>
FDSOOO151153	Musse, Abdi	Environmental Engineer	District Department of the Environment
FDS000152040	Nimmo, Kim	Unknown	Office of Disability Rights
FDSOOO152300	Offor, Obiora	Environmental Protection Specialist	District Department of the Environment
FDS000151226	Ogunshakin, Edson	Office of Director	Department of General Services
FDSOOO151154	Oliva, Manuel	Supervisory Environmental Protection Specialist	District Department of the Environment
FDS000159706	Pappas, Gregory	Senior Deputy Director	Department of Health
FDS000159739	Pettigrew, Jr., Harold	Director	Department of Small and Local Business Development
FDS000152034	Rivera Portis, Denise	Administrative Services Office	District Department of the Environment
FDS000151214	Robinson, Brian	Supervisory IT Specialist	District Department of the Environment
FDS000151676	Roogow, Buddy	EXECUTIVE DIR	Office of the Chief Financial Officer
FDS000151213	Rostas, Zita	Grants and Contracts Management Officer	District Department of the Environment
FDS000151234	Seltzer, Jeffrey	Supervisory Environmental Protection Specialist	District Department of the Environment
FDS000150178	Nicoline, Shulterbrandt	Supervisory Environmental Protection Specialist	District Department of the Environment
FDS000150760	Sidahmed, Elwalid	Telecommunications Manager	Office of Unified Communications
FDS000159707	Snyder, Shaun	Chief Operating Officer	Department of Health
FDS000150767	Solchenberger, Ryan	Director of Student Transport Services	Office of State Superintendent of Education
FDS000150770	Stanford, James	Attorney Advisor	Office of the Attorney General
FDS000150177	Stanley, Neil	Director	Department of Youth Rehabilitation Services
FDSOOO151189	Stewart, Robbie	Project Manager	Department of General Services
FDS000151434	Streets, Sheryll	Unknown	Office of Disability Rights

<i>FDS ID</i>	<i>Incumbent</i>	<i>Title</i>	<i>Agency Name</i>
FDS000151237	Sweeney, James	Supervisory Environmental Protection Specialist	District Department of the Environment
FDS000151238	Tangirala, Rama	Supervisory Environmental Protection Specialist	District Department of the Environment
FDS000151239	Thaung, Winston	Environmental Specialist	District Department of the Environment
FDS000150788	Toliver, Dwayne	Supvy. Attorney Advisor	Office of the Attorney General
FDS000151240	Van Wye, Brian	Supervisory Environmental Protection Specialist	District Department of the Environment
FDS000159708	Woldu, Feseha	Senior Deputy Director	Department of Health
FDS000151433	Wasenko, Kali	Unknown	Office of Disability Rights
FDS000150766	Woods, Alton	Trial Attorney	Office of the Attorney General
FDS000150319	Wright, Alvin	Assistant Inspector General	Office of the Inspector General
FDS000152542	Yerrapragada, Prakasarao V	Unknown	Office of the Chief Technology Officer

FRIENDSHIP PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER SOLE SOURCE CONTRACTS****Administrative Tech Licenses/ Maintenance and Training**

Friendship Public Charter School intends to enter into a sole source contract with PowerSchool for administrative tech licenses/ maintenance and training. The estimated yearly cost is approximately \$100,000 yearly. The decision to sole source is due to the fact that these vendors are the exclusive providers of these licenses.

Friendship Public Charter School intends to enter into a sole source contract with Coupa for procurement tech licenses/ maintenance and training. The estimated yearly cost is approximately is \$60,000. The decision to sole source is due to the fact that these vendors are the exclusive providers of these licenses.

International Baccalaureate North America Inc.

Friendship Public Charter School intends to enter into a sole source contract with International Baccalaureate North America for Fees, Training, Instructional materials and related services for the International Baccalaureate program. The annual cost of these contracts will be approximately \$50,000. The decision to sole source is due to the fact that the vendor is the publisher and holds the copyrights to the materials and training.

College Board

Friendship Public Charter School intends to enter into sole source contracts with College Board for Advanced Placement (AP), SAT, PSAT, publications, software and materials. The estimated yearly cost is approximately \$50,000. The decision to sole source is due to the fact that these College Board is the sole provider of advanced placement publications and software which includes tangible and intangible related services and materials.

Resident Teacher Placement

Friendship Public Charter School intends to enter into sole source contracts with Urban Teacher Center (UTC) for teacher placement services and ongoing developmental support. The estimated yearly cost is approximately \$100,000. The decision to sole source is due to the fact that Urban Teacher Center has a proven data driven instrument specifically developed to determine the likelihood of success for teacher applicants at FPCS.

Capital Teaching Residency

Friendship Public Charter School intends to enter into sole source contracts with Capital Teaching Residency (CTR) for teacher training and ongoing developmental support. The estimated yearly cost is approximately \$50,000. The decision to sole source is due to the fact that Capital Teaching Residency is has a proven training program designed to train highly effective teachers at FPCS.

AVID

Friendship Public Charter School intends to enter into sole source contract with AVID for AVID College Readiness System and related AVID curriculum and promotional materials. The estimated yearly cost is approximately \$60,000. The decision to sole source is due to the fact that AVID is the exclusive providers of the AVID College Readiness System and related AVID curriculum and promotional materials.

Project Lead the Way

Friendship Public Charter School intends to enter into sole source contracts with Project Lead The Way (PLTW) a leading provider of rigorous and innovative Science, Technology, Engineering, and Mathematics (STEM) education curricular programs used in middle and high schools across the U.S. The estimated yearly cost is approximately \$80,000. The decision to sole source is due to the fact that vendors are the exclusive providers of the services and PLTW provider the curricula for the engineering academies.

Wilson language

Friendship Public Charter School intends to enter into sole source contracts with Wilson Language professional learning and research-based reading and spelling curricula. Its multisensory, structured curricula—the **WILSON Reading System**[®], **WILSON Foundations**[®], **WILSON Just Words**[®], and **WILSON Fluency**[®]—have proven to be highly effective remedying reading deficits. The estimated yearly cost is approximately \$40,000. The decision to sole source is due to the fact that the vendor is the publisher and holds the copyrights to this material.

Teaching Strategies

Friendship Public Charter School intends to enter into sole source contracts with The Teaching Strategies System for Pre-K; and The Creative Curriculum System for Preschool and all products and components associated with this and any professional development related to the curriculum; *Teaching Strategies GOLD* assessment system and the components, training, curriculum materials, and methodologies for licenses, curriculum materials, support and ongoing access to student information. The estimated yearly cost is approximately \$60,000. The decision to sole source is due to the fact that the vendor is the publisher and holds the copyrights to this materials and training.

Alarm System Monitoring and Service

Friendship PCS intends to enter into a sole source contract with United Security to provide alarm system monitoring, key cards, and service for previously installed alarm systems at its Chamberlain, Woodridge, Blow Pierce, Collegiate, Tech Prep, and Southeast facilities. The decision to sole source is based on United Security's role as the exclusive provider of this service. The annual fee for service is approximately \$33,460.

FRIENDSHIP PUBLIC CHARTER SCHOOL**NOTICE OF REQUEST FOR PROPOSALS**

Friendship Public Charter School is seeking bids from prospective vendors to provide the below services:

- PreK-12 professional development and coaching for instructional professionals. Professional development may be focused on content, pedagogy and students with varied needs including gifted and talented, special education and students requiring additional support;
- PreK-12 reading, writing, and mathematics intervention programs, tools (and related teacher resources and professional development if applicable);
- Professional development and support for ESL instructional staff;
- HVAC System Maintenance and Repair;
- Science curriculum supplies and Materials for PR-k – 12th grade;
- Storm water Management System: to install a bio retention pond per DDOE drawings and details;
- HVAC maintenance services;
- Pest Control Services;
- Sprinkler and Fire Alarm, monitoring, repair, and maintenance services;
- Elevator Service and Monitoring;
- Water Delivery Services;
- Security System Activation/Installation/Upgrade;
- Laptop/Chromebook Replacement Parts
- **ARMSTRONG REGGIO EMILIA REPOSITION/PARTIAL RENOVATION OF CLASSROOMS**

The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M. EST, July 10, 2015. Questions can be addressed to: ProcurementInquiry@friendshipschools.org

**DEPARTMENT OF HEALTH
HIV/AIDS, HEPATITIS, STD & TB ADMINISTRATION (HAHSTA)**

**NOTICE OF FUNDING AVAILABILITY (NOFA)
RFA #HAHSTA_FDS071015**

Food Services for Persons Living with HIV/AIDS in the District of Columbia

The Government of the District of Columbia, Department of Health (DOH), HIV/AIDS, Hepatitis, STD & TB Administration (HAHSTA) is requesting applications from qualified applicants to assist residents of the District of Columbia with HIV/AIDS by providing food and food services.

Approximately **\$300,000** in locally appropriated funds will become available for up to two awards to provide Food Bank/Home Delivered Meals beginning October 1, 2015. All awards are contingent upon the availability of FY16 locally appropriated District of Columbia funding.

All providers must be located in the District of Columbia. The following entities are eligible to apply for grant funds under this request for applications (RFA): not-for-profit health and support service providers, including universities; government-operated health facilities, which are located within and provide service in the designated service area; and for-profit health and support service providers (only if evidence is provided that the providers are the only organization able to provide the service).

Food bank and home-delivered meals include the provision of actual food or meals, as well as vouchers to purchase food, to improve the health of District residents living with HIV. Essential household supplies such as hygiene items and cleaning supplies may also be included. Home-delivered meals/groceries must be supplied to homebound individuals and their dependents who are unable to prepare meals for themselves. Meals/groceries shall be provided in the context of meal plans developed by registered dietitians in coordination with the clients' caregivers, case managers and physicians. Food Bank activities focus on the provision of fresh produce, poultry and fish.

The RFA (RFA #HAHSTA_FDS071015) will be **released on Friday, July 10, 2015**. The RFA will be posted on the Office of Partnerships and Grants Services website, <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse> under the District Grants Clearinghouse. A limited number of copies will be available for pick up at DOH/HAHSTA offices at 899 North Capitol St., NE Washington, DC 20002, 4th floor.

The **deadline for submission is Monday, August 10, 2015, at 4:45 pm**. All applications must be received in the DOH/HAHSTA suite on the fourth floor by 4:45 pm.

The Pre-Application Conference will be held at the HAHSTA offices located at 899 North Capitol Street, NE Washington, DC 20002, 4th floor, Room 447 on **Wednesday, July 15, 2015** from 10:00 - 11:30 a.m. Please contact T'Wana Holmes at 202.671.4900 for additional information.

****HAHSTA is located in a secured building. Government issued identification must be presented for entrance.**

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

HOUSING PRODUCTION TRUST FUND ADVISORY BOARD

NOTICE OF JULY REGULAR MEETING

The Housing Production Trust Fund (HPTF) Advisory Board announces its next Meeting on **Monday, July 6, 2015, from 10:00 A.M. to 12:00 P.M.**, at the D.C. Department of Housing and Community Development, Housing Resource Center, 1800 Martin Luther King Jr., Avenue, SE, Washington, DC 20020. See below the Draft Agenda for the July meeting.

For additional information, please contact Oke Anyaegbunam, HPTF Manager, via e-mail at Oke.Anyaegbunam@dc.gov or by telephone at 202-442-7200.

DRAFT AGENDA (as of 6.10.15):

1. Call to Order, David Bowers, Chair
2. Consideration and Approval of the May 6, 2015 Meeting Highlights.
3. Update on next NOFA. Discussion of how any Advisory Board recommendations are being incorporated.
4. Update on current pipeline, including update on loans closed in 2015.
5. Discussion: DHCD plans for moving the current pipeline and encumbering the \$100 million in new budget authority that will be available on October 1, 2015. Includes discussion of potential approaches to streamlining the underwriting process and enhancing the department's ability to process more loan closings annually.
6. Old Business.
 - a. DHCD: Update on the Acquisition Loan Program
7. Public Comments.
8. Announcements.
9. Adjournment.

**THE DISTRICT OF COLUMBIA
DEPARTMENT OF HUMAN SERVICES
FAMILY SERVICES ADMINISTRATION**

NOTICE OF FUNDING AVAILABILITY (NOFA)

FOR

**FISCAL YEAR (FY) 2016 FAMILY VIOLENCE PREVENTION SERVICES PROGRAM
GRANT AWARDS**

The Department of Human Services (DHS), Family Services Administration (FSA), is the lead agency in the District of Columbia (District) for providing protection, intervention, and social services to meet the needs of vulnerable adults and families to help reduce risk and promote self-sufficiency. One of the barriers that may impede progress toward self-sufficiency is domestic violence.

The Family Violence and Prevention Services Initiative (FVSP), authorized under the Family Violence and Prevention Services Act (FVSPA), as amended (Pub. L. No. 98-457; 42 U.S.C. §§10401 *et seq.* (2010)), is intended to assist States in establishing, maintaining, and expanding programs and projects to prevent family violence and provide immediate shelter as well as related assistance for victims of family violence and their dependents that meet the needs of all victims, including those in underserved communities.

The District has been awarded grant funds made available through the United States Department of Health and Human Services, Administration for Children and Families, to establish, maintain, and expand programs and projects to prevent family violence, and to provide immediate shelter and related assistance for victims of family violence and their dependents.

In accordance with Title IV-B, Subpart 2 of the Social Security Act of 1935, as amended (Pub. L. No. 109-228; 42 U.S.C. §629), the Family Preservation and Support Services Program provides funds to state agencies to develop needed services, and to help bring about better coordination among child and family services programs and support services to victims of domestic abuse.

DHS/FSA solicited detailed proposals, in accordance with applicable laws and regulations, to provide counseling and case management services, as well as information, education and outreach strategies required for the prevention of family violence.

DHS/FSA intends to award up to a total of five (5) community-based and/or a faith-based organizations with sub-grants that will provide domestic violence support services as outlined in the Program Scope in Section II of the Request for Application (RFA). The total amount available for FY 2016 is five hundred thousand dollars and zero cents (\$500,000.00) for shelter services grants awards; and one hundred sixteen thousand dollars and zero cents (\$116,000.00) for counseling and case management, and information, education and outreach grant awards.

The successful applicants will be providing services in a neighborhood-based facility located in the District of Columbia to residents who are victims or potential victims of domestic violence and their dependents. The population includes victims and potential victims of domestic violence including married or cohabitating adults, families with children, adolescents, and the elderly. The project location must be easily accessible to the targeted customers.

Applications are requested from private non-profit entities including community-based and faith-based organizations.

The RFA will be released on **Friday, July 10, 2015**. The RFA may be obtained from DHS/FSA located at 64 New York Avenue, NE, 4th Floor, Washington, DC 20002. In addition, the RFA will also be available on the D.C. Office of Partnership and Grant Services website, located at (<http://www.opgs.dc.gov>) under the link to the District Grants Clearinghouse. For additional information, please contact Dr. Sheila Jones, DHS/FSA Grant Administrator, at (202) 299-2155 or sheilay.jones@dc.gov.

The deadline for application submission is August 14, 2015 at 4:45 p.m.

Applicants are encouraged to attend the Pre-Application Conferences scheduled on **July 17, 2015** from:

- **1:00 p.m.-2:00 p.m. for the Shelter Services grant;**
- **2:00 p.m. -3:00 p.m. for the Counseling and Case Management grant;**
- **3:00 p.m.-4:00 p.m. for the Information, Education and Outreach grant.**

The Pre-Application Conferences will be held at Department of Human Services/Family Services Administration, 64 New York Avenue, NE, Conference Room, Washington, DC 20002.

Applicants interested in attending the Pre-Application Conference(s) must RSVP to Ms. Carmen Inge, DHS/FSA, at (202) 698-4309 or carmen.inge@dc.gov by **July 10, 2015**.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF FUNDING AVAILABILITY (NOFA)

Fiscal Years 2015 and 2016
Homeless Youth Drop-In Center Grant

Funding Opportunity Number: **JA-FSA-OD-003-15**

Announcement Date: **6/15/15**

RFA Release Date: **6/15/15**

Pre-application Conference Date: **6/22/15**

Application Submission Deadline: **7/20/15**

The District of Columbia, Department of Human Services (DHS) invites the submission of applications for funding through the End Youth Homelessness Amendment Act of 2014 to establish one or more intake and drop-in centers for youth in the District.

Target Population: Runaway, homeless, and at-risk youth 24 years of age and younger.

Eligible Applicants: Local private, non-profit organizations based in and serving the target communities in the District of Columbia

Length of Project Period: From date awardee(s) receive Notice of Grant Agreement through September 30, 2016.

Anticipated Total Available Funding: Up to one million dollars and zero cents (\$1,000,000.00)

Estimated Number of Awards: 1-3 awards

Deadline for submission of applications is Friday, July 20, 2015. Late or incomplete applications will not be forwarded for review.

The RFA and applications will be posted at: <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>

For further information, please contact:

Randy Hull, Policy Analyst
DC Department of Human Services
Office of Program Integration
Office of the Director
64 New York Avenue, N E, 6th Floor
Washington, DC 20002
202-698-4143

DEPARTMENT OF HUMAN SERVICES
NOTICE OF FUNDING AVAILABILITY (NOFA)
FISCAL YEARS 2015 and 2016
Homeless Youth Shelter Beds and Transitional Housing

Funding Opportunity Number: **JA-FSA-OD-002-15**

Announcement Date: **6/15/15**

RFA Release Date: **6/15/15**

Pre-application Conference Date: **6/22/15**

Application Submission Deadline: **7/20/15**

The District of Columbia, Department of Human Services (DHS) invites the submission of applications for funding through the End Youth Homelessness Amendment Act of 2014 to establish shelter beds, transitional housing, and homeless services for youth.

Target Population: Runaway, homeless, and at-risk youths.

Eligible Organizations/Entities: Local private, non-profit organizations based in and serving the target communities in the District of Columbia.

Award Period: From date awardee(s) receive Notice of Grant Agreement through September 30, 2016.

Grant Amount and Awards: \$1,140,000

Estimated Number of Awards: 2-5 awards

Estimated Award Amount: Up to \$570,000 per year

Deadline for submission of applications is Friday, July 20, 2015. Late or incomplete applications will not be forwarded for review.

The RFA and applications will be posted at: http://opgs.dc.gov/page/opgs-district-grants_clearinghouse

For further information, please contact:

Randy Hull, Policy Analyst
DC Department of Human Services
Office of Program Integration
Office of the Director
64 New York Avenue, N E, 6th Floor
Washington, DC 20002
202-698-4143

DEPARTMENT OF HUMAN SERVICES
NOTICE OF FUNDING AVAILABILITY (NOFA)

FISCAL YEARS 2015 and 2016
Youth Street Outreach Services Grant

Funding Opportunity Number: **JA-FSA-OD-001-15**

Announcement Date: **6/15/15**

RFA Release Date: **6/15/15**

Pre-application Conference Date: **6/22/15**

Application Submission Deadline: **7/20/15**

The District of Columbia, Department of Human Services (DHS) invites the submission of applications for funding through the End Youth Homelessness Amendment Act of 2014 to establish a street outreach program to youth in the District.

Target Population: Runaway, homeless, and at-risk youth 24 years of age and younger.

Eligible Organizations/Entities: Local private, non-profit organizations based in and serving the target communities in the District of Columbia.

Award Period: From date awardee(s) receive Notice of Grant Agreement through September 30, 2016.

Grant Amount: Up to two-hundred-five thousand dollars and zero cents (\$205,000.00)

Deadline for submission of applications is Friday, July 20, 2015. Late or incomplete applications will not be forwarded for review.

The RFA and applications will be posted at: <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>

For further information, please contact:

Randy Hull, Policy Analyst
DC Department of Human Services
Office of Program Integration
Office of the Director
64 New York Avenue, N E, 6th Floor
Washington, DC 20002
202-698-4143

DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

**Judicial Tenure Commission Begins Reappointment Evaluations Of
Judges Michael L. Rankin And Gerald I. Fisher**

This is to notify members of the bar and the general public that the Commission has begun inquiries into the qualifications of Judge Michael L. Rankin of the Superior Court of the District of Columbia, who is a declared candidate for reappointment as an Associate Judge upon the expiration of his term on December 16, 2015. In addition, the Commission has begun inquiries into the qualifications of Judge Gerald I. Fisher of the Superior Court of the District of Columbia who is also a declared candidate for reappointment as an Associate Judge upon the expiration of his term on January 15, 2016.

Under the provisions of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198, 87 Stat. 796 (1973), §443(c) as amended by the District of Columbia Judicial Efficiency and Improvement Act, P.L. 99-573, 100 Stat. 3233, §12(1) provides in part as follows:

"...If a declaration (of candidacy) is so filed, the Tenure Commission shall, not less than sixty days prior to the expiration of the declaring candidate's term of office, prepare and submit to the President a written statement of the declaring candidate's performance during his present term of office and his fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be well qualified for reappointment to another term, then the term of such declaring candidate shall be automatically extended for another full term, subject to mandatory retirement, suspension, or removal. If the Tenure Commission determines the declaring candidate to be qualified for reappointment to another term, then the President may nominate such candidate, in which case the President shall submit to the Senate for advice and consent the renomination of the declaring candidate as judge. If the President determines not to so nominate such declaring candidate, he shall nominate another candidate for such position only in accordance with the provisions of subsections (a) and (b). If the Tenure Commission determines the declaring candidate to be unqualified for reappointment to another term, then the President shall not submit to the Senate for advice and consent the nomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a District of Columbia court."

The Commission hereby requests members of the bar, litigants, interested organizations, and members of the public to submit any information bearing on the qualifications of Judges Rankin and Fisher which it is believed will aid the Commission. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting materials shall be kept confidential unless expressly authorized by the person submitting the information.

All communications should be received by the Commission no later than **September 4, 2015**, and addressed to:

District of Columbia Commission on Judicial Disabilities and Tenure
Building A, Room 246
515 Fifth Street, N.W.
Washington, D.C. 20001
Telephone: (202) 727-1363
Fax: (202) 727-9718

The members of the Commission are:

Hon. Gladys Kessler, Chairperson
Jeannine C. Sanford, Esq., Vice Chairperson
Michael K. Fauntroy, Ph.D.
Hon. Joan L. Goldfrank
William P. Lightfoot, Esq.
David P. Milzman, M.D.
Anthony T. Pierce, Esq.

BY: /s/ Gladys Kessler
Chairperson

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeals: 2015-23**

March 18, 2015

VIA ELECTRONIC MAIL

Ms. Barbara Schauer

RE: FOIA Appeal 2015-23

Dear Ms. Schauer:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). In your appeal, you assert that Matt Raymond, former chairman of ANC 2F, improperly withheld records you requested under the DC FOIA.

Background

On July 15, 2014, you submitted a request under the DC FOIA to Matt Raymond, who was the chairman of ANC 2F at the time. In your request, you asked for “copies of all emails from Greg, [Matt Raymond], and anyone else connected with the ANC including the APC regarding the application for a license for The American, as allowed under the FOIA. I also want to see all correspondence related to the alley closing as well since they are connected to this project.” Between July and October 2014, Mr. Raymond indicated in email messages to you that he would reply to your request; however to date he has not done so.

On January 7, 2015, you submitted an appeal to the Mayor regarding Mr. Raymond’s failure to respond to your request. On March 10, 2015, this office sent Mr. Raymond an email notifying him of your appeal and asking him to provide a formal response to the appeal within five (5) business days. This office sent Mr. Raymond a subsequent email on March 17, 2015, informing him that his time to respond had expired and inquiring whether he planned to respond or needed an extension. To date, Mr. Raymond has failed to respond to this office’s communications.

Discussion

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right to inspect and copy any public record of a public body, and provides that a public body shall make “reasonable efforts to search for the records.” D.C. Official Code § 2-532(a), (a-2).

Ms. Barbara Schauer
Freedom of Information Act Appeal 2015-23
June 26, 2015
Page 2

Because Mr. Raymond has not provided a formal response to our office, we are unable to determine whether he has made reasonable efforts to search for and produce the records you requested.

Conclusion

Therefore, we remand this matter to Mr. Raymond and order him to make a good faith effort to conduct a search based upon the parameters set forth in your July 15, 2014, request and provide you with responsive records within five (5) business days of the date of this decision.

This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

/s Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

cc: Matt Raymond (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR OFFICE OF LEGAL GENERAL COUNSEL
Freedom of Information Act Appeals: 2015-24**

June 18, 2015

VIA ELECTRONIC MAIL

Mr. Robert Green, Esq.

RE: FOIA Appeal 2015-24

Dear Mr. Green:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). In your appeal, you (“Appellant”) assert that the Office of the Attorney General (“OAG”) improperly withheld records Appellant requested under the DC FOIA.

Background

On October 29, 2014, Appellant sent a FOIA request to Office of the Attorney General Child Support Services Division (“CSSD”) requesting records related to the driver’s license suspension process established by D.C. Official Code § 46-225.01. The CSSD conducted a search that revealed responsive documents to some of the requests, but the CSSD and OAG determined the records exempt from disclosure on the basis of attorney client privilege. The OAG denied the FOIA request in a letter dated November 20, 2014.

Appellant submitted an appeal November 26, 2014, challenging the withholdings. On December 18, 2014, OAG reconsidered and revised its position identifying two documents that were previously withheld: 1) Enforcement Case Flow Cookbook Procedures (“Cookbook”) and 2) DMV License and Vehicle Registration Revocation (“DMV Document”). The OAG withheld the Cookbook in its entirety and produced a redacted, partial copy of the DMV Document. The OAG claimed that the redacted and withheld material for both documents consisted of ministerial processing instructions and computer input instructions. The OAG based its redaction and withholding on a case pertaining to a federal FOIA exception that allowed for withholding of internal codes for electronic systems because there was “no significant public interest in the disclosure of identifying codes and similar information.” *Maydak v. U.S. Dept. of Justice*, 254 F. Supp. 2d 23, 26 (D.D.C. 2003). The finding in *Maydak* was based on a federal FOIA exemption, 5 U.S.C. § 552(b)(2) (“federal Exemption 2”). *Id.*

Based on the revised position of the OAG, on December 19, 2014, the Office of General Counsel to the Mayor (“OGC”), believing Appellant would acquiesce to the records provided, issued a determination dismissing the appeal as moot. FOIA Appeal 2015-11. The determination was expressly subject to a request for reconsideration by Appellant for two reasons. First, the use of

Mr. Robert Green
Freedom of Information Act Appeal 2015-24
Page 2

federal Exemption 2 in *Maydak* to shield disclosure under DC FOIA was considered a matter of first impression. Second, Appellant did not have the opportunity to address the OAG's disclosures or revised position.

Appellant submitted a request for reconsideration, on January 15, 2015, challenging the redaction and withholding.¹ Appellant presented arguments that the finding in *Maydak* should not extend to Appellant's DC FOIA request. Appellant stated that not all administrative handling instructions are *per se* internal matters of no genuine public interest citing *Founding Church of Scientology, Inc. v. Smith*, 721 F.2d 828, 830 n.4 (D.C. Cir. 1983). Appellant claimed that the withheld instructions are of public interest and impact members of the public, because the processing instructions involve agencies' interactions with the public and impact the determination of administrative driver's license revocation. Further, Appellant argued that members of the public facing license suspension have a due process interest and an interest in assessing the integrity of the system used to carry out the suspension. Appellant claimed that an understanding of how improper revocations and fines are processed is particularly important. Appellant argued that disclosure of the records entails minimal administrative burden, and the responsive records should be fully disclosed given presumption favoring disclosure for FOIA requests citing *Dep't of the Air Force v. Rose*, 425 U.S. 352, 360-62 (U.S. 1976).

The OAG responded to Appellant's new appeal by affirming its original decision and resubmitting the unredacted materials in dispute for review.

Discussion

It is the public policy of the District of Columbia that "all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees." D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right "to inspect ... and ... copy any public record of a public body ..." *Id.* at § 2-532(a). The right created under the DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request.

The DC FOIA was modeled on the corresponding federal Freedom of Information Act, *Barry v. Washington Post Co.*, 529 A.2d 319, 312 (D.C. 1987), and decisions construing the federal stature are instructive and may be examined to construe local law. *Washington Post Co. v. Minority Bus. Opportunity Comm'n*, 560 A.2d 517, 521, n.5 (D.C. 1989). The Supreme Court has stated affirmatively that the only shelter from federal FOIA's disclosure requirements is the proper assertion of one of the specific and particular legislatively enacted exemptions. *See NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 220-21 (1978). In FOIA cases, conclusory and generalized allegations of exemptions are acceptable methods of preventing disclosure. *In Def. of Animals v. NIH*, 527 F. Supp. 2d 23, 32 (D.D.C. 2007).

¹ For the purposes of this determination, the Appellant's challenge will be treated as a new appeal, because the OAG's revised position and partially disclosed records were not available at the time of the original appeal.

Mr. Robert Green
Freedom of Information Act Appeal 2015-24
Page 3

The OAG does not state a specific exemption, but argues that the responsive documents are shielded from disclosure because of a lack of public interest in the information. D.C. Official Code § 2-536(a)(2), which states that administrative staff manuals and instructions to staff must be made public, contains the limitation that the information “affect a member of the public.” *Maydak* states that internal codes for electronic systems have “no significant public interest.” *Maydak* at 26, (citing *Lesar v. Dep’t of Justice*, 204 U.S. App. D.C. 200, 636 F.2d 472, 485-86 (D.C. Cir. 1980); *Blanton v. United States DOJ*, 63 F. Supp. 2d 35, 43 (D.D.C. 1999); *Albuquerque Publishing Company v. Dep’t of Justice*, 726 F. Supp. 851, 854 (D.D.C. 1989)). The OAG contends that the redaction and withholding was proper because material in dispute has no public interest according to *Maydak*; it does not affect a member of the public under D.C. Official Code § 2-536(a)(2); consequently, disclosure is not required.

This argument does not shield the records from disclosure, because D.C. Official Code § 2-536 pertains to information which *must* be made public *without a written request*. Here, Appellant made a written request for the information. Additionally, the finding at issue in *Maydak* is based on federal Exemption 2. Under DC FOIA, there is no directly analogous exemption.² Further, the finding in *Maydak* was based on analysis prior to the Supreme Court case that significantly narrowed federal Exemption 2. *See Milner v. Dep’t of the Navy*, 131 S. Ct. 1259, 1271 (2011). In *Milner*, federal Exemption 2 was limited to internal records relating solely to issues of employee relations and human resources. *Id.* After *Milner*, courts have found that federal Exemption 2 no longer shields internal computer codes from disclosure. *Skinner v. DOJ*, 806 F. Supp. 2d 105, 112 (D.D.C. 2011) (finding that internal computer codes do not relate to human resources or employee relations matters and that circumvention of risk potentially caused by release of such information is not relevant to post-*Milner* analysis of federal Exemption 2); *see also, Raher v. BOP*, 2011 U.S. Dist. LEXIS 56211, at *6 (D. Or. May 24, 2011).

Under DC FOIA, lack of public interest, by itself, is not an exemption from disclosure. *See* D.C. Official Code § 2-534 *et seq.* The magnitude of public interest is typically only analyzed when necessary to balance against a competing interest for exemption, such as personal privacy. *See FOIA Update*, Vol. X, No. 2, at 7 (“FOIA Counselor: Exemption 6 and Exemption 7(C): Step-by-Step Decisionmaking”). Courts have found that there is a public interest in monitoring how an agency implements its statutory responsibilities. *See Cooper Cameron Corp. v. United States Dept. of Labor*, 280 F.3d 539 (5th Cir. 2002); *see also, Schoenman v. FBI*, 763 F. Supp. 2d 173, 200 (D.D.C. 2011). The driver’s license suspension process was established by D.C. Official Code § 46-225.01 and is implemented in coordination with multiple agencies. As argued by Appellant, an understanding of how agencies correct for improper revocations and the associated fines is particularly important for individuals affected by those determinations.

² Federal Exemption 2 prevents disclosure of records that are “related solely to the internal personnel rules and practices of an agency.” The closest exemption is in D.C. Official Code § 2-534(a)(4) (Exemption 4) which prevents “Inter-agency or intra-agency memorandums or letters, including memorandums or letters generated or received by the staff or members of the Council, which would not be available by law to a party other than a public body in litigation with the public body.” Exemption 4 is often labeled the deliberative process or litigation privilege.

Mr. Robert Green
Freedom of Information Act Appeal 2015-24
Page 4

As stated by Appellant, another factor that may weight against disclosure is the administrative burden “of assembling and maintaining for public inspection matter in which the public could not reasonably be expected to have an interest.” *Rose*, 425 U.S. at 370. Under DC FOIA, it is the public policy of the District government that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. Here, the administrative burden of disclosing the full responsive records is minimal, as the responsive documents have already been assembled. The copy of the records presented for review consists of eight double-sided pages. As the OAG did not raise an applicable exemption under DC FOIA and the administrative burden of disclosure is minimal, the responsive pages of the Cookbook and the full DMV Document should be disclosed without redaction.

Conclusion

Based on the foregoing, the decision of the OAG is reversed and remanded for disposition in accordance with this decision. The OAG shall provide Appellant an unredacted copy of the responsive pages of the Enforcement Case Flow Cookbook Procedures and the full DMV License and Vehicle Registration Revocation.

This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

/s/ Gregory M. Evans

Gregory M. Evans
Mayor’s Office of Legal Counsel

cc: Emma Clark (via email)
Robert White

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeals: 2015-26

March 4, 2015

VIA ELECTRONIC MAIL

Mr. Jerome Bettis

RE: FOIA Appeal 2015-26

Dear Mr. Bettis:

This letter responds to your email correspondence to Mayor Bowser on February 22, 2015, regarding a request you submitted to the Metropolitan Police Department ("MPD") on November 26, 2014, under the District of Columbia Freedom of Information Act ("FOIA"). As I indicated in an email message to you on February 25, 2015, this office construed your correspondence to the Mayor as an administrative appeal of the MPD's response to your FOIA request.

Today I received an email message from you indicating that your February 22, 2015 correspondence to Mayor Bowser was not a FOIA appeal. As a result, we consider the appeal to be moot and it is dismissed.

Sincerely,

/s Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

cc: Mr. Ronald Harris, MPD (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeals: 2015-27**

February 27, 2015

VIA ELECTRONIC MAIL

Mr. Stephen Reilly

RE: FOIA Appeal of February 18, 2015

Dear Mr. Reilly:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537(a) ("DC FOIA"), dated February 18, 2015 (the "Appeal"). You ("Appellant") assert that the Office of the State Superintendent of Education ("OSSE") improperly withheld records in response to a request for information under DC FOIA dated January 26, 2015, (the "FOIA Request") by failing to respond to the FOIA Request.

Appellant's FOIA Request sought records related to disciplinary actions OSSE imposed against educator licenses. When OSSE failed to respond to the FOIA Request, Appellant initiated the Appeal.

In a response to the Appeal dated February 26, 2015, OSSE informed this office that it responded to the Appellant's request by email on February 24, 2015. Based on the foregoing, we consider the Appeal to be moot and it is dismissed; provided, that the dismissal shall be without prejudice to Appellant to assert any challenge, by separate appeal, to OSSE's response.

Sincerely,

/s Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

cc: Steven Carter, OSSE (via email)

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeals: 2015-28

February 27, 2015

VIA ELECTRONIC MAIL

Mr. Ari Ashe

RE: FOIA Appeal related to FEMSD records

Dear Mr. Ashe:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537(a) (“DC FOIA”). You (“Appellant”) assert that the Fire and Emergency Medical Services Department (“FEMSD”) improperly withheld records in response to a request for information under DC FOIA dated January 15, 2015, (the “FOIA Request”) by failing to respond to the FOIA Request.

Appellant’s FOIA Request sought communications on January 12, 2014, related to the emergency incident at L’Enfant Plaza and records of past calls inside the L’Enfant Plaza metro station from November 1, 2014, to January 11, 2014. When the FEMSD failed to respond to the FOIA Request, Appellant initiated the Appeal.

On February 26, 2015, the FEMSD advised this office that it responded to the Appellant’s request on January 15, 2015. Based on the foregoing, we consider the Appeal to be moot and it is dismissed; provided, that the dismissal shall be without prejudice to Appellant to assert any challenge, by separate appeal, to the FEMSD’s response.

Sincerely,

/s Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor’s Office of Legal Counsel

cc: Angela Washington, FEMSD (via email)

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeals: 2015-29

February 27, 2015

VIA ELECTRONIC MAIL

Mr. Martin Austermuhle

Dear Mr. Austermuhle:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537(a) (“DC FOIA”). You (“Appellant”) assert that the Metropolitan Police Department (“MPD”) improperly withheld records in response to a request for information under DC FOIA dated October 8, 2014, (the “FOIA Request”) by failing to respond to the FOIA Request.

Appellant’s FOIA Request sought records related to the findings and recommendations issued by the Use of Force Review Board for FY 2012 and 2013. When the MPD failed to respond to the FOIA Request, Appellant initiated the Appeal.

In a response to the Appeal dated February 26, 2015, the MPD stated that it provided responsive records to the Appellant by email on December 17, 2014. Based on the foregoing, we consider the Appeal to be moot and it is dismissed; provided, that the dismissal shall be without prejudice to Appellant to assert any challenge, by separate appeal, to the MPD’s response.

Sincerely,

/s Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor’s Office of Legal Counsel

cc: Teresa Quon Hyden, MPD (via email)

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeals: 2015-30

February 26, 2015

VIA ELECTRONIC MAIL

Mr. William Kahl

Dear Mr. Kahl:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537(a) ("FOIA"), dated February 5, 2015 (the "Appeal"). You assert in the Appeal that you requested documents from the District Department of the Environment ("DDOE") pertaining to underground storage tanks located at 3820 Minnesota Avenue, N.E., and DDOE failed to respond to your request.

A DDOE FOIA officer advised me that earlier today she provided you with the documents you requested. You confirmed to me in email correspondence that you received the documents and no longer wish to pursue your appeal.

Based on the foregoing, we will now consider the Appeal to be moot and dismissed.

Sincerely,

/s/ Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeals: 2015-31

March 11, 2015

Mr. Byron Smith

RE: FOIA Appeal 2015-31

Dear Mr. Smith:

This letter responds to your administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537(a) (“DC FOIA”). In your appeal, you assert that the Metropolitan Police Department (“MPD”) improperly withheld records you requested under the DC FOIA.

Background

On October 29, 2014, you submitted a request under the DC FOIA to the MPD seeking surveillance and arrest reports, notes, tape recorded statements, witness statements, video tapes, photographs, and letters from 1984-1990 related to criminal case number F-6051-89. The MPD responded to your request on January 28, 2015, stating that your request could not be granted because “A search for records responsive to your request was conducted by the Criminal Investigative Unit for the [MPD] and yielded negative results.” The MPD further explained that it retains the types of records you are seeking for 15 years, and the MPD was unable to fulfill your request because your records fall outside of that timeframe. You sent a letter to the Mayor dated February 3, 2015, appealing the MPD’s response to your request.

The MPD responded to your appeal in a letter to this office dated March 11, 2015. The MPD affirmed its position that it conducted a search for the records you requested and determined that no documents could be located and the retention period for these documents has expired.

Discussion

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right “to inspect ... and ... copy any public record of a public body ...” *Id.* at § 2-532(a). The right created under the DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request.

Under the DC FOIA, an agency is required to disclose materials if they were “retained by a public body.” D.C. Official Code § 2-502(18). Here, MPD does not possess records that are responsive to your request. You are seeking records from investigations that were conducted

Mr. Byron Smith
Freedom of Information Act Appeal 2015-31
Page 2

from 1984-1990, and the MPD retains these records for 15 years. Since your records fall outside of the 15-year timeframe, the MPD is unable to produce what you are seeking.

Conclusion

Based on the foregoing, we uphold the MPD's decision and hereby dismiss your appeal. This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

/s Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

cc: Ronald B. Harris, Deputy General Counsel, MPD (via email)

RICHARD WRIGHT PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS (RFP)**

Richard Wright Public Charter School seeks bids for SY15-16 in these following areas:

- Construction - Office Build Out and Painting Services
- Office/Classroom Furnishings
- Textbooks
- IT Services and Consultation
- Accounting Services
- Human Resources Back Office Support
- Special Education Support Services
- Student Meal Services
- Cleaning Services
- Gala Location to seat 500 plus people
- Transportations Services for Field Trips and Athletics

For a copy of the full RFP, please email aroberts@richardwrightpcs.org.

Bids must be received by 12:00 PM, Friday, July 3rd, 2015 via email to Alisha Roberts at aroberts@richardwrghpcs.org or mailed to the following address:

Richard Wright PCS
ATTN: Alisha Roberts
770 M Street SE
Washington, DC 20003

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMEND FOR APPOINTMENTS OF NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after August 1, 2015.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on June 26, 2015. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

**D.C. Office of the Secretary
Recommended for appointments as a DC Notaries Public**

Effective: August 1, 2015

Page 2

Adu	Georgina A.	Superior Home Services, Inc. 2164 Wisconsin Avenue, NW	20007
Ahmad	Maryam Sarah	Community of Hope 4 Atlantic Street, SW	20032
Anaya	Laura E.	Castalia LLC 1747 Pennsylvania Avenue, NW, Suite 1200	20006
Andriano	Michelle	Airports Council International - North America 1615 L Street, NW	20036
Arrington	A. Michelle	Bryant Miller Olive 100 13th Street, NW, Suite 810	20001
Bailey	Brenda N.	Fish & Richardson PC 1425 K Street, NW	20005
Baker	Angela O.	Cumulus Media 4400 Jennifer Street, NW, Suite 400	20015
Barry	Jean Marie	The Heritage Foundation 214 Massachusetts Avenue, NE	20002
Belehu	Shoatsehaye	Worldvision 300 I Street, NE	20002
Bigatel	Sarah Rollinger	Paul, Weiss, Rifkind, Wharton & Garrison LLP 2001 K Street, NW	20006
Bing	Mildred	Self (Dual) 1709 Holbrook Street, NE	20019
Breedlove	Alesha	American International Health Alliance 1225 Eye Street, NW, Suite 205	20005
Brogdon	Marsha	Congressional Federal Credit Union 50 Independence Avenue, SE	20515
Brown	Leigh Ann	American Petroleum Institute 1220 L Street, NW	20005

**D.C. Office of the Secretary
Recommended for appointments as a DC Notaries Public**

Effective: August 1, 2015

Page 3

Bryant	Mary Ann	U.S. Department of Energy 1000 Independence Avenue, SW	20585
Butler	Jenet	League of Conservation Voters 1920 L Street, NW, #800	20036
Chabot	Salima Christine	Department of Housing and Urban Development 451 7th Street, NW	20410
Chenet	Brijette Christine	Dumbarton Oaks Research Library and Collection 1703 32nd Street, NW	20007
Cooke	Brec	Price Benowitz, LLP 409 7th Street, NW, Suite 200	20004
Dennis	Lynn M.	Worldvision US 300 I Street, NE	20002
Dozier	Joyce R.	Alan Lescht & Associates, P.C. 1050 17th Street, NW, Suite 400	20036
Ealley	Karen Rene	Fraternal Order of Police/Metropolitan Police Department Labor Committee/DC Police Union 1524 Pennsylvania Avenue, SE	20003
Edlavitch	David A.	Brennan Title, LLC 5100 Wisconsin Avenue, NW, Suite 515	20016
Elias	Danielle	Elder and Disability Law Center 1020 19th Street, NW, Suite 510	20036
Forbes	Vera Chapman	Sherman, Dunn, Cohen, Leifer & Yellig, PC 900 Seventh Street, NW, Suite 1000	20001
Ford	Katherine	Perkins Eastman Architects DPC 2121 Ward Court, NW	20037
Ford	Marlo S.	Self 1441 3rd Street, SW	20024
Foshee, Esquire	Stanley K.	SKFoshee Notary Services 3298 Fort Lincoln Drive, NE, Apt. #215	20018

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Gilbert	LaTanya S.	Legal Placements, Inc 1413 K Street, NW, Second Floor	20005
Goho	Pierre-Antoine	Transit Employees Federal Credit Union 2000 Bladensburg Road, NE	20018
Gordon Sr.	Maurice	Self 616 20th Street, NE	20002
Grabowski	Alexander	One Source Process Inc. 1801 18th Street, NW, 2nd Floor	20009
Grant	Michael W.	SOME (So Others Might Eat) 71 O Street, NW	20001
Gray	Dorothy J.	Self 2333 Q Street, SE	20020
Greene	Joshua Shane	Eastern Title Company 1711 30th Street, SE	20020
Griffin	Mark G.	Griffin, Murphy, Moldenhauer & Wiggins, LLP 1912 Sunderland Place, NW	20036
Haar-Champagne	Mary	US Chamber of Commerce 1615 H Street, NW	20062
Hall	Gabrielle B.	US Holocaust Memorial Museum 100 Raoul Wallenberg Place, SW	20024
Hall	Yvette Lafre	Federal Mediation and Conciliation Service 2100 K Street, NW	20427
Hawkins	Carweyla M.	DC Housing Authority 1133 North Capitol Street, NE	20002
Heckel	Olivia M.	Digital Evidence Group 1726 M Street, NW	20036
Hooper	Joseph L.	Office of the Attorney General Child Support Services Division 441 4th Street, NW, Room 550	20001
Ianni	Daniel J.	George Sexton Associates 2121 Wisconsin Avenue, NW	20007

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Isaac	Caroline	Bank of America, N.A. 2001 Pennsylvania Avenue, NW	20006
James	Tanisha N.	U.S. Securities and Exchange Commission 100 F Street, NE	20549
Johnson	Denise Marie	Self 2244 Shannon Place, SE	20020
Jones	Jamal	Self 56 Tuckerman Street, NW	20011
Joof	Oumie	America Votes 1155 Connecticut Avenue, NW, Suite 600	20036
Jordan	Sheila D.	Office of the Attorney General 441 4th Street, NW, Suite 1100S	20001
Kellman	Morgan S.	Castalia LLC 1747 Pennsylvania Avenue, NW, Suite 1200	20006
Klose	Gordon Cooper	Al-Monitor 1850 K Street, NW, Suite 1225	20006
Koonce	Ameera	PNC Bank 1100 25th Street, NW	20037
LaVelle	Sara	Clements Worldwide 1 Thomas Circle, NW, 8th Floor	20005
Lawson	Christopher	Elizabeth Glaser Pediatric AIDS Foundation 1140 Connecticut Avenue, NW	20036
Leech-Black	Elsbeth	Medstar National Rehabilitation Network 102 Irving Street, NW	20010
Lopez	Samuel J.	Accordia Global Health Foundation 1875 Connecticut Avenue, NW, 10th Floor	20009

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Lopez	Wanda	Kasowitz, Benson, Torres & Friedman, LLP 2200 Pennsylvania Avenue, NW, Suite 680W	20037
Louis	Vondell V.	Transit Employees Federal Credit Union 2000 Bladensburg Road, NE	20018
Lundquist-Wentz	Chelsea	Webster, Chamberlain & Bean 1747 Pennsylvania Avenue, NW, Suite 1000	20009
Murray	Areather T.	Grace Murray Funeral Home, Inc 5635 Eads Street, NE	20019
Murrien	Nigel	Self (Dual) 400 M Street, SE, #408	20005
Nair	Suja	Planet Depos, LLC 1100 Connecticut Avenue, NW, Suite 950	20036
Nyondo	Dormina G.	TD Bank 127 First Street, NE	20002
Patrick	Monique S.	Environmental Protection Agency 1200 Pennsylvania Avenue, NW	20460
Patterson	Wanda S.	Self 1924 Shepherd Street, NE	20018
Pera	Gordon Lucian	The Brookings Institution 1775 Massachusetts Avenue, NW	20036
Pirchner	Melanie Elise	Accordia Global Health Foundation 1875 Connecticut Avenue, NW, 10th Floor	20009
Plotkin	Steven M.	Wells Fargo Bank, NA 5100 Wisconsin Avenue, NW	20016
Poitevien	Jean	BBL PROCESSORS LLC 4005 Wisconsin Avenue, NW, Room 9585	20016

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Ramos	Maria Rosa	Kohn, Kohn & Colapinto LLP 4625 49th Street, NW	20016
Randall	Perry B.	Bank of America 1801 K Street, NW	20740
Rieckhof	Alexandra	IDB-LLC Federal Credit Union 1300 New York Avenue, NW	20577
Schellhardt	Nicole	Cumulus Media 4400 Jennifer Street, NW, Suite 400	20015
Schlechter	Hannah	Humphries & Partners, PLCC 1029 Vermont Avenue, NW	20005
Shank	Kathleen S.	Logan Title 631 Pennsylvania Avenue, SE	20003
Simpson	Jason H.	PNC Investments 1405 P Street, NW	20005
Smith	Jessica Laura	DC127 1616 7th Street, NW	20001
Strimbu	Sybil Anne	Google Inc. 25 Massachusetts Avenue, NW, 9th Floor	20001
Sutherland	Michael Bradlee K.	Carr Workplaces 1717 K Street, NW	20006
Talarico	Jena K.	Crowell & Moring LLP 1001 Pennsylvania Avenue, NW	20004
Urban	Mary Anne	The Army Distaff Foundation, Inc 6200 Oregon Avenue, NW	20015
V'Estres	Camille	District of Columbia (UDC-David A. Clarke School of Law) 4200 Connecticut Avenue, NW, Building 52	20015
Vettovaglia	Afshin	EHT Traceries, Inc. 1121 5th Street, NW	20001

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Wallwork	Diana	Wells Fargo Bank, N.A. 1300 Connecticut Avenue, NW	20036
Woods	Monica V.	Cozen O'Connor 1627 I Street, NW	20006

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DC TAXICAB COMMISSION**

NOTICE OF GENERAL COMMISSION MEETING

The District of Columbia Taxicab Commission will hold its regularly scheduled General Commission Meeting on Wednesday, July 8, 2015 at 10:00 am. The meeting will be held at our new office location: 2235 Shannon Place, SE, Washington, DC 20020, inside the Hearing Room, Suite 2023. Visitors to the building must show identification and pass through the metal detector. Allow ample time to find street parking or to use the pay-to-park lot adjacent to the building.

The final agenda will be posted no later than seven (7) days before the General Commission Meeting on the DCTC website at www.dctaxi.dc.gov.

Members of the public are invited to participate in the Public Comment Period. You may present a statement to the Commission on any issue of concern; the Commission generally does not answer questions. Statements are limited to five (5) minutes for registered speakers and two (2) minutes for non-registered speakers. To register, please call 202-645-6002 no later than 3:30 pm on July 7, 2015. Registered speakers will be called first, in the order of registration. A fifteen (15) minute period will then be provided for **all** non-registered speakers. **Registered speakers must provide ten (10) printed copies of their typewritten statements to the Secretary to the Commission no later than the time they are called to the podium.**

DRAFT AGENDA

- I. Call to Order
- II. Commission Communication
- III. Commission Action Items
- IV. Government Communications and Presentations
- V. General Counsel's Report
- VI. Staff Reports
- VII. Public Comment Period
- VIII. Adjournment

WASHINGTON GLOBAL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Food Service Management Services**

Washington Global is advertising the opportunity to bid on the delivery of breakfast, lunch, snack and/or CACFP supper meals to children enrolled at the school for the 2014-2015 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Request for Proposals (RFP) such as; student data, days of service, meal quality, etc. may be obtained beginning on Friday, June 26, 2015 by emailing hr@washingtonglobal.org.

Proposals will be accepted at
1638 R Street, NW, Suite 300, Washington, DC 20009

Proposals are due **Thursday, July 23, 2015** no later than **3 p.m.**

Contact (questions):

Email: hr@washingtonglobal.org

Subject: Attention - Food Supplies Bid

All bids not addressing all areas as outlined in the RFP will not be considered.

BA6/17/2015

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Appeal No. 18851 of James Hill, et al., pursuant to 11 DCMR §§ 3100 and 3101, from a July 3, 2014, decision by the Department of Consumer and Regulatory Affairs to allow the construction of a deck pursuant to Building Permit No. B1409246, in the DC/R-4 District at premises 1636 T Street, N.W. (Square 191, Lot 98).

HEARING DATE: November 5, 2014
DECISION DATE: November 5, 2014

DISMISSAL ORDER

PRELIMINARY MATTERS

On August 14, 2014, James Hill, Amir Afkhami, and Robert Uth (the “Appellants”) filed this appeal with the Board of Zoning Adjustment (the “Board”). The Appellants appeal the granting of Building Permit No. B1409246 (“Permit”) by the Department of Consumer and Regulatory Affairs (“DCRA”). The permit authorized the construction of a deck at premises 1636 T Street, N.W. (Square 191, Lot 98) (the “Subject Property”). The appeal notes that the permit was issued in reliance on the Board’s order granting variance relief in Application No. 18725. The Appellants were granted consolidated party status in opposition in that case and, after Application No. 18725 was granted, filed a motion for reconsideration and rehearing. The Board denied the motion at its public meeting on June 24, 2014. DCRA filed a motion to dismiss, arguing that the appeal is “essentially a successive motion for reconsideration.” The Property Owner also filed a motion to dismiss, concurring with DCRA’s motion and adding that the appeal is untimely and fails to cite a violation of the Zoning Regulations.

On November 5, 2014, after deliberating upon the motions to dismiss, the Board voted 3-0-2 to dismiss the appeal.

Notice of Appeal and Notice of Hearing. By memoranda dated August 18, 2014, the Office of Zoning (“OZ”) provided notice of the appeal to DCRA, and specifically to the Zoning Administrator at DCRA, the D.C. Office of Planning, Advisory Neighborhood Commission (“ANC”) 2B, the ANC within which the Subject Property is located, Single Member District 2B09, the Councilmember for Ward 2, and the owner of the Subject Property. On August 21, 2014, the Office of Zoning mailed a Notice of Public Hearing to the Appellants, DCRA, ANC 2B, and the owner of the Subject Property.

Party Status. Consistent with 11 DCMR § 3199.1, the parties in this proceeding were the Appellants, DCRA, ANC 2B, and the owner of the Subject Property.

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ANC Report. By letter dated October 20, 2014, ANC 2B indicated that it had considered the appeal at a duly noticed public meeting with a quorum present and approved a resolution by a vote of 5-0. In the resolution, the ANC notes that the Appellants challenge the legal sufficiency of the notice provided by ANC 2B in advance of its February 17, 2014 meeting, during which the ANC voted to support variance relief for Application No. 18725. ANC 2B maintained that its meeting on February 17, 2014 was properly noticed and requested that the Board continue to give great weight to its recommendation for that application. (Exhibit 13). ANC 2B also submitted for the record its resolution dated February 20, 2014, in which it expressed support for the variance relief requested in Application No. 18725. (Exhibit 15). Finally, ANC 2B submitted the testimony of its two representatives who appeared at the Board's public hearing for Application No. 18725 on March 11, 2014. The representatives testified in order to reiterate the ANC's support and to explain how appropriate notice was given for its February 17, 2014 meeting. (Exhibits 14 and 16.)

FINDINGS OF FACT

1. The property is located at 1536 T Street, N.W. (Square 191, Lot 98) (the "Subject Property"). The Subject Property is currently improved with a three-story structure that is currently used as a flat.
2. The Subject Property is located in the R-4 Zone District and is also included in the Dupont Circle Overlay District.
3. The owner of the Subject Property, Rafael Romeu (the "Property Owner"), filed Application No. 18725 to the Board, seeking area variances from the lot occupancy requirements of § 403.2, the rear yard requirements of § 404.1, and the nonconforming structure requirements of § 2001.3 in order to construct a rear deck addition.
4. At the Board's public hearing for Application No. 18725 on March 11, 2014, the Board granted party status in opposition to James Hill, Amir Afkhami, and Robert Uth as a consolidated party in opposition.
5. The Board voted 4-0-1 to grant the variance relief requested in Application No. 18725. The Board's final order for that case was issued on May 7, 2014.
6. The consolidated party in opposition filed a motion for reconsideration and rehearing, which the Board denied at its public meeting on June 24, 2014. The Board's order denying reconsideration had not been issued as of the date of the Board's vote in this case.¹
7. The Property Owner applied for a building permit to construct the rear deck addition. In

¹ The Order was issued and became final on January 15, 2015. (See BZA Case No. 18725, Exhibit No.1.) The Appellants filed a petition to review Case Nos. 18725 and 18725A with the District of Columbia Court of Appeals on February 6, 2015. (See BZA Case No. 18725, Exhibit No. 2.)

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reliance on the Board's order granting variance relief in Application No. 18725, DCRA issued Building Permit No. B1409246 on July 3, 2014 authorizing the proposed construction.

8. In their initial filing, the Appellants challenge the DCRA's issuance of Building Permit No. B1409246 and indicate that the grounds for the appeal "include all grounds for opposing the grant of the variance applications on No. 18725 in the first place." (Exhibit 2.)
9. In addition, the Appellants express general grievances regarding the proposed project, alleging that "[t]he proposed construction and area variances upon which it is based are not in harmony with the Zoning Act and Regulations," and that "[t]he permit under which the deck is to be constructed is not consistent with the provisions of the relevant Overlay, namely §§1501.1 and 1501.4 of the Zoning Regulations, the Dupont Circle Overlay provisions." The Appellants also indicate that the permit does not comply with the provisions of §§ 2300 and 2116. (Exhibit 2.)
10. Finally, the Appellants claim that the building permit "is contrary to the D.C. Building Code provisions governing exterior stairs."
11. In their Pre-Hearing Statement, the Appellants acknowledge that "if the decision in No. 18725 is vacated or reversed on appeal, that Permit B1409246 must likewise be vacated" and noted that they "have no additional material to present to the Board in this proceeding." (Exhibit 17.)
12. The Appellants indicated that the purpose of the instant appeal is "to negative any possible inference that Opponents have abandoned their opposition to the proposed deck construction as authorized." (Exhibit 2.)

CONCLUSIONS OF LAW

The Board is authorized by § 8 of the Zoning Act of 1938, D.C. Official Code § 6-641.07(g)(2) (2012 Repl.), to hear and decide appeals where it is alleged by the appellant that there is error in any decision made by any administrative officer in the administration of the Zoning Regulations. Therefore, the Board has no authority to hear an appeal that is not based upon an interpretation of a zoning regulation. *See Appeal No. 18239 of ANC 6A*, 59 DCR 1655 (2011) ("As the Board has held several times, the Board has no authority to hear an appeal that is not based upon an interpretation of a zoning regulation"). Further, unlike a motion for reconsideration or rehearing pursuant to § 3126 which allows a party to challenge a final decision of the Board, an appeal must allege an "error in any order, requirement, decision, determination, or refusal made by any administrative officer or body, including the Mayor, in the administration or enforcement of the Zoning Regulations." (11 DCMR § 3100.2.)

The Appellants contend that the administrative decision at issue in this appeal is DCRA's issuance of Building Permit B1409246. As the Appellants acknowledge, the permit was issued in

BZA APPEAL NO. 18851**PAGE NO. 4**

reliance on variance relief granted by the Board in Application No. 18725. Thus, though the Appellants claim to appeal the administrative decision of DCRA in this case, the basis of their appeal is that the Board erred in granting Application No. 18725, to which the Appellants were a party. To that end, the Appellants advance no new arguments and introduce no new evidence in this proceeding.

Pursuant to 11 DCMR § 3126, the proper procedure for a party to allege an error in a final order of the Board is to file a motion for reconsideration or rehearing. The Appellants did file a motion for reconsideration and rehearing with regard to Application No. 18725, and the Board voted to deny that motion at its public meeting on June 24, 2014. In this appeal, the Appellants raise the same issues cited in that motion for reconsideration and rehearing, as well as in the proceedings for Application No. 18725. Accordingly, the Board finds that the appeal takes the form of an improper successive motion for reconsideration. Pursuant to § 3126.2, a motion for reconsideration or rehearing must be filed within 10 days of the Board's final order, making the Appellants' challenge of the Board's decision untimely. Therefore, the appeal must be dismissed for failure to meet procedural requirements.

Further, the Board finds that the appeal fails to state a claim upon which relief could be granted. In addition to the issues that have been decided by the Board in Application No. 18725 and the motion for reconsideration and rehearing, various allegations by the Appellants do not cite a specific violation of the Zoning Regulations in this case. Specifically, the Appellants' claims that "[t]he proposed construction and area variances upon which it is based are not in harmony with the Zoning Act and Regulations," that "[t]he permit under which the deck is to be constructed is not consistent with the provisions of the relevant Overlay," and that the permit does not comply with the provisions of §§ 2300 and 2116 do not clearly allege a specific error by DCRA. In addition, the Appellants' final claim – that the permit was issued in violation of the D.C. Building Code – deals with requirements that are not found within the Zoning Regulations and therefore not within the Board's jurisdiction. For these reasons, the appeal must be dismissed.

The Board is required to give "great weight" to the issues and concerns raised in writing by the affected ANC. Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2001)). In this case, ANC 2B did not make a specific recommendation as to the dispensation of the appeal, but instead, challenged the Appellants' allegation that the ANC had not given proper notice in advance of its meeting on February 17, 2014 where the ANC voted in support of Application No. 18725. The ANC maintained that it had given proper notice for that meeting and that the Board should continue to give "great weight" to its vote in support of that application. Though the ANC did not specifically recommend dismissal of the appeal, the Board finds that its decision to dismiss the appeal is consistent with the ANC's resolution on this matter.

It is hereby **ORDERED** that this appeal be **DISMISSED**.

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VOTE: **3-0-2** (Lloyd J. Jordan, Michael G. Turnbull, and Marnique Y. Heath to Dismiss;
Jeffrey L. Hinkle and S. Kathryn Allen not present, not voting).

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: June 11, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19005 of Jason H Yoon, pursuant to 11 DCMR § 3104.1, for special exceptions from the number of parking spaces requirements under § 2108.2, and the accessory parking space location requirements under § 2116.7, to allow a new medical office use in the C-2-A District at premises 2345 Martin Luther King Jr. Avenue, S.E. (Square 5790, Lot 40).

HEARING DATE: June 9, 2015

DECISION DATE: June 9, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment (the “Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 8A, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 8A, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on May 5, 2015, at which a quorum was present, ANC 8A voted 5-0-0 to support the application. (Exhibit 28.)

The Office of Planning (“OP”) submitted a timely report and testified at the hearing in support of the application. (Exhibit 26.) The District of Transportation (“DDOT”) filed a timely report expressing no objection to the approval of the application. (Exhibit 25.)

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exceptions under §§ 2108.2 and 2116.7. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 2108.2, and 2116.7, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will

BZA APPLICATION NO. 19005
PAGE NO. 2

not tend to affect adversely the use of neighboring property in the accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law.

It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 7.**

VOTE: **4-0-1** (Lloyd J. Jordan, Jeffrey L. Hinkle, Marnique Y. Heath, and Robert E. Miller to APPROVE; one Board seat vacant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: June 16, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE

BZA APPLICATION NO. 19005**PAGE NO. 3**

CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA 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, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT
441 4TH STREET, N.W.
SUITE 200-SOUTH
WASHINGTON, D.C. 20001

PUBLIC NOTICE OF CLOSED MEETING

In accordance with § 406 of the Open Meetings Amendment Act of 2010, notice is hereby given that the Board of Zoning Adjustment for the District of Columbia adjourned its previously scheduled, publicly noticed closed meeting on **Monday, June 15, 2015**, and scheduled the continuation of that meeting for **Tuesday, June 16, 2015**. The meeting sought legal advice from counsel on the following matters pursuant to § 405 of the District of Columbia Administrative Procedure Act:

Application No. 19008 of Joe and Joyce Hezir (Expedited Review), pursuant to 11 DCMR § 3104.1 for a special exception under § 223, not meeting the lot occupancy requirements under § 403, to allow a two-story rear addition to an existing three-story, one-family dwelling in the R-3 District at premises 2907 P Street N.W. (Square 1268, Lot 810).

Application No. 17606E of Dakota Points LLC, pursuant to 11 DCMR § 3104.1, for a special exception from the roof structure uniform height provisions under section 411, to construct a four (4) unit residential building in the C-2-A District at premises 5545-5549 South Dakota Avenue, N.E. (Square 3760, Lot 10) and 5553-5575 South Dakota Avenue, N.E. (Parcel 137/86).

Appeal No. 18114-A of Ward 5 Improvement Association, pursuant to 11 DCMR §§ 3100 and 3101, from decisions of the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Certificate of Occupancy No. 1001838 on April 21, 2010; Certificate of Occupancy No. 1002471 on June 22, 2010; and Certificate of Occupancy No. CO1101152 on June 24, 2011; all for a restaurant with nightclub (not a sexually oriented business establishment), in the C-M-2 District at premises 2127 Queens Chapel Road, N.E. (Square 4258, Lot 34).

Application No. 18992 of Congressional 1015 E Street, LLC, pursuant to 11 DCMR § 3103.2, for variances from the side yard requirements under § 775.5, and the nonconforming structure requirements under § 2001.3(b)(2), to allow the renovation and expansion of an existing building to create a five-unit apartment building in the CHC/C-2-A District at premises 105 E Street S.E. (Square 973, Lot 813).

Application No. 19007 of Jonathan and Jessica Leonard, pursuant to 11 DCMR § 3103.2, for variances from the limitation on the number of stories requirements under § 400.1, the minimum lot area requirements under § 401.3, and the lot occupancy requirements under § 403.2, to allow the continued use of a flat in the R-4 District at premises 18 T Street N.E. (Square 3509, Lot 43).

Application No. 18987 of Pierce Investments, LLC, pursuant to 11 DCMR § 3103.2, for variances from the height requirements under § 770, the floor area ratio requirements under § 771, and the rear yard requirements under § 774, to allow the construction of a five-story multi-family building containing 44 units in the C-2-A District at premises 1124 Florida Avenue N.E. (Square 4070, Lot 808).

Application No. 19014 of Gary A. Robinson II, pursuant to 11 DCMR § 3103.2, for a variance from the alley width requirements under § 2507.3, to allow the alteration and conversion of an existing non-residential building into a one-family dwelling on an alley lot where the alley is less than 30 feet in width in the CAP/R-5-B District at premises 320-Rear 3rd Street N.E. (Square 756, Lot 826).

Appeal No. 19009 of ANC 4C, pursuant to 11 DCMR §§ 3100 and 3101, from a February 6, 2015 decision by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit No. B1409828, to renovate a one-family dwelling into a three unit apartment house in the R-4 District at premises 1117 Allison Street N.W. (Square 2918, Lot 59).

Application No. 19017 of The Department of General Services of the District of Columbia, pursuant to 11 DCMR § 3103.2, for a variance from the access, maintenance, and operation of loading berth requirements under § 2204.8, to allow a new school facility in the R-4 and R-5-A Districts at premises 3401 4th Street S.E. (Square PAR0243, Lot 59).

Application No. 18897 of Julian Hunt and Lucrecia Laudi, pursuant to 11 DCMR § 3103.2, for variances from the nonconforming structure requirements under § 2001.3(a)(b)(1) and (2), the lot occupancy requirements under § 403.2, and the rear yard requirements under § 404.1, to allow construction of an addition to an existing single family dwelling and conversion to a flat in the DC/R-4 District at premises 1504 Swann Street N.W. (Square 191, Lot 817).

Application No. 18974 of Jarek Mika, pursuant to 11 DCMR § 3103.2, for a variance from the use provisions under § 330.5(e), to allow the conversion of an existing building to a three-unit apartment building in the R-4 District at premises 3209 13th Street N.W. (Square 2844, Lot 818).

Application No. 18994 of Rahmin Mehdizadeh and Hun Ah Lee, pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under § 2101.1, to allow the conversion of an existing one-family dwelling into a five-unit apartment building in the C-2-A District at premises 254 15th Street S.E. (Square 1073, Lot 22).

Application No. 18995 of Rokas Reipa, pursuant to 11 DCMR § 3104.1 for a special exception under § 223, not meeting the lot occupancy requirements under § 403.2, the rear yard requirements under § 404.1, the side yard setback requirements under § 405.9, and the non-conforming structure requirements under § 2001.3, to allow the expansion of an existing one-story garage into a two-story garage with accessory apartment and covered walkway to the dwelling in the R-4 District at premises 1254 Florida Avenue N.E. (Square 4069, Lot 15).

Application No. 18990 of Diana Kurnit and Jonathan Brumer, as amended, pursuant to 11 DCMR § 3104.1 for a special exception under § 223, not meeting the lot occupancy requirements under § 403.2 and the side yard requirements of § 405.8, to allow the construction of a one story rear deck addition in the R-2 District at premises 5330 42nd Street N.W. (Square 1664, Lot 30).

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND

ZONING COMMISSION ORDER NO. 14-11

Z.C. Case No. 14-11

(Text Amendment to Chapters 1, 3, 4, 26, 31, and 32, Maximum Height and Minimum Lot
Dimension Requirements and Use Permissions in the R-4 District)
(June 8, 2015)

The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.

DEPARTMENT OF HEALTH CARE FINANCE

PUBLIC NOTICE

MEDICAID FEE SCHEDULE UPDATES FOR LABORATORY SERVICES

The Department of Health Care Finance (DHCF), in accordance with the requirements set forth in Section 988 of Chapter 9 of Title 29 of the District of Columbia Municipal Regulations, published on May 22, 2015 (62 DCR 6692), announces changes to the rates for reimbursement of laboratory services billed by professional providers that will go into effect on August 1, 2015. Professional providers are those who submit claims to DC Medicaid on a CMS-1500 claim form.

Under the District of Columbia's State Plan for Medical Assistance, laboratory services billed by providers are reimbursed at eighty percent (80%) of the Medicare rate as established by the Centers for Medicare and Medicaid Services. As a result, DHCF is updating the rates of laboratory procedures with the following changes in order to ensure the rates are eighty percent (80%) of Medicare reimbursement rates:

Proc Code	Short Description	Current DC Rate	New DC Rate
36415	Routine venipuncture	\$1.10	\$2.40
78267	Breath tst attain/anal c-14	\$0.00	\$8.58
78268	Breath test analysis c-14	\$0.00	\$73.51
80047	Metabolic panel ionized ca	\$30.51	\$9.23
80048	Metabolic panel total ca	\$6.00	\$9.23
80051	Electrolyte panel	\$4.65	\$7.66
80053	Comprehen metabolic panel	\$12.00	\$11.53
80061	Lipid panel	\$16.75	\$14.62
80069	Renal function panel	\$6.00	\$9.48
80074	Acute hepatitis panel	\$42.00	\$51.99
80076	Hepatic function panel	\$12.00	\$8.91
80150	Assay of amikacin	\$10.00	\$16.45
80155	Drug screen quant caffeine	\$19.30	\$15.44
80156	Assay carbamazepine total	\$11.00	\$15.90
80157	Assay carbamazepine free	\$12.50	\$14.47
80158	Assay of cyclosporine	\$12.00	\$19.70
80159	Drug screen quant clozapine	\$21.49	\$17.19
80162	Assay of digoxin total	\$10.00	\$14.50
80164	Assay dipropylacetic acid tot	\$9.00	\$14.79
80168	Assay of ethosuximide	\$10.00	\$16.44
80169	Drug screen quant everolimus	\$18.73	\$14.98
80170	Assay of gentamicin	\$11.00	\$17.89
80171	Drug screen quant gabapentin	\$18.09	\$14.47
80173	Assay of haloperidol	\$18.00	\$15.90
80175	Drug screen quan lamotrigine	\$18.09	\$14.47

Proc Code	Short Description	Current DC Rate	New DC Rate
80176	Assay of lidocaine	\$10.00	\$16.03
80177	Drug scrn quan levetiracetam	\$18.09	\$14.47
80178	Assay of lithium	\$4.80	\$7.22
80180	Drug scrn quan mycophenolate	\$24.63	\$19.70
80183	Drug scrn quant oxcarbazepin	\$18.09	\$14.47
80184	Assay of phenobarbital	\$9.00	\$12.50
80185	Assay of phenytoin total	\$9.75	\$14.47
80186	Assay of phenytoin free	\$9.00	\$15.02
80188	Assay of primidone	\$13.00	\$18.11
80190	Assay of procainamide	\$11.00	\$18.28
80192	Assay of procainamide	\$11.00	\$18.28
80194	Assay of quinidine	\$10.00	\$15.94
80195	Assay of sirolimus	\$9.97	\$14.98
80197	Assay of tacrolimus	\$9.00	\$14.98
80198	Assay of theophylline	\$10.00	\$15.44
80199	Drug screen quant tiagabine	\$24.63	\$19.70
80200	Assay of tobramycin	\$11.00	\$17.59
80202	Assay of vancomycin	\$9.00	\$14.79
80203	Drug screen quant zonisamide	\$18.09	\$14.47
80299	Quantitative assay drug	\$100.00	\$14.94
80400	Acth stimulation panel	\$22.00	\$35.60
80402	Acth stimulation panel	\$58.00	\$94.90
80406	Acth stimulation panel	\$52.00	\$85.41
80408	Aldosterone suppression eval	\$83.00	\$136.97
80410	Calcitonin stimul panel	\$53.00	\$87.68
80412	Crh stimulation panel	\$219.00	\$359.75
80414	Testosterone response	\$34.00	\$56.36
80415	Estradiol response panel	\$37.00	\$60.99
80416	Renin stimulation panel	\$88.00	\$144.02
80417	Renin stimulation panel	\$29.00	\$48.01
80418	Pituitary evaluation panel	\$384.00	\$632.58
80420	Dexamethasone panel	\$48.00	\$78.63
80422	Glucagon tolerance panel	\$31.00	\$50.29
80424	Glucagon tolerance panel	\$34.00	\$55.11
80426	Gonadotropin hormone panel	\$98.00	\$161.98
80428	Growth hormone panel	\$44.00	\$72.80
80430	Growth hormone panel	\$52.00	\$85.66
80432	Insulin suppression panel	\$90.00	\$147.45
80434	Insulin tolerance panel	\$67.00	\$110.42
80435	Insulin tolerance panel	\$68.00	\$112.43
80436	Metyrapone panel	\$60.00	\$99.50
80438	Trh stimulation panel	\$33.00	\$55.02

Proc Code	Short Description	Current DC Rate	New DC Rate
80439	Trh stimulation panel	\$45.00	\$73.36
81000	Urinalysis nonauto w/scope	\$2.20	\$3.46
81001	Urinalysis auto w/scope	\$2.00	\$3.46
81005	Urinalysis	\$1.00	\$2.37
81007	Urine screen for bacteria	\$2.00	\$2.80
81015	Microscopic exam of urine	\$2.00	\$3.32
81020	Urinalysis glass test	\$2.00	\$4.02
81050	Urinalysis volume measure	\$2.00	\$3.27
81206	Bcr/abl1 gene major bp	\$223.69	\$178.95
81207	Bcr/abl1 gene minor bp	\$197.59	\$158.07
81208	Bcr/abl1 gene other bp	\$219.43	\$175.54
81210	Braf gene	\$179.25	\$143.40
81225	Cyp2c19 gene com variants	\$291.80	\$233.44
81226	Cyp2d6 gene com variants	\$451.59	\$361.27
81227	Cyp2c9 gene com variants	\$175.08	\$140.06
81235	Egfr gene com variants	\$330.01	\$264.01
81275	Kras gene	\$197.48	\$157.98
81315	Pml/raralpha com breakpoints	\$282.83	\$226.26
82009	Test for acetone/ketones	\$2.00	\$3.18
82010	Acetone assay	\$5.00	\$8.92
82013	Acetylcholinesterase assay	\$7.00	\$12.08
82016	Acylcarnitines qual	\$0.00	\$15.13
82017	Acylcarnitines quant	\$52.00	\$18.41
82024	Assay of acth	\$26.00	\$42.16
82030	Assay of adp & amp	\$17.00	\$28.15
82040	Assay of serum albumin	\$3.00	\$5.40
82042	Assay of urine albumin	\$1.00	\$1.93
82043	Microalbumin quantitative	\$4.00	\$6.31
82044	Microalbumin semiquant	\$2.00	\$2.77
82045	Albumin ischemia modified	\$47.43	\$37.05
82085	Assay of aldolase	\$6.00	\$10.59
82088	Assay of aldosterone	\$27.00	\$44.48
82103	Alpha-1-antitrypsin total	\$9.00	\$14.66
82104	Alpha-1-antitrypsin pheno	\$10.00	\$15.78
82105	Alpha-fetoprotein serum	\$11.00	\$18.31
82106	Alpha-fetoprotein amniotic	\$11.00	\$18.31
82107	Alpha-fetoprotein l3	\$89.99	\$70.30
82108	Assay of aluminum	\$17.00	\$27.81
82120	Amines vaginal fluid qual	\$6.00	\$4.11
82127	Amino acid single qual	\$24.48	\$15.13
82128	Amino acids mult qual	\$9.00	\$15.13
82131	Amino acids single quant	\$11.00	\$18.41

Proc Code	Short Description	Current DC Rate	New DC Rate
82135	Assay aminolevulinic acid	\$11.00	\$17.96
82136	Amino acids quant 2-5	\$0.00	\$18.41
82139	Amino acids quan 6 or more	\$150.00	\$18.41
82140	Assay of ammonia	\$10.00	\$15.90
82143	Amniotic fluid scan	\$5.00	\$7.50
82150	Assay of amylase	\$4.00	\$7.07
82154	Androstenediol glucuronide	\$19.00	\$31.47
82157	Assay of androstenedione	\$19.00	\$31.95
82163	Assay of angiotensin ii	\$14.00	\$22.39
82164	Angiotensin i enzyme test	\$10.00	\$15.94
82172	Assay of apolipoprotein	\$10.00	\$16.91
82175	Assay of arsenic	\$13.00	\$20.71
82180	Assay of ascorbic acid	\$7.00	\$10.78
82190	Atomic absorption	\$10.00	\$16.27
82232	Assay of beta-2 protein	\$11.00	\$17.66
82239	Bile acids total	\$11.00	\$18.70
82247	Bilirubin total	\$3.00	\$5.47
82248	Bilirubin direct	\$3.00	\$5.47
82252	Fecal bilirubin test	\$3.00	\$4.97
82261	Assay of biotinidase	\$10.23	\$18.41
82271	Occult blood other sources	\$2.36	\$3.55
82272	Occult bld feces 1-3 tests	\$2.36	\$3.55
82274	Assay test for blood fecal	\$6.00	\$17.36
82286	Assay of bradykinin	\$5.00	\$7.52
82300	Assay of cadmium	\$15.00	\$25.26
82306	Vitamin d 25 hydroxy	\$20.00	\$32.32
82308	Assay of calcitonin	\$18.00	\$29.23
82310	Assay of calcium	\$3.00	\$5.63
82330	Assay of calcium	\$9.00	\$14.92
82331	Calcium infusion test	\$3.00	\$5.65
82340	Assay of calcium in urine	\$4.00	\$6.58
82355	Calculus analysis qual	\$8.00	\$12.63
82360	Calculus assay quant	\$9.00	\$14.05
82365	Calculus spectroscopy	\$9.00	\$14.07
82370	X-ray assay calculus	\$8.00	\$13.67
82373	Assay c-d transfer measure	\$9.00	\$19.70
82374	Assay blood carbon dioxide	\$4.00	\$5.34
82375	Assay carboxyhb quant	\$18.00	\$13.45
82376	Assay carboxyhb qual	\$4.00	\$6.54
82378	Carcinoembryonic antigen	\$13.00	\$20.70
82379	Assay of carnitine	\$57.00	\$18.41
82380	Assay of carotene	\$6.00	\$10.06

Proc Code	Short Description	Current DC Rate	New DC Rate
82382	Assay urine catecholamines	\$11.00	\$18.77
82383	Assay blood catecholamines	\$17.00	\$27.35
82384	Assay three catecholamines	\$17.00	\$27.56
82387	Assay of cathepsin-d	\$14.00	\$22.71
82390	Assay of ceruloplasmin	\$7.00	\$11.72
82397	Chemiluminescent assay	\$9.00	\$15.42
82415	Assay of chloramphenicol	\$8.00	\$13.83
82435	Assay of blood chloride	\$3.00	\$5.02
82436	Assay of urine chloride	\$3.00	\$5.49
82438	Assay other fluid chlorides	\$3.00	\$5.34
82441	Test for chlorohydrocarbons	\$4.00	\$6.55
82465	Assay bld/serum cholesterol	\$4.00	\$4.74
82480	Assay serum cholinesterase	\$5.00	\$8.10
82482	Assay rbc cholinesterase	\$5.00	\$8.38
82485	Assay chondroitin sulfate	\$14.00	\$22.54
82486	Gas/liquid chromatography	\$12.00	\$19.70
82487	Paper chromatography	\$11.00	\$17.43
82488	Paper chromatography	\$14.00	\$23.32
82489	Thin layer chromatography	\$12.00	\$20.18
82491	Chromotography quant sing	\$12.00	\$19.70
82492	Chromotography quant mult	\$9.34	\$19.70
82495	Assay of chromium	\$5.00	\$7.63
82507	Assay of citrate	\$18.00	\$30.34
82523	Collagen crosslinks	\$7.00	\$11.86
82525	Assay of copper	\$7.00	\$11.38
82528	Assay of corticosterone	\$15.00	\$24.58
82530	Cortisol free	\$15.00	\$18.24
82533	Total cortisol	\$11.00	\$17.79
82540	Assay of creatine	\$3.00	\$5.06
82541	Column chromatography qual	\$62.00	\$19.70
82542	Column chromatography quant	\$58.00	\$19.70
82543	Column chromatograph/isotope	\$0.00	\$19.70
82544	Column chromatograph/isotope	\$9.34	\$19.70
82550	Assay of ck (cpk)	\$3.00	\$7.10
82552	Assay of cpk in blood	\$9.00	\$14.62
82553	Creatine mb fraction	\$5.00	\$8.41
82554	Creatine isoforms	\$8.00	\$12.95
82565	Assay of creatinine	\$3.00	\$5.59
82570	Assay of urine creatinine	\$3.00	\$5.65
82575	Creatinine clearance test	\$6.00	\$10.31
82585	Assay of cryofibrinogen	\$6.00	\$9.37
82595	Assay of cryoglobulin	\$4.00	\$7.06

Proc Code	Short Description	Current DC Rate	New DC Rate
82600	Assay of cyanide	\$13.00	\$21.17
82607	Vitamin b-12	\$10.00	\$16.45
82608	B-12 binding capacity	\$10.00	\$15.63
82610	Cystatin c	\$19.00	\$14.83
82615	Test for urine cystines	\$5.00	\$8.91
82626	Dehydroepiandrosterone	\$17.00	\$27.58
82627	Dehydroepiandrosterone	\$15.00	\$24.26
82633	Desoxycorticosterone	\$21.00	\$33.81
82634	Deoxycortisol	\$19.00	\$31.95
82638	Assay of dibucaine number	\$8.00	\$12.70
82652	Vit d 1 25-dihydroxy	\$26.00	\$42.02
82656	Pancreatic elastase fecal	\$15.39	\$12.02
82657	Enzyme cell activity	\$45.00	\$19.70
82658	Enzyme cell activity ra	\$20.45	\$19.70
82664	Electrophoretic test	\$23.00	\$37.50
82668	Assay of erythropoietin	\$12.00	\$18.98
82670	Assay of estradiol	\$19.00	\$30.50
82671	Assay of estrogens	\$21.00	\$35.26
82672	Assay of estrogen	\$14.00	\$22.86
82677	Assay of estriol	\$16.00	\$26.39
82679	Assay of estrone	\$17.00	\$27.24
82693	Assay of ethylene glycol	\$9.00	\$14.07
82705	Fats/lipids feces qual	\$3.00	\$5.55
82710	Fats/lipids feces quant	\$11.00	\$18.34
82715	Assay of fecal fat	\$6.00	\$9.54
82725	Assay of blood fatty acids	\$9.00	\$14.53
82726	Long chain fatty acids	\$20.45	\$19.70
82728	Assay of ferritin	\$9.00	\$14.87
82731	Assay of fetal fibronectin	\$88.00	\$70.30
82735	Assay of fluoride	\$12.00	\$20.23
82746	Assay of folic acid serum	\$10.00	\$16.05
82747	Assay of folic acid rbc	\$11.00	\$18.80
82757	Assay of semen fructose	\$12.00	\$18.93
82759	Assay of rbc galactokinase	\$14.00	\$23.45
82760	Assay of galactose	\$7.00	\$12.22
82775	Assay galactose transferase	\$14.00	\$22.99
82776	Galactose transferase test	\$6.00	\$9.15
82784	Assay iga/igd/igg/igm each	\$6.00	\$10.14
82785	Assay of ige	\$11.00	\$17.98
82787	Igg 1 2 3 or 4 each	\$21.00	\$8.75
82800	Blood ph	\$6.00	\$9.23
82803	Blood gases any combination	\$13.00	\$21.12

Proc Code	Short Description	Current DC Rate	New DC Rate
82805	Blood gases w/o2 saturation	\$19.00	\$30.97
82810	Blood gases o2 sat only	\$6.00	\$9.53
82930	Gastric analy w/ph ea spec	\$7.67	\$5.95
82938	Gastrin test	\$12.00	\$19.31
82941	Assay of gastrin	\$12.00	\$19.25
82943	Assay of glucagon	\$2.00	\$3.14
82946	Glucagon tolerance test	\$10.00	\$16.45
82947	Assay glucose blood quant	\$4.00	\$4.29
82948	Reagent strip/blood glucose	\$2.00	\$3.46
82950	Glucose test	\$3.30	\$5.18
82951	Glucose tolerance test (gtt)	\$9.00	\$14.05
82952	Gtt-added samples	\$2.00	\$3.14
82955	Assay of g6pd enzyme	\$8.00	\$9.54
82960	Test for g6pd enzyme	\$4.00	\$6.61
82963	Assay of glucosidase	\$14.00	\$23.45
82965	Assay of gdh enzyme	\$5.00	\$8.44
82977	Assay of ggt	\$8.00	\$7.86
82978	Assay of glutathione	\$4.00	\$6.50
82979	Assay rbc glutathione	\$5.00	\$7.52
82985	Assay of glycated protein	\$10.00	\$16.45
83001	Assay of gonadotropin (fsh)	\$20.00	\$20.28
83002	Assay of gonadotropin (lh)	\$20.00	\$20.21
83003	Assay growth hormone (hgh)	\$11.00	\$18.21
83010	Assay of haptoglobin quant	\$8.00	\$13.73
83012	Assay of haptoglobins	\$11.00	\$18.77
83013	H pylori (c-13) breath	\$0.00	\$73.51
83014	H pylori drug admin	\$0.00	\$8.58
83015	Heavy metal screen	\$12.00	\$18.98
83018	Quantitative screen metals	\$15.00	\$23.97
83020	Hemoglobin electrophoresis	\$9.00	\$14.05
83021	Hemoglobin chromatography	\$27.00	\$19.70
83026	Hemoglobin copper sulfate	\$2.00	\$2.58
83030	Fetal hemoglobin chemical	\$5.00	\$9.02
83033	Fetal hemoglobin assay qual	\$4.00	\$6.30
83036	Glycosylated hemoglobin test	\$8.80	\$10.59
83037	Glycosylated hb home device	\$23.41	\$10.59
83045	Blood methemoglobin test	\$3.00	\$5.41
83050	Blood methemoglobin assay	\$3.00	\$5.72
83051	Assay of plasma hemoglobin	\$5.00	\$7.98
83060	Blood sulfhemoglobin assay	\$5.00	\$9.02
83065	Assay of hemoglobin heat	\$5.00	\$7.52
83068	Hemoglobin stability screen	\$2.00	\$2.56

Proc Code	Short Description	Current DC Rate	New DC Rate
83069	Assay of urine hemoglobin	\$3.00	\$4.31
83070	Assay of hemosiderin qual	\$3.00	\$5.18
83080	Assay of b hexosaminidase	\$0.00	\$18.41
83088	Assay of histamine	\$20.00	\$32.23
83090	Assay of homocystine	\$14.50	\$18.41
83150	Assay of homovanillic acid	\$13.00	\$21.12
83491	Assay of corticosteroids 17	\$12.00	\$19.12
83497	Assay of 5-hiaa	\$9.00	\$14.07
83498	Assay of progesterone 17-d	\$18.00	\$29.66
83499	Assay of progesterone 20-	\$10.00	\$15.84
83500	Assay free hydroxyproline	\$15.00	\$24.72
83505	Assay total hydroxyproline	\$16.00	\$26.54
83516	Immunoassay nonantibody	\$7.00	\$12.02
83518	Immunoassay dipstick	\$6.00	\$9.25
83519	Ria nonantibody	\$9.00	\$14.74
83520	Immunoassay quant nos nonab	\$9.00	\$14.13
83525	Assay of insulin	\$8.00	\$12.47
83527	Assay of insulin	\$9.00	\$14.14
83528	Assay of intrinsic factor	\$11.00	\$17.36
83540	Assay of iron	\$4.00	\$7.06
83550	Iron binding test	\$12.00	\$9.54
83570	Assay of idh enzyme	\$6.00	\$9.66
83582	Assay of ketogenic steroids	\$9.00	\$15.47
83586	Assay 17- ketosteroids	\$8.00	\$13.98
83593	Fractionation ketosteroids	\$17.00	\$28.70
83605	Assay of lactic acid	\$7.00	\$11.66
83615	Lactate (ld) (ldh) enzyme	\$6.40	\$6.58
83625	Assay of ldh enzymes	\$8.00	\$13.97
83630	Lactoferrin fecal (qual)	\$15.39	\$21.42
83631	Lactoferrin fecal (quant)	\$14.26	\$21.42
83632	Placental lactogen	\$13.00	\$22.06
83633	Test urine for lactose	\$4.00	\$6.00
83661	L/s ratio fetal lung	\$15.00	\$23.99
83662	Foam stability fetal lung	\$13.00	\$20.65
83663	Fluoro polarize fetal lung	\$11.50	\$20.65
83664	Lamellar bdy fetal lung	\$6.00	\$20.65
83670	Assay of lap enzyme	\$6.00	\$9.99
83690	Assay of lipase	\$5.00	\$7.52
83695	Assay of lipoprotein(a)	\$9.41	\$14.13
83698	Assay lipoprotein pla2	\$47.43	\$37.05
83700	Lipopro bld electrophoretic	\$8.18	\$12.29
83701	Lipoprotein bld hr fraction	\$16.40	\$24.63

Proc Code	Short Description	Current DC Rate	New DC Rate
83704	Lipoprotein bld by nmr	\$22.92	\$34.43
83718	Assay of lipoprotein	\$5.00	\$8.94
83719	Assay of blood lipoprotein	\$8.00	\$12.70
83721	Assay of blood lipoprotein	\$6.00	\$10.42
83727	Assay of lrh hormone	\$11.00	\$18.77
83735	Assay of magnesium	\$4.00	\$7.31
83775	Assay malate dehydrogenase	\$5.00	\$8.05
83785	Assay of manganese	\$14.00	\$23.05
83788	Mass spectrometry qual	\$0.00	\$19.70
83825	Assay of mercury	\$11.00	\$17.74
83835	Assay of metanephrines	\$11.00	\$18.49
83857	Assay of methemalbumin	\$7.00	\$11.72
83864	Mucopolysaccharides	\$13.00	\$21.74
83872	Assay synovial fluid mucin	\$4.00	\$6.40
83873	Assay of csf protein	\$11.00	\$18.78
83874	Assay of myoglobin	\$9.00	\$14.10
83876	Assay myeloperoxidase	\$18.91	\$37.05
83880	Assay of natriuretic peptide	\$46.81	\$37.05
83883	Assay nephelometry not spec	\$9.00	\$14.83
83885	Assay of nickel	\$16.00	\$26.74
83915	Assay of nucleotidase	\$7.00	\$12.17
83916	Oligoclonal bands	\$13.00	\$21.94
83918	Organic acids total quant	\$11.00	\$17.96
83919	Organic acids qual each	\$0.00	\$17.96
83921	Organic acid single quant	\$20.50	\$17.96
83930	Assay of blood osmolality	\$4.00	\$7.00
83935	Assay of urine osmolality	\$5.00	\$7.44
83937	Assay of osteocalcin	\$20.00	\$32.58
83945	Assay of oxalate	\$9.00	\$14.05
83951	Oncoprotein dcp	\$94.04	\$70.30
83970	Assay of parathormone	\$27.00	\$45.05
83986	Assay ph body fluid nos	\$2.00	\$3.26
83987	Exhaled breath condensate	\$22.74	\$17.33
83992	Assay for phencyclidine	\$10.00	\$16.04
83993	Assay for calprotectin fecal	\$27.42	\$21.42
84030	Assay of blood pku	\$4.00	\$6.00
84035	Assay of phenylketones	\$2.00	\$4.00
84060	Assay acid phosphatase	\$5.00	\$8.06
84061	Phosphatase forensic exam	\$5.00	\$8.63
84066	Assay prostate phosphatase	\$6.00	\$10.54
84075	Assay alkaline phosphatase	\$3.00	\$5.65
84078	Assay alkaline phosphatase	\$5.00	\$7.97

Proc Code	Short Description	Current DC Rate	New DC Rate
84080	Assay alkaline phosphatases	\$10.00	\$16.14
84081	Assay phosphatidylglycerol	\$11.00	\$18.03
84085	Assay of rbc pg6d enzyme	\$4.00	\$7.36
84087	Assay phosphohexose enzymes	\$7.00	\$11.27
84100	Assay of phosphorus	\$4.00	\$5.17
84105	Assay of urine phosphorus	\$3.00	\$5.65
84106	Test for porphobilinogen	\$3.00	\$4.67
84110	Assay of porphobilinogen	\$6.00	\$9.21
84119	Test urine for porphyrins	\$6.00	\$9.40
84120	Assay of urine porphyrins	\$10.00	\$16.06
84126	Assay of feces porphyrins	\$17.00	\$27.80
84132	Assay of serum potassium	\$3.00	\$5.02
84133	Assay of urine potassium	\$3.00	\$4.70
84134	Assay of prealbumin	\$10.00	\$15.91
84135	Assay of pregnanediol	\$13.00	\$20.88
84138	Assay of pregnanetriol	\$13.00	\$20.66
84140	Assay of pregnenolone	\$14.00	\$22.57
84143	Assay of 17-hydroxypregнено	\$15.00	\$24.90
84144	Assay of progesterone	\$14.00	\$22.77
84146	Assay of prolactin	\$13.00	\$21.15
84150	Assay of prostaglandin	\$17.00	\$27.24
84152	Assay of psa complexed	\$22.50	\$20.07
84153	Assay of psa total	\$30.00	\$20.07
84154	Assay of psa free	\$5.00	\$20.07
84155	Assay of protein serum	\$2.00	\$4.00
84156	Assay of protein urine	\$4.74	\$4.00
84157	Assay of protein other	\$4.74	\$4.00
84160	Assay of protein any source	\$3.00	\$5.65
84163	Pappa serum	\$20.27	\$15.83
84165	Protein e-phoresis serum	\$7.00	\$11.72
84166	Protein e-phoresis/urine/csf	\$11.16	\$19.46
84181	Western blot test	\$11.00	\$18.59
84182	Protein western blot test	\$12.00	\$19.64
84202	Assay rbc protoporphyrin	\$10.00	\$15.66
84203	Test rbc protoporphyrin	\$6.00	\$9.39
84206	Assay of proinsulin	\$7.00	\$10.98
84207	Assay of vitamin b-6	\$19.00	\$30.66
84210	Assay of pyruvate	\$7.00	\$11.85
84220	Assay of pyruvate kinase	\$6.00	\$10.30
84228	Assay of quinine	\$8.00	\$12.70
84233	Assay of estrogen	\$43.00	\$70.30
84234	Assay of progesterone	\$43.00	\$70.81

Proc Code	Short Description	Current DC Rate	New DC Rate
84235	Assay of endocrine hormone	\$35.00	\$57.12
84238	Assay nonendocrine receptor	\$24.00	\$39.91
84244	Assay of renin	\$15.00	\$24.01
84252	Assay of vitamin b-2	\$13.00	\$21.54
84255	Assay of selenium	\$17.00	\$27.86
84260	Assay of serotonin	\$21.00	\$33.81
84270	Assay of sex hormone globul	\$13.00	\$21.54
84275	Assay of sialic acid	\$9.00	\$14.66
84285	Assay of silica	\$10.00	\$17.16
84295	Assay of serum sodium	\$3.00	\$5.25
84300	Assay of urine sodium	\$3.00	\$5.07
84302	Assay of sweat sodium	\$6.58	\$5.07
84305	Assay of somatomedin	\$12.00	\$18.98
84307	Assay of somatostatin	\$12.00	\$18.98
84311	Spectrophotometry	\$5.00	\$7.63
84315	Body fluid specific gravity	\$2.00	\$2.74
84375	Chromatogram assay sugars	\$13.00	\$21.40
84376	Sugars single qual	\$0.00	\$6.00
84377	Sugars multiple qual	\$0.00	\$6.00
84378	Sugars single quant	\$13.05	\$12.58
84379	Sugars multiple quant	\$0.00	\$12.58
84392	Assay of urine sulfate	\$3.00	\$5.18
84402	Assay of free testosterone	\$17.00	\$27.79
84403	Assay of total testosterone	\$17.00	\$28.18
84425	Assay of vitamin b-1	\$14.00	\$23.17
84430	Assay of thiocyanate	\$3.00	\$5.07
84432	Assay of thyroglobulin	\$11.00	\$17.53
84436	Assay of total thyroxine	\$12.00	\$7.50
84437	Assay of neonatal thyroxine	\$4.00	\$7.06
84439	Assay of free thyroxine	\$6.00	\$9.84
84442	Assay of thyroid activity	\$10.00	\$16.14
84443	Assay thyroid stim hormone	\$13.92	\$18.34
84445	Assay of tsi globulin	\$34.00	\$55.50
84446	Assay of vitamin e	\$9.00	\$15.47
84449	Assay of transcortin	\$12.00	\$19.64
84450	Transferase (ast) (sgot)	\$3.00	\$5.65
84460	Alanine amino (alt) (sgpt)	\$4.00	\$5.78
84466	Assay of transferrin	\$7.00	\$11.66
84478	Assay of triglycerides	\$3.00	\$6.27
84479	Assay of thyroid (t3 or t4)	\$4.41	\$7.06
84480	Assay triiodothyronine (t3)	\$9.00	\$15.47
84481	Free assay (ft-3)	\$11.00	\$18.49

Proc Code	Short Description	Current DC Rate	New DC Rate
84482	T3 reverse	\$10.00	\$17.20
84484	Assay of troponin quant	\$6.00	\$9.51
84485	Assay duodenal fluid trypsin	\$5.00	\$8.20
84488	Test feces for trypsin	\$5.00	\$7.97
84490	Assay of feces for trypsin	\$5.00	\$8.30
84510	Assay of tyrosine	\$7.00	\$11.35
84512	Assay of troponin qual	\$0.00	\$8.06
84520	Assay of urea nitrogen	\$3.00	\$4.31
84525	Urea nitrogen semi-quant	\$2.00	\$4.11
84540	Assay of urine/urea-n	\$3.00	\$5.18
84545	Urea-n clearance test	\$4.00	\$7.21
84550	Assay of blood/uric acid	\$4.00	\$4.93
84560	Assay of urine/uric acid	\$2.00	\$3.77
84577	Assay of feces/urobilinogen	\$8.00	\$13.62
84578	Test urine urobilinogen	\$2.00	\$3.14
84580	Assay of urine urobilinogen	\$5.00	\$7.74
84583	Assay of urine urobilinogen	\$3.00	\$5.49
84585	Assay of urine vma	\$10.00	\$16.91
84586	Assay of vip	\$23.00	\$38.56
84588	Assay of vasopressin	\$23.00	\$37.05
84590	Assay of vitamin a	\$8.00	\$12.66
84591	Assay of nos vitamin	\$15.00	\$12.66
84597	Assay of vitamin k	\$8.00	\$14.97
84600	Assay of volatiles	\$11.00	\$17.54
84620	Xylose tolerance test	\$8.00	\$12.93
84630	Assay of zinc	\$7.00	\$11.38
84681	Assay of c-peptide	\$14.00	\$22.71
84702	Chorionic gonadotropin test	\$10.00	\$15.83
84703	Chorionic gonadotropin assay	\$5.00	\$8.21
84704	Hcg free betachain test	\$20.27	\$15.83
84830	Ovulation tests	\$7.00	\$10.94
85002	Bleeding time test	\$3.00	\$4.92
85004	Automated diff wbc count	\$8.75	\$7.06
85007	Bl smear w/diff wbc count	\$2.00	\$3.75
85008	Bl smear w/o diff wbc count	\$2.00	\$3.75
85009	Manual diff wbc count b-coat	\$2.00	\$4.06
85013	Spun microhematocrit	\$2.00	\$2.58
85014	Hematocrit	\$2.00	\$2.58
85018	Hemoglobin	\$2.00	\$2.58
85025	Complete cbc w/auto diff wbc	\$5.30	\$8.49
85027	Complete cbc automated	\$4.00	\$7.06
85032	Manual cell count each	\$5.86	\$4.70

Proc Code	Short Description	Current DC Rate	New DC Rate
85041	Automated rbc count	\$2.00	\$3.14
85044	Manual reticulocyte count	\$3.00	\$4.70
85045	Automated reticulocyte count	\$3.00	\$4.36
85046	Reticyte/hgb concentrate	\$0.00	\$6.09
85048	Automated leukocyte count	\$2.00	\$2.77
85049	Automated platelet count	\$5.70	\$4.89
85055	Reticulated platelet assay	\$34.18	\$29.22
85130	Chromogenic substrate assay	\$8.00	\$12.98
85170	Blood clot retraction	\$1.00	\$2.22
85175	Blood clot lysis time	\$3.00	\$4.97
85210	Clot factor ii prothrom spec	\$5.00	\$7.63
85220	Blood clot factor v test	\$12.00	\$19.26
85230	Clot factor vii proconvertin	\$12.00	\$19.54
85240	Clot factor viii ahg 1 stage	\$12.00	\$19.54
85244	Clot factor viii reltd antgn	\$14.00	\$22.28
85245	Clot factor viii vw ristoctn	\$15.00	\$25.04
85246	Clot factor viii vw antigen	\$15.00	\$25.04
85247	Clot factor viii multimeric	\$15.00	\$25.04
85250	Clot factor ix ptc/chrstmas	\$13.00	\$20.78
85260	Clot factor x stuart-power	\$12.00	\$19.54
85270	Clot factor xi pta	\$12.00	\$19.54
85280	Clot factor xii hageman	\$13.00	\$21.12
85290	Clot factor xiii fibrin stab	\$5.00	\$8.84
85291	Clot factor xiii fibrin scrn	\$5.00	\$8.84
85292	Clot factor fletcher fact	\$13.00	\$20.67
85293	Clot factor wght kininogen	\$13.00	\$20.67
85300	Antithrombin iii activity	\$6.00	\$10.57
85301	Antithrombin iii antigen	\$7.00	\$11.80
85302	Clot inhibit prot c antigen	\$8.00	\$13.12
85303	Clot inhibit prot c activity	\$9.00	\$15.10
85305	Clot inhibit prot s total	\$8.00	\$12.66
85306	Clot inhibit prot s free	\$10.00	\$16.73
85307	Assay activated protein c	\$19.00	\$16.73
85335	Factor inhibitor test	\$3.00	\$5.70
85337	Thrombomodulin	\$7.00	\$11.38
85345	Coagulation time lee & white	\$3.00	\$4.70
85347	Coagulation time activated	\$3.00	\$4.65
85348	Coagulation time otr method	\$2.00	\$4.06
85360	Euglobulin lysis	\$6.00	\$9.17
85362	Fibrin degradation products	\$5.00	\$7.52
85366	Fibrinogen test	\$6.00	\$9.40
85370	Fibrinogen test	\$5.00	\$8.84

Proc Code	Short Description	Current DC Rate	New DC Rate
85378	Fibrin degrade semiquant	\$5.00	\$7.78
85379	Fibrin degradation quant	\$5.00	\$8.84
85380	Fibrin degradj d-dimer	\$13.86	\$8.84
85384	Fibrinogen activity	\$6.00	\$9.26
85385	Fibrinogen antigen	\$6.00	\$9.26
85390	Fibrinolysins screen i&r	\$3.00	\$5.64
85397	Clotting funct activity	\$33.51	\$25.04
85400	Fibrinolytic plasmin	\$6.00	\$9.66
85410	Fibrinolytic antiplasmin	\$5.00	\$8.42
85415	Fibrinolytic plasminogen	\$10.00	\$15.86
85420	Fibrinolytic plasminogen	\$4.00	\$7.14
85421	Fibrinolytic plasminogen	\$7.00	\$11.12
85441	Heinz bodies direct	\$3.00	\$4.59
85445	Heinz bodies induced	\$4.00	\$6.30
85460	Hemoglobin fetal	\$5.00	\$8.45
85461	Hemoglobin fetal	\$4.00	\$7.24
85475	Hemolysin acid	\$6.00	\$9.69
85520	Heparin assay	\$9.00	\$14.29
85525	Heparin neutralization	\$8.00	\$12.93
85530	Heparin-protamine tolerance	\$9.00	\$15.47
85536	Iron stain peripheral blood	\$8.00	\$7.06
85540	Wbc alkaline phosphatase	\$6.00	\$9.39
85547	Rbc mechanical fragility	\$6.00	\$9.39
85549	Muramidase	\$10.00	\$15.84
85555	Rbc osmotic fragility	\$4.00	\$7.00
85557	Rbc osmotic fragility	\$9.00	\$14.58
85576	Blood platelet aggregation	\$14.00	\$23.45
85597	Phospholipid pltlt neutraliz	\$12.00	\$19.62
85598	Hexagnal phosph pltlt neutrl	\$25.30	\$19.62
85610	Prothrombin time	\$3.00	\$4.30
85611	Prothrombin test	\$3.00	\$4.30
85612	Viper venom prothrombin time	\$6.00	\$10.45
85613	Russell viper venom diluted	\$6.00	\$10.45
85635	Reptilase test	\$5.00	\$7.63
85651	Rbc sed rate nonautomated	\$2.00	\$3.87
85652	Rbc sed rate automated	\$2.00	\$2.95
85660	Rbc sickle cell test	\$4.00	\$5.93
85705	Thromboplastin inhibition	\$6.00	\$9.29
85730	Thromboplastin time partial	\$4.08	\$6.55
85732	Thromboplastin time partial	\$4.00	\$7.06
85810	Blood viscosity examination	\$8.00	\$12.74
86000	Agglutinins febrile antigen	\$5.00	\$7.62

Proc Code	Short Description	Current DC Rate	New DC Rate
86001	Allergen specific igg	\$6.50	\$5.70
86003	Allergen specific ige	\$3.00	\$5.70
86005	Allergen specific ige	\$2.00	\$3.17
86021	Wbc antibody identification	\$7.00	\$11.38
86022	Platelet antibodies	\$7.00	\$11.38
86023	Immunoglobulin assay	\$8.00	\$13.60
86038	Antinuclear antibodies	\$8.00	\$13.19
86039	Antinuclear antibodies (ana)	\$7.00	\$12.18
86060	Antistreptolysin o titer	\$5.00	\$7.97
86063	Antistreptolysin o screen	\$4.00	\$6.30
86140	C-reactive protein	\$3.00	\$5.65
86141	C-reactive protein hs	\$17.80	\$14.13
86146	Beta-2 glycoprotein antibody	\$21.00	\$27.77
86147	Cardiolipin antibody ea ig	\$17.00	\$27.77
86148	Anti-phospholipid antibody	\$0.00	\$10.83
86152	Cell enumeration & id	\$0.00	\$268.17
86155	Chemotaxis assay	\$11.00	\$17.45
86156	Cold agglutinin screen	\$4.00	\$6.96
86157	Cold agglutinin titer	\$5.00	\$8.80
86160	Complement antigen	\$8.00	\$13.10
86161	Complement/function activity	\$8.00	\$13.10
86162	Complement total (ch50)	\$13.00	\$22.18
86171	Complement fixation each	\$6.00	\$10.57
86185	Counterimmunoelectrophoresis	\$6.00	\$9.76
86200	Ccp antibody	\$9.41	\$14.13
86215	Deoxyribonuclease antibody	\$9.00	\$14.46
86225	Dna antibody native	\$9.00	\$14.99
86226	Dna antibody single strand	\$8.00	\$13.22
86235	Nuclear antigen antibody	\$12.00	\$19.57
86243	Fc receptor	\$14.00	\$22.39
86255	Fluorescent antibody screen	\$8.00	\$13.15
86256	Fluorescent antibody titer	\$6.00	\$9.54
86277	Growth hormone antibody	\$10.00	\$17.18
86280	Hemagglutination inhibition	\$5.00	\$8.94
86294	Immunoassay tumor qual	\$12.00	\$19.10
86300	Immunoassay tumor ca 15-3	\$26.00	\$22.71
86301	Immunoassay tumor ca 19-9	\$26.00	\$22.71
86304	Immunoassay tumor ca 125	\$26.00	\$22.71
86305	Human epididymis protein 4	\$29.81	\$22.71
86308	Heterophile antibody screen	\$3.00	\$5.65
86309	Heterophile antibody titer	\$4.00	\$7.06
86310	Heterophile antibody absrbj	\$5.00	\$8.05

Proc Code	Short Description	Current DC Rate	New DC Rate
86316	Immunoassay tumor other	\$14.00	\$22.71
86317	Immunoassay infectious agent	\$10.27	\$16.36
86318	Immunoassay infectious agent	\$9.00	\$14.13
86320	Serum immunoelectrophoresis	\$15.00	\$24.46
86325	Other immunoelectrophoresis	\$15.00	\$24.41
86327	Immunoelectrophoresis assay	\$15.00	\$24.76
86329	Immunodiffusion nes	\$7.00	\$11.66
86331	Immunodiffusion ouchterlony	\$8.00	\$13.08
86332	Immune complex assay	\$16.00	\$26.60
86334	Immunofix e-phoresis serum	\$15.00	\$24.38
86335	Immunfix e-phorsis/urine/csf	\$11.16	\$32.03
86336	Inhibin a	\$17.50	\$17.01
86337	Insulin antibodies	\$12.00	\$18.98
86340	Intrinsic factor antibody	\$10.00	\$16.45
86341	Islet cell antibody	\$13.00	\$21.59
86343	Leukocyte histamine release	\$8.00	\$13.61
86344	Leukocyte phagocytosis	\$5.00	\$8.72
86352	Cell function assay w/stim	\$97.30	\$148.29
86353	Lymphocyte transformation	\$33.00	\$53.51
86355	B cells total count	\$27.40	\$41.17
86356	Mononuclear cell antigen	\$37.41	\$29.22
86357	Nk cells total count	\$27.40	\$41.17
86359	T cells total count	\$25.00	\$41.17
86360	T cell absolute count/ratio	\$31.00	\$51.28
86361	T cell absolute count	\$62.00	\$29.22
86367	Stem cells total count	\$27.40	\$41.17
86376	Microsomal antibody each	\$10.00	\$15.88
86378	Migration inhibitory factor	\$13.00	\$21.49
86382	Neutralization test viral	\$11.00	\$18.46
86384	Nitroblue tetrazolium dye	\$8.00	\$12.42
86403	Particle agglut antbdy scrn	\$7.00	\$11.12
86406	Particle agglut antbdy titr	\$7.00	\$11.61
86430	Rheumatoid factor test qual	\$4.00	\$6.19
86431	Rheumatoid factor quant	\$4.00	\$6.19
86480	Tb test cell immun measure	\$45.03	\$67.65
86481	Tb ag response t-cell susp	\$87.22	\$81.78
86590	Streptokinase antibody	\$7.00	\$12.06
86592	Syphilis test non-trep qual	\$3.00	\$4.66
86593	Syphilis test non-trep quant	\$3.00	\$4.80
86602	Antinomyces antibody	\$7.00	\$11.11
86603	Adenovirus antibody	\$9.00	\$14.04
86606	Aspergillus antibody	\$10.00	\$16.43

Proc Code	Short Description	Current DC Rate	New DC Rate
86609	Bacterium antibody	\$9.00	\$14.06
86611	Bartonella antibody	\$12.50	\$11.11
86612	Blastomyces antibody	\$9.00	\$14.08
86615	Bordetella antibody	\$9.00	\$14.40
86617	Lyme disease antibody	\$10.00	\$16.90
86618	Lyme disease antibody	\$11.00	\$18.59
86619	Borrelia antibody	\$9.00	\$14.60
86622	Brucella antibody	\$5.00	\$8.93
86625	Campylobacter antibody	\$9.00	\$14.32
86628	Candida antibody	\$7.00	\$11.66
86631	Chlamydia antibody	\$6.00	\$10.56
86632	Chlamydia igm antibody	\$7.00	\$11.66
86635	Coccidioides antibody	\$7.00	\$11.66
86638	Q fever antibody	\$8.00	\$13.23
86641	Cryptococcus antibody	\$10.00	\$15.73
86644	Cmv antibody	\$10.00	\$15.71
86645	Cmv antibody igm	\$11.00	\$18.38
86648	Diphtheria antibody	\$10.00	\$16.60
86651	Encephalitis californ antbdy	\$9.00	\$14.40
86652	Encephaltis east eqne anbdy	\$9.00	\$14.40
86653	Encephaltis st louis antbody	\$9.00	\$14.40
86654	Encephaltis west eqne antbdy	\$9.00	\$14.40
86658	Enterovirus antibody	\$9.00	\$14.22
86663	Epstein-barr antibody	\$9.00	\$14.32
86664	Epstein-barr nuclear antigen	\$10.00	\$16.70
86665	Epstein-barr capsid vca	\$12.00	\$19.80
86666	Ehrlichia antibody	\$12.50	\$11.11
86668	Francisella tularensis	\$7.00	\$11.35
86671	Fungus nes antibody	\$8.00	\$13.38
86674	Giardia lamblia antibody	\$10.00	\$16.06
86677	Helicobacter pylori antibody	\$10.00	\$15.84
86682	Helminth antibody	\$9.00	\$14.20
86684	Hemophilus influenza antibdy	\$11.00	\$17.29
86687	Htlv-i antibody	\$6.00	\$9.16
86688	Htlv-ii antibody	\$7.00	\$11.54
86689	Htlv/hiv confirmj antibody	\$13.00	\$21.12
86692	Hepatitis delta agent antbdy	\$11.00	\$18.73
86694	Herpes simplex nes antbdy	\$10.00	\$15.71
86695	Herpes simplex type 1 test	\$9.00	\$14.40
86696	Herpes simplex type 2 test	\$26.75	\$21.12
86698	Histoplasma antibody	\$7.00	\$11.66
86702	Hiv-2 antibody	\$7.00	\$11.54

Proc Code	Short Description	Current DC Rate	New DC Rate
86703	Hiv-1/hiv-2 1 result antbdy	\$9.00	\$14.96
86704	Hep b core antibody total	\$7.99	\$13.15
86705	Hep b core antibody igm	\$7.80	\$12.86
86706	Hep b surface antibody	\$7.12	\$11.72
86707	Hepatitis be antibody	\$7.67	\$12.62
86708	Hepatitis a total antibody	\$8.00	\$13.52
86709	Hepatitis a igm antibody	\$7.46	\$12.29
86710	Influenza virus antibody	\$9.00	\$14.79
86711	John cunningham antibody	\$19.79	\$15.71
86713	Legionella antibody	\$10.00	\$16.70
86717	Leishmania antibody	\$8.00	\$13.37
86720	Leptospira antibody	\$9.00	\$14.40
86723	Listeria monocytogenes	\$9.00	\$14.40
86727	Lymph choriomeningitis ab	\$9.00	\$14.04
86729	Lympho venereum antibody	\$6.00	\$10.56
86732	Mucormycosis antibody	\$9.00	\$14.40
86735	Mumps antibody	\$9.00	\$14.24
86738	Mycoplasma antibody	\$9.00	\$14.46
86741	Neisseria meningitidis	\$9.00	\$14.40
86744	Nocardia antibody	\$9.00	\$14.40
86747	Parvovirus antibody	\$10.00	\$16.41
86750	Malaria antibody	\$9.00	\$14.40
86753	Protozoa antibody nos	\$8.00	\$13.52
86756	Respiratory virus antibody	\$9.00	\$14.06
86757	Rickettsia antibody	\$24.00	\$21.12
86759	Rotavirus antibody	\$9.00	\$14.40
86762	Rubella antibody	\$10.00	\$15.71
86765	Rubeola antibody	\$6.00	\$10.69
86768	Salmonella antibody	\$9.00	\$14.40
86771	Shigella antibody	\$9.00	\$14.40
86774	Tetanus antibody	\$10.00	\$16.15
86777	Toxoplasma antibody	\$10.00	\$15.71
86778	Toxoplasma antibody igm	\$10.00	\$15.72
86780	Treponema pallidum	\$18.97	\$14.45
86784	Trichinella antibody	\$8.00	\$13.71
86787	Varicella-zoster antibody	\$9.00	\$14.06
86788	West nile virus ab igm	\$23.54	\$18.38
86789	West nile virus antibody	\$20.11	\$15.71
86790	Virus antibody nos	\$9.00	\$14.06
86793	Yersinia antibody	\$6.00	\$9.47
86800	Thyroglobulin antibody	\$11.00	\$17.36
86803	Hepatitis c ab test	\$9.47	\$15.58

Proc Code	Short Description	Current DC Rate	New DC Rate
86804	Hep c ab test confirm	\$10.27	\$16.90
86805	Lymphocytotoxicity assay	\$22.00	\$36.74
86806	Lymphocytotoxicity assay	\$22.00	\$36.74
86807	Cytotoxic antibody screening	\$26.00	\$43.19
86808	Cytotoxic antibody screening	\$32.50	\$32.39
86812	Hla typing a b or c	\$17.00	\$28.17
86813	Hla typing a b or c	\$38.00	\$63.30
86817	Hla typing dr/dq	\$43.00	\$70.27
86821	Lymphocyte culture mixed	\$37.00	\$61.62
86822	Lymphocyte culture primed	\$24.00	\$39.90
86825	Hla x-math non-cytotoxic	\$115.04	\$87.66
86826	Hla x-match noncytotoxc addl	\$38.35	\$29.22
86828	Hla class i&ii antibody qual	\$15.40	\$43.19
86829	Hla class i/ii antibody qual	\$11.58	\$32.39
86830	Hla class i phenotype qual	\$110.99	\$84.10
86831	Hla class ii phenotype qual	\$95.13	\$72.08
86832	Hla class i high defin qual	\$174.40	\$132.14
86833	Hla class ii high defin qual	\$158.55	\$120.14
86834	Hla class i semiquant panel	\$491.49	\$372.41
86835	Hla class ii semiquant panel	\$443.93	\$336.37
86880	Coombs test direct	\$7.00	\$5.87
86886	Coombs test indirect titer	\$4.00	\$5.65
86900	Blood typing serologic abo	\$7.00	\$3.26
86901	Blood typing serologic rh(d)	\$5.75	\$3.26
86902	Blood type antigen donor ea	\$5.38	\$4.18
86904	Blood typing patient serum	\$2.00	\$10.38
86905	Blood typing rbc antigens	\$4.00	\$4.18
86906	Bld typing serologic rh phnt	\$6.00	\$8.46
86940	Hemolysins/agglutinins auto	\$4.00	\$6.73
86941	Hemolysins/agglutinins	\$8.00	\$13.22
87003	Small animal inoculation	\$11.00	\$18.38
87015	Specimen infect agnt concntj	\$4.00	\$6.71
87040	Blood culture for bacteria	\$7.00	\$11.27
87045	Feces culture aerobic bact	\$6.00	\$10.30
87046	Stool cultr aerobic bact ea	\$3.00	\$10.30
87070	Culture othr specimn aerobic	\$14.96	\$9.40
87071	Culture aerobic quant other	\$6.00	\$10.30
87073	Culture bacteria anaerobic	\$6.00	\$10.30
87075	Cultr bacteria except blood	\$6.00	\$10.33
87076	Culture anaerobe ident each	\$9.00	\$8.82
87077	Culture aerobic identify	\$9.00	\$8.82
87081	Culture screen only	\$4.00	\$7.24

Proc Code	Short Description	Current DC Rate	New DC Rate
87084	Culture of specimen by kit	\$6.00	\$9.40
87086	Urine culture/colony count	\$6.00	\$8.81
87088	Urine bacteria culture	\$5.00	\$8.84
87101	Skin fungi culture	\$5.00	\$8.42
87102	Fungus isolation culture	\$6.00	\$9.17
87106	Fungi identification yeast	\$7.00	\$11.27
87107	Fungi identification mold	\$12.50	\$11.27
87109	Mycoplasma	\$10.00	\$16.79
87110	Chlamydia culture	\$13.00	\$21.38
87116	Mycobacteria culture	\$4.00	\$6.71
87118	Mycobacteric identification	\$7.00	\$11.94
87140	Culture type immunofluoresc	\$4.00	\$6.09
87143	Culture typing glc/hplc	\$8.00	\$13.67
87147	Culture type immunologic	\$3.00	\$5.65
87149	Dna/rna direct probe	\$25.00	\$21.89
87150	Dna/rna amplified probe	\$50.27	\$38.30
87152	Culture type pulse field gel	\$6.50	\$5.70
87153	Dna/rna sequencing	\$165.22	\$125.90
87158	Culture typing added method	\$3.00	\$5.70
87164	Dark field examination	\$7.00	\$11.72
87166	Dark field examination	\$7.00	\$12.33
87168	Macroscopic exam arthropod	\$8.00	\$4.66
87169	Macroscopic exam parasite	\$3.00	\$4.66
87172	Pinworm exam	\$3.00	\$4.66
87176	Tissue homogenization cultr	\$4.00	\$6.42
87177	Ova and parasites smears	\$4.00	\$6.71
87181	Microbe susceptible diffuse	\$3.00	\$5.18
87184	Microbe susceptible disk	\$5.00	\$7.53
87185	Microbe susceptible enzyme	\$3.50	\$5.18
87186	Microbe susceptible mic	\$6.00	\$9.44
87188	Microbe suscept macrobroth	\$4.00	\$6.20
87190	Microbe suscept mycobacteri	\$4.00	\$6.17
87205	Smear gram stain	\$3.00	\$4.66
87206	Smear fluorescent/acid stai	\$4.00	\$5.87
87207	Smear special stain	\$4.00	\$6.54
87209	Smear complex stain	\$13.06	\$19.62
87210	Smear wet mount saline/ink	\$3.30	\$4.66
87220	Tissue exam for fungi	\$2.00	\$3.77
87230	Assay toxin or antitoxin	\$12.00	\$19.04
87250	Virus inoculate eggs/animal	\$13.00	\$21.34
87252	Virus inoculation tissue	\$17.00	\$28.45
87253	Virus inoculate tissue addl	\$13.00	\$22.05

Proc Code	Short Description	Current DC Rate	New DC Rate
87254	Virus inoculation shell via	\$6.70	\$21.34
87255	Genet virus isolate hsv	\$46.12	\$36.96
87260	Adenovirus ag if	\$7.30	\$12.02
87265	Pertussis ag if	\$7.00	\$12.02
87267	Enterovirus antibody dfa	\$16.31	\$12.02
87269	Giardia ag if	\$15.50	\$12.02
87270	Chlamydia trachomatis ag if	\$7.00	\$12.02
87271	Cytomegalovirus dfa	\$16.31	\$12.02
87272	Cryptosporidium ag if	\$7.00	\$12.02
87273	Herpes simplex 2 ag if	\$15.00	\$12.02
87274	Herpes simplex 1 ag if	\$7.00	\$12.02
87275	Influenza b ag if	\$15.00	\$12.02
87276	Influenza a ag if	\$7.00	\$12.02
87277	Legionella micdadei ag if	\$15.00	\$12.02
87278	Legion pneumophilia ag if	\$7.00	\$12.02
87279	Parainfluenza ag if	\$14.50	\$12.02
87280	Respiratory syncytial ag if	\$7.00	\$12.02
87281	Pneumocystis carinii ag if	\$14.50	\$12.02
87283	Rubeola ag if	\$14.50	\$12.02
87285	Treponema pallidum ag if	\$7.00	\$12.02
87290	Varicella zoster ag if	\$7.00	\$12.02
87299	Antibody detection nos if	\$7.00	\$12.02
87300	Ag detection polyval if	\$7.00	\$12.02
87301	Adenovirus ag eia	\$7.00	\$12.02
87305	Aspergillus ag eia	\$15.39	\$12.02
87320	Chylmd trach ag eia	\$7.00	\$12.02
87324	Clostridium ag eia	\$7.00	\$12.02
87327	Cryptococcus neoform ag eia	\$14.50	\$12.02
87328	Cryptosporidium ag eia	\$7.00	\$12.02
87329	Giardia ag eia	\$15.50	\$12.02
87332	Cytomegalovirus ag eia	\$7.00	\$12.02
87335	E coli 0157 ag eia	\$7.00	\$12.02
87336	Entamoeb hist dispr ag eia	\$14.50	\$12.02
87337	Entamoeb hist group ag eia	\$14.50	\$12.02
87338	Hpylori stool eia	\$10.00	\$12.02
87339	H pylori ag eia	\$14.50	\$12.02
87340	Hepatitis b surface ag eia	\$7.00	\$11.28
87341	Hepatitis b surface ag eia	\$12.50	\$11.28
87350	Hepatitis be ag eia	\$8.00	\$12.58
87380	Hepatitis delta ag eia	\$11.00	\$17.91
87385	Histoplasma capsul ag eia	\$7.00	\$12.02
87389	Hiv-1 ag w/hiv-1 & hiv-2 ab	\$34.12	\$26.29

Proc Code	Short Description	Current DC Rate	New DC Rate
87390	Hiv-1 ag eia	\$12.00	\$19.25
87391	Hiv-2 ag eia	\$12.00	\$19.25
87400	Influenza a/b ag eia	\$7.00	\$12.02
87420	Resp syncytial ag eia	\$7.00	\$12.02
87425	Rotavirus ag eia	\$7.00	\$12.02
87427	Shiga-like toxin ag eia	\$14.50	\$12.02
87430	Strep a ag eia	\$7.00	\$12.02
87449	Ag detect nos eia mult	\$7.00	\$12.02
87450	Ag detect nos eia single	\$6.00	\$10.46
87451	Ag detect polyval eia mult	\$12.59	\$10.46
87470	Bartonella dna dir probe	\$13.00	\$21.89
87471	Bartonella dna amp probe	\$23.00	\$38.30
87472	Bartonella dna quant	\$0.00	\$30.97
87475	Lyme dis dna dir probe	\$13.00	\$21.89
87476	Lyme dis dna amp probe	\$23.00	\$38.30
87477	Lyme dis dna quant	\$0.00	\$30.97
87480	Candida dna dir probe	\$13.00	\$21.89
87481	Candida dna amp probe	\$23.00	\$38.30
87482	Candida dna quant	\$0.00	\$30.97
87485	Chylmd pneum dna dir probe	\$13.00	\$21.89
87486	Chylmd pneum dna amp probe	\$23.00	\$38.30
87487	Chylmd pneum dna quant	\$0.00	\$30.97
87490	Chylmd trach dna dir probe	\$14.63	\$21.89
87491	Chylmd trach dna amp probe	\$23.00	\$38.30
87492	Chylmd trach dna quant	\$0.00	\$30.97
87493	C diff amplified probe	\$50.27	\$38.30
87495	Cytomeg dna dir probe	\$13.00	\$21.89
87496	Cytomeg dna amp probe	\$23.00	\$38.30
87497	Cytomeg dna quant	\$32.15	\$30.97
87498	Enterovirus probe&revrs trns	\$49.04	\$38.30
87500	Vanomycin dna amp probe	\$49.04	\$38.30
87501	Influenza dna amp prob 1+	\$72.22	\$56.01
87502	Influenza dna amp probe	\$119.75	\$92.87
87503	Influenza dna amp prob addl	\$29.22	\$22.66
87510	Gardner vag dna dir probe	\$13.00	\$21.89
87511	Gardner vag dna amp probe	\$23.00	\$38.30
87512	Gardner vag dna quant	\$0.00	\$30.97
87515	Hepatitis b dna dir probe	\$13.00	\$21.89
87516	Hepatitis b dna amp probe	\$23.00	\$38.30
87517	Hepatitis b dna quant	\$49.00	\$30.97
87520	Hepatitis c rna dir probe	\$13.00	\$21.89
87521	Hepatitis c probe&rvrs trnsc	\$23.00	\$38.30

Proc Code	Short Description	Current DC Rate	New DC Rate
87522	Hepatitis c revrs trnscrpj	\$49.00	\$30.97
87525	Hepatitis g dna dir probe	\$13.00	\$21.89
87526	Hepatitis g dna amp probe	\$23.00	\$38.30
87527	Hepatitis g dna quant	\$0.00	\$30.97
87528	Hsv dna dir probe	\$13.00	\$21.89
87529	Hsv dna amp probe	\$23.00	\$38.30
87530	Hsv dna quant	\$0.00	\$30.97
87531	Hhv-6 dna dir probe	\$13.00	\$21.89
87532	Hhv-6 dna amp probe	\$23.00	\$38.30
87533	Hhv-6 dna quant	\$0.00	\$30.97
87534	Hiv-1 dna dir probe	\$13.00	\$21.89
87535	Hiv-1 probe&reverse trnscrpj	\$23.00	\$38.30
87536	Hiv-1 quant&revrse trnscrpj	\$117.00	\$92.87
87537	Hiv-2 dna dir probe	\$13.00	\$21.89
87538	Hiv-2 probe&revrse trnscrpj	\$23.00	\$38.30
87539	Hiv-2 quant&revrse trnscrpj	\$0.00	\$30.97
87540	Legion pneumo dna dir prob	\$13.00	\$21.89
87541	Legion pneumo dna amp prob	\$23.00	\$38.30
87542	Legion pneumo dna quant	\$0.00	\$30.97
87550	Mycobacteria dna dir probe	\$13.00	\$21.89
87551	Mycobacteria dna amp probe	\$23.00	\$38.30
87552	Mycobacteria dna quant	\$0.00	\$30.97
87555	M.tuberculo dna dir probe	\$13.00	\$21.89
87556	M.tuberculo dna amp probe	\$23.00	\$38.30
87557	M.tuberculo dna quant	\$0.00	\$30.97
87560	M.avium-intra dna dir prob	\$13.00	\$21.89
87561	M.avium-intra dna amp prob	\$23.00	\$38.30
87562	M.avium-intra dna quant	\$0.00	\$30.97
87580	M.pneumon dna dir probe	\$13.00	\$21.89
87581	M.pneumon dna amp probe	\$23.00	\$38.30
87582	M.pneumon dna quant	\$0.00	\$30.97
87590	N.gonorrhoeae dna dir prob	\$13.30	\$21.89
87591	N.gonorrhoeae dna amp prob	\$23.00	\$38.30
87592	N.gonorrhoeae dna quant	\$0.00	\$30.97
87631	Resp virus 3-5 targets	\$176.34	\$140.02
87632	Resp virus 6-11 targets	\$293.37	\$232.94
87633	Resp virus 12-25 targets	\$572.91	\$454.88
87640	Staph a dna amp probe	\$49.04	\$38.30
87641	Mr-staph dna amp probe	\$49.04	\$38.30
87650	Strep a dna dir probe	\$13.00	\$21.89
87651	Strep a dna amp probe	\$23.00	\$38.30
87652	Strep a dna quant	\$0.00	\$30.97

Proc Code	Short Description	Current DC Rate	New DC Rate
87653	Strep b dna amp probe	\$49.04	\$38.30
87660	Trichomonas vagin dir probe	\$25.71	\$21.89
87661	Trichomonas vaginalis amplif	\$47.87	\$38.30
87797	Detect agent nos dna dir	\$13.00	\$21.89
87798	Detect agent nos dna amp	\$23.00	\$38.30
87800	Detect agnt mult dna direc	\$25.00	\$43.78
87801	Detect agnt mult dna ampli	\$41.00	\$76.61
87802	Strep b assay w/optic	\$16.50	\$12.02
87803	Clostridium toxin a w/optic	\$16.50	\$12.02
87804	Influenza assay w/optic	\$16.50	\$12.02
87807	Rsv assay w/optic	\$15.39	\$12.02
87808	Trichomonas assay w/optic	\$15.39	\$12.02
87809	Adenovirus assay w/optic	\$15.39	\$12.02
87810	Chylmd trach assay w/optic	\$7.00	\$12.02
87850	N. gonorrhoeae assay w/optic	\$7.00	\$12.02
87899	Agent nos assay w/optic	\$7.00	\$12.02
87900	Phenotype infect agent drug	\$94.70	\$142.26
87901	Genotype dna hiv reverse t	\$225.86	\$280.98
87902	Genotype dna/rna hep c	\$225.80	\$280.98
87903	Phenotype dna hiv w/culture	\$675.79	\$533.31
87904	Phenotype dna hiv w/clt add	\$14.00	\$28.45
87905	Sialidase enzyme assay	\$17.84	\$13.34
87906	Genotype dna/rna hiv	\$181.14	\$140.50
87910	Genotype cytomegalovirus	\$353.88	\$280.98
87912	Genotype dna hepatitis b	\$353.88	\$280.98
88130	Sex chromatin identification	\$10.00	\$16.43
88140	Sex chromatin identification	\$5.00	\$8.73
88142	Cytopath c/v thin layer	\$5.00	\$22.11
88143	Cytopath c/v thin layer redo	\$11.00	\$22.11
88147	Cytopath c/v automated	\$0.00	\$12.42
88148	Cytopath c/v auto rescreen	\$0.00	\$16.58
88150	Cytopath c/v manual	\$3.30	\$11.54
88152	Cytopath c/v auto redo	\$3.00	\$11.54
88153	Cytopath c/v redo	\$30.00	\$11.54
88154	Cytopath c/v select	\$0.00	\$11.54
88155	Cytopath c/v index add-on	\$4.00	\$6.54
88164	Cytopath tbs c/v manual	\$20.00	\$11.54
88165	Cytopath tbs c/v redo	\$15.00	\$11.54
88166	Cytopath tbs c/v auto redo	\$0.00	\$11.54
88167	Cytopath tbs c/v select	\$0.00	\$11.54
88174	Cytopath c/v auto in fluid	\$29.45	\$23.32
88175	Cytopath c/v auto fluid redo	\$36.08	\$28.91

Proc Code	Short Description	Current DC Rate	New DC Rate
88230	Tissue culture lymphocyte	\$77.00	\$127.15
88233	Tissue culture skin/biopsy	\$93.00	\$153.59
88235	Tissue culture placenta	\$98.00	\$160.72
88237	Tissue culture bone marrow	\$84.00	\$137.86
88239	Tissue culture tumor	\$98.00	\$161.01
88240	Cell cryopreserve/storage	\$0.00	\$11.02
88241	Frozen cell preparation	\$0.00	\$11.02
88245	Chromosome analysis 20-25	\$99.00	\$162.47
88248	Chromosome analysis 50-100	\$115.00	\$189.01
88261	Chromosome analysis 5	\$117.00	\$192.89
88262	Chromosome analysis 15-20	\$83.00	\$136.03
88263	Chromosome analysis 45	\$100.00	\$164.02
88264	Chromosome analysis 20-25	\$227.76	\$136.03
88267	Chromosome analys placenta	\$119.00	\$196.21
88269	Chromosome analys amniotic	\$110.00	\$181.53
88271	Cytogenetics dna probe	\$84.00	\$23.38
88272	Cytogenetics 3-5	\$0.00	\$29.22
88273	Cytogenetics 10-30	\$84.00	\$35.07
88274	Cytogenetics 25-99	\$96.00	\$37.99
88275	Cytogenetics 100-300	\$0.00	\$43.83
88280	Chromosome karyotype study	\$17.00	\$27.39
88283	Chromosome banding study	\$45.00	\$74.87
88285	Chromosome count additional	\$13.00	\$20.74
88289	Chromosome study additional	\$23.00	\$37.58
88371	Protein western blot tissue	\$15.00	\$24.26
88372	Protein analysis w/probe	\$15.00	\$24.82
88720	Bilirubin total transcut	\$7.33	\$5.47
88738	Hgb quant transcutaneous	\$7.19	\$5.47
88740	Transcutaneous carboxyhb	\$7.33	\$5.47
88741	Transcutaneous methb	\$7.33	\$5.47
89050	Body fluid cell count	\$3.00	\$5.16
89051	Body fluid cell count	\$4.00	\$6.01
89055	Leukocyte assessment fecal	\$5.78	\$4.66
89060	Exam synovial fluid crystals	\$5.00	\$7.81
89125	Specimen fat stain	\$3.00	\$4.71
89160	Exam feces for meat fibers	\$2.00	\$4.02
89190	Nasal smear for eosinophils	\$3.00	\$5.18
89300	Semen analysis w/huhner	\$6.00	\$9.74
89310	Semen analysis w/count	\$6.00	\$9.39
89320	Semen anal vol/count/mot	\$8.00	\$13.15
89321	Semen anal sperm detection	\$8.50	\$13.15
89325	Sperm antibody test	\$7.00	\$11.65

Proc Code	Short Description	Current DC Rate	New DC Rate
89330	Evaluation cervical mucus	\$7.00	\$10.80
G0416	Prostate biopsy, any mthd	\$600.16	\$612.80
G0431	Drug screen multiple class	\$19.72	\$79.36
G0434	Drug screen multi drug class	\$20.47	\$15.87
P3000	Screen pap by tech w md supv	\$0.00	\$11.54
P3001	Screening pap smear by phys	\$28.57	\$28.83
Q0091	Obtaining screen pap smear	\$42.46	\$41.45
Q0111	Wet mounts/ w preparations	\$0.00	\$4.66
Q0112	Potassium hydroxide preps	\$0.00	\$3.77
Q0113	Pinworm examinations	\$0.00	\$5.90
Q0114	Fern test	\$0.00	\$7.81
Q0115	Post-coital mucous exam	\$0.00	\$10.80

The Medicaid Fee Schedule is located on the DHCF website at <https://www.dc-medicaid.com/dcwebportal/nonsecure/feeScheduleDownload>. For further information or questions regarding this fee schedule update, please contact Amy Xing, Reimbursement Analyst, Department of Health Care Finance, at amy.xing2@dc.gov, or via telephone at (202) 481-3375.

DEPARTMENT OF HEALTH CARE FINANCE

PUBLIC NOTICE

MEDICAID FEE SCHEDULE UPDATES FOR PHYSICIAN-ADMINISTERED DRUGS

The Department of Health Care Finance (DHCF), in accordance with the requirements set forth in Section 988 of Chapter 9 of Title 29 of the District of Columbia Municipal Regulations, published on May 22, 2015 (62 DCR 6692), announces changes to the rates for reimbursement of physician-administered drugs that will go into effect on August 1, 2015. The exception to this change will be physician-administered chemotherapy drugs.

Under the District of Columbia's State Plan for Medical Assistance, physician-administered drugs are reimbursed at eighty percent (80%) of the Medicare rate as established by the Centers for Medicare and Medicaid Services. As a result, DHCF is updating the rates of physician-administered drugs, with the exception of physician-administered chemotherapy drugs, with the following changes in order to ensure the rates are eighty percent (80%) of Medicare reimbursement rates:

Proc Code	Description	Current DC Rate	New DC Rate
90632	Hep a vaccine adult im	\$56.90	\$39.63
90654	Flu vacc iiv3 no preserv id	\$0.00	\$15.13
90656	Flu vaccine no preserv 3 & >	\$9.92	\$11.28
90657	Flu vaccine 3 yrs im	\$106.50	\$4.82
90669	Pneumococcal vacc 7 val im	\$18.05	\$76.36
90670	Pneumococcal vacc 13 val im	\$81.09	\$123.17
90672	Flu vaccine 4 valent nasal	\$0.00	\$20.59
90685	Flu vac no prsv 4 val 6-35 m	\$18.58	\$19.12
90686	Flu vac no prsv 4 val 3 yrs+	\$15.53	\$14.39
90703	Tetanus vaccine im	\$2.59	\$33.01
90714	Td vaccine no prsrv 7/> im	\$7.25	\$17.56
90715	Tdap vaccine 7 yrs/> im	\$27.04	\$26.65
90732	Pneumococcal vacc 23 val im	\$13.51	\$62.28
90733	Meningococcal vaccine sc	\$39.20	\$85.19
90744	Hepb vacc ped/adol 3 dose im	\$26.42	\$19.37
90746	Hep b vacc adult 3 dose im	\$55.46	\$47.77
90747	Hepb vacc ill pat 4 dose im	\$65.15	\$95.53
A9576	Inj prohance multipack	\$6.22	\$1.46
A9577	Inj multihance	\$5.91	\$1.78
A9578	Inj multihance multipack	\$6.22	\$1.40
A9581	Gadoxetate disodium inj	\$10.80	\$11.23
A9583	Gadofosveset trisodium inj	\$0.00	\$9.71
A9585	Gadobutrol injection	\$0.00	\$0.33

Proc Code	Description	Current DC Rate	New DC Rate
G0429	Dermal filler injection(s)	\$99.99	\$73.92
J0132	Acetylcysteine injection	\$1.50	\$1.75
J0133	Acyclovir injection	\$0.03	\$0.05
J0171	Adrenalin epinephrine inject	\$0.03	\$0.11
J0215	Alefacept	\$26.78	\$33.32
J0278	Amikacin sulfate injection	\$1.04	\$1.01
J0280	Aminophyllin 250 mg inj	\$1.99	\$3.18
J0285	Amphotericin b	\$16.95	\$12.97
J0289	Amphotericin b liposome inj	\$176.63	\$13.46
J0290	Ampicillin 500 mg inj	\$2.44	\$1.00
J0295	Ampicillin sodium per 1.5 gm	\$6.49	\$1.46
J0348	Anidulafungin injection	\$1.53	\$0.55
J0360	Hydralazine hcl injection	\$9.26	\$2.38
J0400	Aripiprazole injection	\$0.23	\$0.52
J0401	Inj aripiprazole ext rel 1mg	\$0.00	\$3.10
J0461	Atropine sulfate injection	\$0.03	\$0.04
J0470	Dimecaprol injection	\$10.45	\$23.50
J0475	Baclofen 10 mg injection	\$201.88	\$130.24
J0500	Dicyclomine injection	\$2.95	\$33.02
J0515	Inj benztropine mesylate	\$3.46	\$16.30
J0558	Peng benzathine/procaïne inj	\$2.58	\$3.94
J0561	Penicillin g benzathine inj	\$3.25	\$5.03
J0583	Bivalirudin	\$1.83	\$2.74
J0585	Injection,onabotulinumtoxina	\$5.90	\$4.45
J0586	Abobotulinumtoxina	\$6.46	\$5.95
J0587	Inj, rimabotulinumtoxinb	\$0.80	\$9.04
J0588	Incobotulinumtoxin a	\$4.42	\$3.58
J0595	Butorphanol tartrate 1 mg	\$3.79	\$1.40
J0597	C-1 esterase, berinert	\$22.02	\$30.11
J0600	Edetate calcium disodium inj	\$31.55	\$2,782.01
J0610	Calcium gluconate injection	\$1.28	\$1.02
J0630	Calcitonin salmon injection	\$38.83	\$55.43
J0636	Inj calcitriol per 0.1 mcg	\$0.71	\$0.31
J0638	Canakinumab injection	\$71.34	\$72.77
J0670	Inj mepivacaine hcl/10 ml	\$14.85	\$1.76
J0690	Cefazolin sodium injection	\$2.95	\$0.95
J0692	Cefepime hcl for injection	\$7.72	\$1.92
J0696	Ceftriaxone sodium injection	\$17.01	\$0.56
J0697	Sterile cefuroxime injection	\$6.82	\$2.23
J0702	Betamethasone acet&sod phosp	\$4.23	\$4.57
J0713	Inj ceftazidime per 500 mg	\$6.75	\$1.68
J0717	Certolizumab pegol inj 1mg	\$4.10	\$5.25

Proc Code	Description	Current DC Rate	New DC Rate
J0720	Chloramphenicol sodium injec	\$5.54	\$25.39
J0725	Chorionic gonadotropin/1000u	\$3.33	\$14.46
J0743	Cilastatin sodium injection	\$11.02	\$3.86
J0744	Ciprofloxacin iv	\$13.00	\$0.88
J0775	Collagenase, clost hist inj	\$30.01	\$30.61
J0780	Prochlorperazine injection	\$2.59	\$7.49
J0834	Cosyntropin cortrosyn inj	\$72.96	\$41.09
J0881	Darbepoetin alfa, non-esrd	\$2.39	\$3.01
J0882	Darbepoetin alfa, esrd use	\$2.39	\$3.01
J0885	Epoetin alfa, non-esrd	\$7.22	\$9.32
J0886	Epoetin alfa 1000 units esrd	\$7.66	\$9.32
J0895	Deferoxamine mesylate inj	\$11.47	\$6.93
J1000	Depo-estradiol cypionate inj	\$3.55	\$8.28
J1020	Methylprednisolone 20 mg inj	\$2.72	\$2.79
J1030	Methylprednisolone 40 mg inj	\$1.80	\$2.60
J1040	Methylprednisolone 80 mg inj	\$3.08	\$4.99
J1050	Medroxyprogesterone acetate	\$0.16	\$0.22
J1100	Dexamethasone sodium phos	\$1.00	\$0.11
J1160	Digoxin injection	\$1.66	\$4.43
J1162	Digoxin immune fab (ovine)	\$432.73	\$1,641.30
J1165	Phenytoin sodium injection	\$3.30	\$0.42
J1170	Hydromorphone injection	\$0.57	\$1.47
J1200	Diphenhydramine hcl injectio	\$1.00	\$0.43
J1230	Methadone injection	\$1.61	\$6.80
J1240	Dimenhydrinate injection	\$1.13	\$4.26
J1245	Dipyridamole injection	\$28.50	\$0.66
J1250	Inj dobutamine hcl/250 mg	\$5.79	\$4.24
J1260	Dolasetron mesylate	\$34.63	\$4.95
J1265	Dopamine injection	\$0.71	\$0.46
J1267	Doripenem injection	\$0.52	\$0.50
J1270	Injection, doxercalciferol	\$4.35	\$1.17
J1290	Ecallantide injection	\$220.23	\$300.51
J1335	Ertapenem injection	\$20.23	\$28.22
J1430	Ethanolamine oleate 100 mg	\$66.51	\$248.85
J1446	Inj, tbo-filgrastim, 5 mcg	\$0.00	\$3.20
J1453	Fosaprepitant injection	\$1.26	\$1.38
J1460	Gamma globulin 1 cc inj	\$2.28	\$23.01
J1559	Hizentra injection	\$5.83	\$6.35
J1570	Ganciclovir sodium injection	\$33.89	\$57.69
J1571	Hepagam b im injection	\$47.40	\$42.96
J1580	Garamycin gentamicin inj	\$2.18	\$0.99
J1630	Haloperidol injection	\$2.05	\$1.59

Proc Code	Description	Current DC Rate	New DC Rate
J1631	Haloperidol decanoate inj	\$26.55	\$15.18
J1642	Inj heparin sodium per 10 u	\$1.04	\$0.14
J1644	Inj heparin sodium per 1000u	\$1.00	\$0.16
J1645	Dalteparin sodium	\$13.25	\$11.38
J1650	Inj enoxaparin sodium	\$15.96	\$1.17
J1720	Hydrocortisone sodium succ i	\$3.56	\$4.86
J1740	Ibandronate sodium injection	\$111.10	\$121.44
J1750	Inj iron dextran	\$9.42	\$9.73
J1756	Iron sucrose injection	\$0.69	\$0.22
J1790	Droperidol injection	\$2.57	\$1.71
J1800	Propranolol injection	\$5.94	\$1.93
J1840	Kanamycin sulfate 500 mg inj	\$6.36	\$6.15
J1850	Kanamycin sulfate 75 mg inj	\$3.95	\$0.92
J1885	Ketorolac tromethamine inj	\$7.84	\$0.23
J1940	Furosemide injection	\$0.50	\$4.26
J1953	Levetiracetam injection	\$0.34	\$0.10
J1955	Inj levocarnitine per 1 gm	\$34.20	\$6.40
J2001	Lidocaine injection	\$0.16	\$0.02
J2010	Lincomycin injection	\$1.39	\$7.24
J2020	Linezolid injection	\$34.38	\$36.53
J2060	Lorazepam injection	\$9.29	\$0.57
J2150	Mannitol injection	\$2.95	\$1.68
J2175	Meperidine hydrochl /100 mg	\$0.60	\$3.99
J2185	Meropenem	\$4.18	\$0.91
J2210	Methylergonovin maleate inj	\$2.95	\$4.02
J2248	Micafungin sodium injection	\$1.25	\$0.78
J2250	Inj midazolam hydrochloride	\$1.87	\$0.11
J2260	Inj milrinone lactate / 5 mg	\$40.80	\$3.02
J2270	Morphine sulfate injection	\$0.62	\$1.05
J2278	Ziconotide injection	\$4.94	\$5.50
J2280	Inj, moxifloxacin 100 mg	\$8.84	\$4.26
J2300	Inj nalbuphine hydrochloride	\$2.80	\$1.99
J2310	Inj naloxone hydrochloride	\$2.44	\$34.20
J2315	Naltrexone, depot form	\$1.51	\$2.30
J2354	Octreotide inj, non-depot	\$3.74	\$0.91
J2355	Oprelvekin injection	\$233.52	\$257.50
J2357	Omalizumab injection	\$12.55	\$22.28
J2426	Paliperidone palmitate inj	\$5.20	\$6.33
J2430	Pamidronate disodium /30 mg	\$252.57	\$9.09
J2501	Paricalcitol	\$4.77	\$1.43
J2503	Pegaptanib sodium injection	\$843.76	\$827.22
J2507	Pegloticase injection	\$241.70	\$685.31

Proc Code	Description	Current DC Rate	New DC Rate
J2510	Penicillin g procaine inj	\$2.57	\$13.65
J2540	Penicillin g potassium inj	\$1.38	\$0.59
J2545	Pentamidine non-comp unit	\$106.51	\$74.60
J2550	Promethazine hcl injection	\$1.00	\$1.26
J2560	Phenobarbital sodium inj	\$4.74	\$16.91
J2597	Inj desmopressin acetate	\$4.00	\$4.06
J2675	Inj progesterone per 50 mg	\$1.76	\$0.73
J2680	Fluphenazine decanoate 25 mg	\$14.10	\$19.20
J2690	Procainamide hcl injection	\$4.75	\$39.95
J2720	Inj protamine sulfate/10 mg	\$1.00	\$0.83
J2724	Protein c concentrate	\$9.75	\$11.61
J2760	Phentolaine mesylate inj	\$28.36	\$90.72
J2765	Metoclopramide hcl injection	\$1.99	\$0.56
J2785	Regadenoson injection	\$37.92	\$42.20
J2790	Rho d immune globulin inj	\$53.90	\$67.42
J2791	Rhophylac injection	\$4.27	\$3.84
J2792	Rho(d) immune globulin h, sd	\$19.52	\$15.08
J2794	Risperidone, long acting	\$3.70	\$4.93
J2796	Romiplostim injection	\$34.88	\$42.90
J2800	Methocarbamol injection	\$3.45	\$33.68
J2850	Inj secretin synthetic human	\$16.25	\$27.83
J2916	Na ferric gluconate complex	\$7.76	\$2.05
J2920	Methylprednisolone injection	\$2.02	\$1.55
J2930	Methylprednisolone injection	\$3.54	\$2.29
J2997	Alteplase recombinant	\$33.85	\$51.44
J3010	Fentanyl citrate injeciton	\$1.04	\$0.42
J3070	Pentazocine injection	\$3.58	\$112.09
J3095	Telavancin injection	\$1.54	\$3.61
J3101	Tenecteplase injection	\$32.85	\$68.97
J3105	Terbutaline sulfate inj	\$1.91	\$3.27
J3230	Chlorpromazine hcl injection	\$2.12	\$18.41
J3243	Tigecycline injection	\$0.77	\$1.60
J3250	Trimethobenzamide hcl inj	\$2.48	\$15.76
J3260	Tobramycin sulfate injection	\$7.93	\$1.97
J3262	Tocilizumab injection	\$2.78	\$2.95
J3300	Triamcinolone a inj prs-free	\$2.60	\$2.98
J3301	Triamcinolone acet inj nos	\$4.91	\$1.41
J3357	Ustekinumab injection	\$89.51	\$129.83
J3360	Diazepam injection	\$1.10	\$3.84
J3370	Vancomycin hcl injection	\$5.20	\$1.74
J3411	Thiamine hcl 100 mg	\$0.81	\$2.76
J3415	Pyridoxine hcl 100 mg	\$0.45	\$5.59

Proc Code	Description	Current DC Rate	New DC Rate
J3420	Vitamin b12 injection	\$1.00	\$1.46
J3430	Vitamin k phytonadione inj	\$4.09	\$0.98
J3465	Injection, voriconazole	\$4.28	\$3.18
J3473	Hyaluronidase recombinant	\$0.32	\$0.27
J3475	Inj magnesium sulfate	\$2.79	\$0.15
J3486	Ziprasidone mesylate	\$17.67	\$9.39
J3489	Zoledronic acid 1mg	\$84.34	\$37.98
J7030	Normal saline solution infus	\$9.83	\$1.08
J7042	5% dextrose/normal saline	\$9.91	\$0.48
J7050	Normal saline solution infus	\$9.30	\$0.27
J7060	5% dextrose/water	\$7.12	\$0.95
J7070	D5w infusion	\$10.78	\$1.86
J7312	Dexamethasone intra implant	\$156.78	\$161.04
J7321	Hyalgan/supartz inj per dose	\$81.64	\$72.65
J7323	Euflexxa inj per dose	\$88.69	\$128.33
J7324	Orthovisc inj per dose	\$137.10	\$149.51
J7325	Synvisc or synvisc-one	\$9.39	\$10.00
J7326	Gel-one	\$0.00	\$449.66
J7500	Azathioprine oral 50mg	\$1.24	\$0.15
J7502	Cyclosporine oral 100 mg	\$5.64	\$2.70
J7506	Prednisone oral	\$0.02	\$0.06
J7507	Tacrolimus imme rel oral 1mg	\$2.66	\$0.99
J7508	Tacrolimus ex rel oral 0.1mg	\$0.34	\$0.32
J7509	Methylprednisolone oral	\$0.51	\$0.52
J7510	Prednisolone oral per 5 mg	\$0.03	\$0.07
J7515	Cyclosporine oral 25 mg	\$0.66	\$0.70
J7517	Mycophenolate mofetil oral	\$1.11	\$1.23
J7518	Mycophenolic acid	\$2.55	\$2.72
J7605	Arformoterol non-comp unit	\$3.77	\$5.36
J7606	Formoterol fumarate, inh	\$3.34	\$5.97
J7608	Acetylcysteine non-comp unit	\$2.54	\$2.96
J7611	Albuterol non-comp con	\$0.12	\$0.09
J7612	Levalbuterol non-comp con	\$0.12	\$0.15
J7613	Albuterol non-comp unit	\$0.35	\$0.04
J7614	Levalbuterol non-comp unit	\$0.35	\$0.08
J7620	Albuterol ipratrop non-comp	\$0.82	\$0.14
J7626	Budesonide non-comp unit	\$3.94	\$4.30
J7644	Ipratropium bromide non-comp	\$0.21	\$0.19
J7665	Mannitol for inhaler	\$0.00	\$0.54
J7674	Methacholine chloride, neb	\$0.32	\$0.41
J9201	Gemcitabine hcl injection	\$96.81	\$5.32
J9202	Goserelin acetate implant	\$357.19	\$180.02

Proc Code	Description	Current DC Rate	New DC Rate
J9302	Ofatumumab injection	\$36.30	\$38.20
Q0138	Ferumoxytol, non-esrd	\$0.65	\$0.59
Q0139	Ferumoxytol, esrd use	\$0.65	\$0.59
Q3027	Inj beta interferon im 1 mcg	\$26.26	\$29.09
Q4074	Iloprost non-comp unit dose	\$52.58	\$76.01
Q4081	Epoetin alfa, 100 units esrd	\$0.73	\$0.93
Q4101	Apligraf	\$25.11	\$26.89
Q4102	Oasis wound matrix	\$3.48	\$7.10
Q4104	Integra bmwd	\$9.50	\$16.89
Q4105	Integra drt	\$9.50	\$8.81
Q4106	Dermagraft	\$30.76	\$30.88
Q4107	Graftjacket	\$71.17	\$79.42
Q4108	Integra matrix	\$15.08	\$23.24
Q4110	Primatrix	\$27.42	\$29.78
Q4111	Gammagraft	\$6.05	\$5.52
Q4112	Cymetra injectable	\$249.09	\$305.59
Q4113	Graftjacket xpress	\$249.09	\$305.59
Q4114	Integra flowable wound matri	\$717.69	\$1,094.72
Q4115	Alloskin	\$7.63	\$6.16
Q4116	Alloderm	\$25.91	\$25.99
Q4121	Theraskin	\$17.54	\$25.93
Q4123	Alloskin	\$0.00	\$12.30
Q4131	Epifix	\$0.00	\$175.61
Q9965	Locm 100-199mg/ml iodine, 1ml	\$1.45	\$0.90
Q9966	Locm 200-299mg/ml iodine, 1ml	\$0.91	\$0.17
Q9967	Locm 300-399mg/ml iodine, 1ml	\$0.24	\$0.19
90284	Human ig sc	\$0.00	\$28.07
J0131	Acetaminophen injection	\$0.00	\$0.11
J1599	Ivig non-lyophilized, nos	\$0.00	\$57.09
J1725	Hydroxyprogesterone caproate	\$0.00	\$2.73
J1741	Ibuprofen injection	\$0.00	\$1.56
J1744	Icatibant injection	\$0.00	\$243.47
J2212	Methylnaltrexone injection	\$0.00	\$0.39
J2265	Minocycline hydrochloride	\$0.00	\$5.10
J2793	Riloncept injection	\$0.00	\$22.91
J7301	Levonorgestrel iu 13.5 mg	\$0.00	\$678.15
J7303	Contraceptive vaginal ring	\$0.00	\$91.07
J7315	Ophthalmic mitomycin	\$0.00	\$384.13
J7640	Formoterol comp unit	\$0.00	\$5.91
Q3028	Inj beta interferon sq 1 mcg	\$0.00	\$13.31

The Medicaid Fee Schedule is located on the DHCF website at <https://www.dc-medicaid.com/dcwebportal/nonsecure/feeScheduleDownload>. For further information or questions regarding this fee schedule update, please contact Amy Xing, Reimbursement Analyst, Department of Health Care Finance, at amy.xing2@dc.gov, or via telephone at (202) 481-3375.

Government of the District of Columbia
Public Employee Relations Board

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In the Matter of:)
)
District of Columbia Metropolitan)
Police Department,)
)
Agency,)
)
	v.)
)
Fraternal Order of Police/Metropolitan)
Police Department Labor Committee (on)
behalf of Jose Medina),)
)
Union.)
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PERB Case No. 14-A-12
Opinion No. 1516
Decision and Order

DECISION AND ORDER

On September 11, 2014, Petitioner District of Columbia Metropolitan Police Department (“MPD”) filed a timely Arbitration Review Request (“Request”) seeking to set aside an Arbitration Award¹ (“Award”) issued in a grievance arbitration brought by the Respondent Fraternal Order of Police/Metropolitan Police Department Labor Committee (“FOP”) on behalf of Jose Medina (“Grievant”). MPD bases its Request upon the Board’s authority under D.C. Official Code § 1-605.02(6) to modify, set aside, or remand an award where the award on its face is contrary to law and public policy. For the reasons explained below, the Board finds that the Award in this matter is not on its face contrary to law and public policy, and therefore denies MPD’s Request.

I. Statement of the Case

On February 13, 2009, MPD issued Grievant a Notice of Proposed Adverse Action letter proposing termination of his employment for an assault on a suspect during an interrogation that required the suspect to be taken to the hospital.² The letter specified five (5) charges.³ On February 20, 2009, Grievant requested a departmental hearing before a three-person MPD

¹ See (Request, Exhibit 1) (hereinafter cited as “Award”).

² (Award at 3).

³ Grievant was also charged criminally for the incident. On November 14, 2008, he was convicted and sentenced to 30 days imprisonment (suspended), 3 years supervised probation, and 500 hours of community service. (Request at 3).

Decision and Order

PERB Case No. 14-A-12

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Adverse Action Panel (“Panel”).⁴ The Panel found the Grievant guilty of all but one of the charges, but recommended mitigating the proposed termination to a 30-day suspension without pay. Diana Haines-Walton, Director of MPD’s Human Resources Management Division, considered the Panel’s findings and recommendation, but ultimately decided to terminate Grievant’s employment, as initially proposed in the Proposed Adverse Action letter.⁵ On September 11, 2009, MPD issued the Grievant a Final Notice of Adverse Action letter terminating his employment.⁶ Grievant unsuccessfully appealed the termination to the Chief of Police, and then requested arbitration.⁷

The Arbitrator, relying on 6B DCMR §§ 1613.1 and 2⁸ and *District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee (on behalf of Crystal Dunkins)*, 60 D.C. Reg. 566, Slip Op. No. 1344, PERB Case No. 12-A-05 (2012) (hereinafter “Slip Op. No. 1344”), found (1) MPD could not impose a higher level of discipline than what was recommended by the Panel; and (2) mitigated Grievant’s termination to a 30-day suspension.⁹

MPD now asks PERB to reverse the Award on grounds that it is contrary to law and public policy.¹⁰ Specifically, MPD asserts that 6B DCMR §§ 1613.1 and 2’s prohibition against increasing a penalty applies to the initial level of proposed discipline stated in Grievant’s Proposed Adverse Action letter, which proposed termination, and not to the Panel’s recommendation that he be suspended for 30 days.¹¹

The issue before the Board is whether the Arbitrator’s finding that 6B DCMR §§ 1613.1 and 2 precluded MPD from imposing a penalty higher than the Panel’s recommendation was contrary to law and public policy under D.C. Official Code § 1-605.02(6) and PERB Rule 538.3(b).¹²

II. Analysis

D.C. Official Code § 1-605.02(6) authorizes the Board to modify or set aside an arbitration award in only three limited circumstances: (1) if an arbitrator was without, or exceeded his or her jurisdiction; (2) if the award on its face is contrary to law and public policy;

⁴ (Request at 4).

⁵ (Award at 4).

⁶ *Id.*

⁷ (Request at 6).

⁸ 6B DCMR § 1613.1: “The deciding official, after considering the employee’s response and the report and recommendation of the hearing officer pursuant to § 1612, when applicable, shall issue a final decision.”

6B DCMR § 1613.2: “The deciding official shall either sustain the penalty proposed, reduce it, remand the action with instruction for further consideration, or dismiss the action with or without prejudice, but in no event shall he or she increase the penalty.”

⁹ (Request at 6); (Award at 7-11, 14-16).

¹⁰ See D.C. Official Code § 1-605.02(6); see also PERB Rule 538.3(b).

¹¹ (Request at 6-11).

¹² *Id.* at 6.

Decision and Order
PERB Case No. 14-A-12
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or (3) if the award was procured by fraud, collusion or other similar and unlawful means.

MPD only raises arguments that the Award's finding regarding 6B DCMR §§ 1613.1 and 2 was on its face contrary to law and public policy.

A. The Award is Not Contrary to Law

In order for the Board to find that an arbitrator's award is on its face contrary to law, the asserting party bears the burden to specify the "applicable law and definite public policy that mandates that the Arbitrator arrive at a different result."¹³ Furthermore, the Board has held that a mere "disagreement with the Arbitrator's interpretation ... does not make the award contrary to law...."¹⁴

Here, MPD acknowledges in its Request that the Board has already previously ruled on this issue in Slip Op. No. 1344.¹⁵ In that case, MPD argued that MPD General Order 120.21 expressly empowered MPD to impose the penalty that was originally proposed in the employee's proposed adverse action letter, even if MPD's adverse action panel recommended a lower penalty. General Order 120.21 provided, in pertinent part, that "[a]fter reviewing the Hearing Tribunal's proposed decision, the Assistant Chief, OHS, may . . . issue a decision (Final Notice of Adverse Action) affirming . . . the action, as originally proposed in the Notice of Proposed Adverse Action." The arbitrator in the case found that 6B DCMR §§ 1613.1 and 2, as well as 6A DCMR § 1001.5¹⁶, superseded MPD's General Order, and did not permit MPD to impose a penalty that was higher than what was recommended by MPD's adverse action panel. In Slip Op. No. 1344, the Board upheld the arbitrator's findings, stating:

On the question raised by this case[...]: neither § 1001.5 nor the new regulations adopted pursuant to the CMPA permit the assistant chief to increase the recommended penalty. Section 1613 provides:

1613.1 The deciding official, after considering the employee's response and the report and recommendation of the hearing officer pursuant to

¹³ *District of Columbia Metropolitan Police Department and Fraternal Order of Police/Metropolitan Police Department Labor Committee*, 59 D.C. Reg. 11329, Slip Op. No. 1295, PERB Case No. 09-A-11 (2012); see also *District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee*, 47 D.C. Reg. 7217, Slip Op. No. 633 at p. 3, PERB Case No. 00-A-04 (2000).

¹⁴ *District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee*, Slip Op. No. 933, PERB Case No. 07-A-08 (2008); see also *District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee (on behalf of Thomas Pair)*, 61 D.C. Reg. 11609, Slip Op. No. 1487 at ps. 7-8, PERB Case No. 09-A-05 (2014).

¹⁵ (Request at f. 6).

¹⁶ 6A DCMR § 1001.5: "Upon receipt of the trial board's finding and recommendations, and no appeal to the Mayor has been made, the Chief of Police may either confirm the finding and impose the penalty recommended, reduce the penalty, or may declare the board's proceedings void and refer the case to another regularly appointed trial board."

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PERB Case No. 14-A-12
Page 4

section 1612, when applicable, shall issue a final decision.

1613.2 The deciding official shall either sustain the penalty proposed, reduce it, remand the action with instruction for further consideration, or dismiss the action with or without prejudice, but in no event shall he or she increase the penalty.

Thus, § 1613.2 precludes a deciding official from increasing the penalty recommended by a hearing officer by whatever name. If § 1613.2 did not preclude increasing the penalty, then § 1001.5 would supersede it and still preclude the assistant chief from increasing the penalty. [...] All of these regulations supersede a General Order of the MPD. *See District of Columbia v. Henderson*, 710 A.2d 874, 877 (D.C. 1998).

If a recommended penalty appears insufficient, the regulations give the assistant chief the option of remanding the case, but they do not give her the option of increasing the penalty on her own. Accordingly, the Award's reduction of the penalty imposed on the Grievant is consistent with the CMPA as well as the D.C. Municipal Regulations and is not contrary to law or public policy.¹⁷

On June 26, 2014, the D.C. Superior Court affirmed the Board's findings in Slip Op. No. 1344.¹⁸ The Superior Court's decision is currently on appeal before the D.C. Court of Appeals.¹⁹

In this case, notwithstanding PERB's and the Court's decisions, MPD contends that the plain language of DCMR §§ 1613.1 and 2 still permitted it to terminate Grievant in accordance with the Proposed Adverse Action letter, despite the Panel's recommendation that he only be suspended for 30 days.²⁰ MPD draws a distinction in the regulations' uses of the words "proposed" and "recommended." MPD states:

When read in conjunction with the other sections of Chapter 16, there can be no doubt that the words "proposed penalty" in § 1613.2 refer to the penalty originally proposed by the proposing

¹⁷ *MPD v. FOP*, *supra*, Slip Op. No. 1344 at ps. 5-6, PERB Case No. 12-A-05.

¹⁸ *District of Columbia Metropolitan Police Department v. District of Columbia Public Employee Relations Board*, 2012 CA 009192 P(MPA) (D.C. Super. Ct. Jun. 26, 2014).

¹⁹ D.C. Court of Appeals Case No. 14-CV-846. MPD asserts that notwithstanding the Board's and the D.C. Superior Court's findings, it still filed the instant Request "to preserve its rights on this issue" in the event the D.C. Court of Appeals reverses PERB's and the Superior Court's decisions. *See* (Request at f. 6).

²⁰ (Request at 6-8).

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official in the advance written notice of proposed discipline and not the penalty recommended by the hearing officer/adverse action panel. [Footnote omitted.] 6B DCMR § 1607 sets forth the duties and responsibilities of the proposing official, specifically, “[t]he proposing official shall issue the advance written notice proposing corrective or adverse action against an employee, as provided for in §§ 1608.1 and 1608.2.” 6B DCMR § 1607.1. Section 1608 sets forth the requirements of the advance written notice, specifically, “[t]he advance written notice shall inform the employee of the following: (a) [t]he action that is proposed and the cause of the action; ... (g) [t]he right to an administrative review by a hearing officer appointed by the agency head, as provided in § 1612.1, when the proposed action is a removal; ...”. 6B DCMR § 1608.2. Section 1612 sets forth the elements of the administrative review, specifically, “[a]fter conducting the administrative review, the hearing officer shall make a written report and **recommendation** to the deciding official, ...”. 6B DCMR § 1612.10 (emphasis added). As set forth above, § 1613 then provides that the deciding official, after considering the **recommendation** of the hearing officer, “shall either **sustain the penalty proposed**, reduce it, remand the action with instruction for further consideration, or dismiss the action, with or without prejudice, but in no event shall he or she increase the penalty.” 6B DCMR § 1613 (emphasis added). Finally, § 1614 sets forth the requirements of the final decision notice, specifically, [t]he employee shall be given a notice of final decision in writing, dated and signed by the deciding official, informing him or her of all of the following: ... (b) whether the **penalty proposed in the notice is sustained**, reduced, or dismissed with or without prejudice; ...”. 6B DCMR § 1614.1. (emphasis added).

Read together, these regulations clearly allow the deciding official to impose the initially proposed penalty of termination. Initially, the employee is advised of the *proposed* action, i.e. suspension or termination. If the *proposed* action is termination, the employee is afforded an administrative review before a hearing officer/adverse action panel. The hearing officer/adverse action panel then makes a *recommendation* to the deciding official that encompasses both cause and the *proposed* penalty. Next, the deciding official reviews the evidence and the hearing officer’s *recommendation* and makes a final decision. 6B DCMR § 1613.2 plainly allows the deciding official to impose the originally proposed penalty. It does not restrict the deciding official to the *recommended* penalty of the hearing officer/adverse action panel. Finally, the employee is

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notified of whether the *penalty proposed in the notice* is sustained, reduced, or dismissed with or without prejudice. Thus, there is no reasonable, logical interpretation of the regulations as a whole that restricts the deciding official to the imposition of a penalty no greater than that recommended by the hearing officer.²¹

The Board disagrees. In Slip Op. No. 1344, the Board unambiguously held that 6B DCMR §§ 1613.1 and 2 prohibit MPD from imposing a higher penalty than what the adverse action panel recommends.²² When the D.C. Superior Court affirmed Slip Op. No. 1344, that holding became the governing law on this issue.²³ In this case, MPD terminated Grievant's employment even though the Panel had recommended a 30-day suspension. The Arbitrator, exercising his express authority, accurately applied PERB's holding and mitigated Grievant's termination to the 30-day suspension the Panel recommended.²⁴

In its Request, MPD did not cite any "applicable law" that supersedes PERB's or the Court's holdings, nor did it present any authority that "mandates that the Arbitrator arrive at a different result."²⁵ MPD merely asserted that its reading of the language of the regulations should govern instead of PERB's and the Superior Court's reading of the same language.

The Board finds that MPD's contention constitutes nothing more than a mere disagreement with the Arbitrator's application of the currently prevailing law on this issue. Accordingly, the Award's mitigation of Grievant's penalty was not "on its face contrary to law."²⁶

B. The Award is Not Contrary to Public Policy

PERB's review of an arbitration award on grounds that it is contrary to public policy is an "extremely narrow" exception to the rule that reviewing bodies must defer to the arbitrator's ruling.²⁷ Indeed, "the exception is designed to be narrow so as to limit potentially intrusive judicial review of arbitration awards under the guise of public policy."²⁸ A petitioner must therefore demonstrate that the award "compels" the violation of an explicit, well defined public policy grounded in law and/or legal precedent.²⁹ Further, the violation must be so significant

²¹ *Id.* at 8-9.

²² *MPD v. FOP, supra*, Slip Op. No. 1344 at ps. 5-6, PERB Case No. 12-A-05.

²³ *See MPD v. PERB, supra*, 2012 CA 009192 P(MPA) at p. 19.

²⁴ (Award at 7-11, 14-16).

²⁵ *MPD v. FOP, supra*, Slip Op. No. 1295, PERB Case No. 09-A-11.

²⁶ *Id.*; *see also MPD v. FOP, supra*, Slip Op. No. 933, PERB Case No. 07-A-08; *and MPD v. PERB, supra*, 2012 CA 009192 P(MPA).

²⁷ *District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee (on Behalf of Kenneth Johnson)*, 59 D.C. Reg. 3959, Slip Op. No. 925, PERB Case No. 08-A-01 (2012).

²⁸ *Id.* (quoting *American Postal Workers Union, AFL-CIO v. United States Postal Service*, 789 F.2d 1, 8 (D.C. Cir. 1986)).

²⁹ *See United Paperworkers Int'l Union v. Misco, Inc.*, 484 U.S. 29, 36 (1987).

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that the law or public policy “mandates that the arbitrator arrive at a different result.”³⁰ Finally, mere “disagreement with the arbitrator's interpretation ... does not make the award contrary to ... public policy.”³¹

In this case, MPD argues that in *Hutchinson v. District of Columbia Office of Employee Appeals*,³² the D.C. Court of Appeals found that § 1614—a 1990 regulation that was later superseded by 6B DCMR § 1613—did not prohibit an agency’s deciding official from imposing the penalty that was initially proposed in the employee’s proposed adverse action letter even if the agency’s reviewing official recommended a lower penalty.³³ MPD asserts:

[In *Hutchinson*,] the District of Columbia Court of Appeals addressed the interpretation of a regulation nearly identical to § 1613.2. [...] In *Hutchinson*, the District of Columbia Fire Department (“Fire Department”) issued a notice to an employee (a fire communications operator, not a firefighter) proposing that he be removed for charges of misconduct. *Id.* at 229. The Fire Department appointed a deputy fire chief as a “disinterested designee” [which MPD argues acted in the same capacity as a hearing officer under § 1613] to review the proposed action and make a recommendation to the deciding official. *Id.* The deputy fire chief recommended a 90-day suspension. *Id.* However, the Fire Chief, as the deciding official, after reviewing the recommendation and the record, issued a final decision imposing the originally proposed penalty of removal. *Id.* The employee appealed, and a subsequent hearing was held before the District of Columbia Office of Employee Appeals (“OEA”), where the administrative judge (“AJ”) upheld the removal. *Id.* at 230. The employee then appealed OEA’s decision up to the Court of Appeals arguing that, among other reasons, OEA erred because the Fire Chief, as the deciding official, “was limited to imposing a penalty no greater than that recommended by the disinterested designee, i.e., a ninety-day suspension.” *Id.*

The employee based his argument on the former § 1614 [from the 1990 edition of the DCMR], nearly identical to the current § 1613 [contained in the current DCMR issued in 2008], which stated that: “The deciding official shall either sustain the penalty proposed, reduce it, or dismiss the action with or without prejudice, but shall not increase the penalty.” *Id.* at 233. While the employee argued that “penalty proposed” in the regulation referred to the penalty

³⁰ *MPD v. FOP, supra*, Slip Op. No. 633, PERB Case No. 00-A-04.

³¹ *MPD v. FOP, supra*, Slip Op. No. 933, PERB Case No. 07-A-08.

³² 710 A.2d 227 (D.C. 1998).

³³ (Request at 9-11).

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recommended by the deputy fire chief, i.e., the 90-day suspension, the OEA AJ interpreted “penalty proposed” as referring to the initial penalty *proposed*, i.e., termination. *Id.* at 233-34.

Recognizing that Courts “defer to an agency’s interpretation of the statute that it administers unless the interpretation conflicts with the plain meaning of the statute or its legislative history,” the Court agreed with OEA’s interpretation. *Hutchinson v. D.C. Office of Employee Appeals*, 710 A.2d 227, 234 (D.C. 1998). Accordingly, the Court found that “[u]nder the prevailing interpretation of the regulations, the deciding official acted within his authority by firing [the employee].” *Id.* at 234. Specifically, the Court concluded that “[t]here is nothing in the current regulations to prevent a deciding official from imposing a penalty greater than what was recommended by the disinterested designee, provided, of course, that the penalty does not exceed what was proposed by the proposing official.” *Id.* at 234-35.³⁴

MPD asserts that the policy the Court created in *Hutchinson* authorized MPD’s Human Resources Director in this case to terminate Grievant’s employment in accordance with the Proposed Adverse Action letter even though the Panel only recommended a 30-day suspension.³⁵ MPD argues:

There is no logical basis to conclude that OEA may interpret the regulation to mean one thing while an arbitrator and the Board may interpret the regulation to mean something entirely different. Such a conclusion would nullify one of the express purposes of the CMPA, specifically, to “[c]reate uniform systems for personnel administration among the executive departments and agencies reporting directly to the Mayor of the District of Columbia ...”. D.C. Code § 1-601.02. Hence, the arbitrator’s conclusion that 6B DCMR § 1613.2 prohibited the Department from imposing the originally proposed penalty of termination is contrary to law.³⁶

The Board disagrees. As MPD recognized in its Request, *Hutchinson* only applied to the 1990 regulation, § 1614, which was later superseded by the current § 1613. While the two sections are similar, in *MPD v. PERB*, the D.C. Superior Court expressly found that PERB’s current unequivocal interpretation of the current § 1613 takes precedence over *Hutchinson*’s interpretation of the now inoperative § 1614.³⁷ The Court stated:

³⁴ *Id.*

³⁵ *Id.* at 11.

³⁶ *Id.*

³⁷ See *MPD v. PERB*, *supra*, 2012 CA 009192 P(MPA) at ps. 18-19.

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PERB and [FOP argue] that MPD inappropriately relies on *Hutchinson* because it involved a different agency and a different regulation with a unique legislative history. [Citations omitted].

The argument by PERB and [FOP] is persuasive. Perhaps the most important takeaway from *Hutchinson* is the Court of Appeals' observation that "we defer to the OEA's interpretation of the personnel regulations to the same extent that we would defer to any agency's interpretation of the statute it administers." *Hutchinson*, 710 A.2d at 234. PERB is charged with administering 6B DCMR § 1613.2; therefore, the agency is entitled to deference, just as the OEA was in *Hutchinson*. The fact that PERB accepted a contrary interpretation of a "virtually identical" regulation does not establish that either the Arbitrator's interpretation was contrary to law or that PERB's decision was clearly erroneous.³⁸

Hutchinson does not constitute an "explicit well defined public policy" that "compels" an invocation of the "extremely narrow" public policy exception in D.C. Official Code § 1-605.02(6); nor does it "mandate[] that the [A]rbitrator arrive at a different result."³⁹ On the contrary, the "explicit well defined public policy" governing the instant case is that established and accepted by the Superior Court in *MPD v. PERB*.⁴⁰ Accordingly, the Board finds that the Arbitrator did not act contrary to public policy when he applied PERB's interpretation of 6B DCMR §§ 1613.1 and 2 to mitigate Grievant's penalty to a 30-day suspension.⁴¹

C. Conclusion

Based on the foregoing, the Board finds that the Award's mitigation of Grievant's termination to a 30-day suspension was not on its face contrary to law or public policy.⁴² Accordingly, MPD's Request is denied and the matter is dismissed in its entirety with prejudice.

ORDER

IT IS HEREBY ORDERED THAT:

1. MPD's Request is denied and the matter is dismissed in its entirety with prejudice.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

³⁸ *Id.* at 19.

³⁹ *Id.*; see also *MPD v. FOP*, *supra*, Slip Op. No. 925, PERB Case No. 08-A-01; *American Postal Workers Union*, *supra*; and *United Paperworkers*, *supra*.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *MPD v. FOP*, *supra*, Slip Op. No. 1295, PERB Case No. 09-A-11.

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BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy, and Members Donald Wasserman, Keith Washington, and Ann Hoffman. Member Yvonne Dixon was not present.

April 24, 2015

Washington, D.C.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 14-A-12, Opinion No. 1516, was transmitted through File & ServeXpress to the following parties on this the 30th day of April, 2015.

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/s/ Felice Robinson

PERB

Government of the District of Columbia
Public Employee Relations Board

<hr/>		
In the Matter of:)	
)	
District of Columbia Metropolitan)	
Police Department,)	PERB Case No. 15-A-06
)	
Agency,)	Opinion No. 1517
)	
v.)	
)	
Fraternal Order of Police/Metropolitan)	Decision and Order
Police Department Labor Committee (on)	
behalf of Michael Sugg-Edwards),)	
)	
Union.)	
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DECISION AND ORDER

On February 11, 2015, Petitioner District of Columbia Metropolitan Police Department (“MPD”) filed an Amended Arbitration Review Request (“Request”)¹ seeking to set aside an Arbitration Award² (“Award”) issued in a grievance arbitration brought by the Respondent Fraternal Order of Police/Metropolitan Police Department Labor Committee (“FOP”) on behalf of Michael Sugg-Edwards (“Grievant”). MPD bases its Request upon the Board’s authority under D.C. Official Code § 1-605.02(6) to modify, set aside, or remand an award where the award on its face is contrary to law and public policy. For the reasons explained below, the Board finds that the Award in this matter is not on its face contrary to law and public policy, and therefore denies MPD’s Request.

I. Statement of the Case

On October 8, 2008, MPD issued Grievant a Notice of Proposed Adverse Action letter proposing termination of his employment after he was criminally convicted of misdemeanor sexual abuse by the D.C. Superior Court.³ The letter specified three (3) charges.⁴ On June 24, 2009, MPD held a departmental hearing before a three-person MPD Adverse Action Panel

¹ MPD’s original Arbitration Review Request was filed on February 2, 2015.

² See (Request, Exhibit 1) (hereinafter cited as “Award”).

³ (Award at 7). Grievant’s sentence included 100-days imprisonment (suspended), 1 year supervised probation, and a \$1,000.00 fine.

⁴ *Id.* at 3-5.

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(“Panel”).⁵ The Panel found the Grievant guilty of all but one of the charges, but recommended mitigating the proposed termination to an Official Reprimand.⁶ Diana Haines-Walton, Director of MPD’s Human Resources Management Division, considered the Panel’s findings and recommendation, but ultimately decided to terminate Grievant’s employment, as initially proposed in the Proposed Adverse Action letter.⁷ On September 14, 2009, MPD issued the Grievant a Final Notice of Adverse Action letter terminating his employment.⁸ Grievant unsuccessfully appealed the termination to the Chief of Police, and then requested arbitration.⁹

The Arbitrator, relying on PERB’s and the D.C. Superior Court’s prior interpretations¹⁰ of 6B DCMR §§ 1613.1 and 2,¹¹ found (1) MPD could not impose a higher level of discipline than what was recommended by the Panel; and (2) mitigated Grievant’s termination to an Official Reprimand.¹²

MPD now asks PERB to reverse the Award on grounds that it is contrary to law and public policy.¹³ Specifically, MPD asserts that 6B DCMR §§ 1613.1 and 2’s prohibition against increasing a penalty applies to the initial level of proposed discipline stated in Grievant’s Proposed Adverse Action letter, which proposed termination, and not to the Panel’s recommendation that he be given an Official Reprimand.¹⁴

The issue before the Board is whether the Arbitrator’s finding that 6B DCMR §§ 1613.1 and 2 precluded MPD from imposing a penalty higher than the Panel’s recommendation was contrary to law and public policy under D.C. Official Code § 1-605.02(6) and PERB Rule 538.3(b).¹⁵

II. Analysis

⁵ *Id.* at 7.

⁶ *Id.*

⁷ *Id.* at 8.

⁸ *Id.*

⁹ (Request at 6).

¹⁰ See *District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee (on behalf of Crystal Dunkins)*, 60 D.C. Reg. 566, Slip Op. No. 1344, PERB Case No. 12-A-05 (2012); and *District of Columbia Metropolitan Police Department v. District of Columbia Public Employee Relations Board*, 2012 CA 009192 P(MPA) (D.C. Super. Ct. Jun. 26, 2014).

¹¹ 6B DCMR § 1613.1: “The deciding official, after considering the employee’s response and the report and recommendation of the hearing officer pursuant to § 1612, when applicable, shall issue a final decision.”

6B DCMR § 1613.2: “The deciding official shall either sustain the penalty proposed, reduce it, remand the action with instruction for further consideration, or dismiss the action with or without prejudice, but in no event shall he or she increase the penalty.”

¹² (Award at 15-17).

¹³ (Request at 12); see also D.C. Official Code § 1-605.02(6); and PERB Rule 538.3(b).

¹⁴ *Id.* at 6-12.

¹⁵ *Id.* at 6.

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D.C. Official Code § 1-605.02(6) authorizes the Board to modify or set aside an arbitration award in only three limited circumstances: (1) if an arbitrator was without, or exceeded his or her jurisdiction; (2) if the award on its face is contrary to law and public policy; or (3) if the award was procured by fraud, collusion or other similar and unlawful means.

MPD only raises arguments that the Award's finding regarding 6B DCMR §§ 1613.1 and 2 was on its face contrary to law and public policy.

A. The Award is Not Contrary to Law

In order for the Board to find that an arbitrator's award is on its face contrary to law, the asserting party bears the burden to specify the "applicable law and definite public policy that mandates that the Arbitrator arrive at a different result."¹⁶ Furthermore, the Board has held that a mere "disagreement with the Arbitrator's interpretation ... does not make the award contrary to law...."¹⁷

Here, MPD acknowledges in its Request that the Board has already previously ruled on this issue in *MPD v. FOP, supra*, Slip Op. No. 1344, PERB Case No. 12-A-05 (hereinafter "Slip Op. No. 1344").¹⁸ In that case, MPD argued that MPD General Order 120.21 expressly empowered MPD to impose the penalty that was originally proposed in the employee's proposed adverse action letter, even if MPD's adverse action panel recommended a lower penalty. General Order 120.21 provided, in pertinent part, that "[a]fter reviewing the Hearing Tribunal's proposed decision, the Assistant Chief, OHS, may . . . issue a decision (Final Notice of Adverse Action) affirming . . . the action, as originally proposed in the Notice of Proposed Adverse Action." The arbitrator in the case found that 6B DCMR §§ 1613.1 and 2, as well as 6A DCMR § 1001.5¹⁹, superseded MPD's General Order, and did not permit MPD to impose a penalty that was higher than what was recommended by MPD's adverse action panel. In Slip Op. No. 1344, the Board upheld the arbitrator's findings, stating:

On the question raised by this case[...]: neither § 1001.5 nor the new regulations adopted pursuant to the CMPA permit the

¹⁶ *District of Columbia Metropolitan Police Department and Fraternal Order of Police/Metropolitan Police Department Labor Committee*, 59 D.C. Reg. 11329, Slip Op. No. 1295, PERB Case No. 09-A-11 (2012); see also *District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee*, 47 D.C. Reg. 7217, Slip Op. No. 633 at p. 3, PERB Case No. 00-A-04 (2000).

¹⁷ *District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee*, Slip Op. No. 933, PERB Case No. 07-A-08 (2008); see also *District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee (on behalf of Thomas Pair)*, 61 D.C. Reg. 11609, Slip Op. No. 1487 at ps. 7-8, PERB Case No. 09-A-05 (2014).

¹⁸ (Request at f. 4).

¹⁹ 6A DCMR § 1001.5: "Upon receipt of the trial board's finding and recommendations, and no appeal to the Mayor has been made, the Chief of Police may either confirm the finding and impose the penalty recommended, reduce the penalty, or may declare the board's proceedings void and refer the case to another regularly appointed trial board."

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assistant chief to increase the recommended penalty. Section 1613 provides:

1613.1 The deciding official, after considering the employee's response and the report and recommendation of the hearing officer pursuant to section 1612, when applicable, shall issue a final decision.

1613.2 The deciding official shall either sustain the penalty proposed, reduce it, remand the action with instruction for further consideration, or dismiss the action with or without prejudice, but in no event shall he or she increase the penalty.

Thus, § 1613.2 precludes a deciding official from increasing the penalty recommended by a hearing officer by whatever name. If § 1613.2 did not preclude increasing the penalty, then § 1001.5 would supersede it and still preclude the assistant chief from increasing the penalty. [...] All of these regulations supersede a General Order of the MPD. *See District of Columbia v. Henderson*, 710 A.2d 874, 877 (D.C. 1998).

If a recommended penalty appears insufficient, the regulations give the assistant chief the option of remanding the case, but they do not give her the option of increasing the penalty on her own. Accordingly, the Award's reduction of the penalty imposed on the Grievant is consistent with the CMPA as well as the D.C. Municipal Regulations and is not contrary to law or public policy.²⁰

On June 26, 2014, the D.C. Superior Court affirmed the Board's findings in Slip Op. No. 1344.²¹ The Superior Court's decision is currently on appeal before the D.C. Court of Appeals.²²

In this case, MPD renews the same argument it made in PERB Case No. 12-A-05—that the Department's "General Order 120.21 authorizes Director Haines-Walton, as the deciding official, to impose the penalty that was originally proposed, *i.e.* termination, even if that penalty

²⁰ *MPD v. FOP*, *supra*, Slip Op. No. 1344 at ps. 5-6, PERB Case No. 12-A-05.

²¹ *MPD v. PERB*, *supra*, 2012 CA 009192 P(MPA).

²² D.C. Court of Appeals Case No. 14-CV-846. MPD asserts that notwithstanding the Board's and the D.C. Superior Court's findings, it still filed the instant Request "to preserve its rights on this issue" in the event the D.C. Court of Appeals reverses PERB's and the Superior Court's decisions. *See* (Request at f. 6).

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is greater than the penalty recommended by the [adverse action panel].”²³ Additionally, MPD contends that even without its General Order, the plain language of DCMR §§ 1613.1 and 2 still permitted it to terminate Grievant in accordance with the Proposed Adverse Action letter, despite the Panel’s recommendation that he only be given an Official Reprimand.²⁴ MPD draws a distinction in the regulations’ uses of the words “proposed” and “recommended.” MPD states:

When read in conjunction with the other sections of Chapter 16, there can be no doubt that the words “proposed penalty” in § 1613.2 refer to the penalty originally proposed by the proposing official in the advance written notice of proposed discipline and not the penalty recommended by the hearing officer/adverse action panel. [Footnote omitted.] 6B DCMR § 1607 sets forth the duties and responsibilities of the proposing official, specifically, “[t]he proposing official shall issue the advance written notice proposing corrective or adverse action against an employee, as provided for in §§ 1608.1 and 1608.2.” 6B DCMR § 1607.1. Section 1608 sets forth the requirements of the advance written notice, specifically, “[t]he advance written notice shall inform the employee of the following: (a) [t]he action that is proposed and the cause of the action; ... (g) [t]he right to an administrative review by a hearing officer appointed by the agency head, as provided in § 1612.1, when the proposed action is a removal; ...”. 6B DCMR § 1608.2. Section 1612 sets forth the elements of the administrative review, specifically, “[a]fter conducting the administrative review, the hearing officer shall make a written report and **recommendation** to the deciding official, ...”. 6B DCMR § 1612.10 (emphasis added). As set forth above, § 1613 then provides that the deciding official, after considering the **recommendation** of the hearing officer, “shall either **sustain the penalty proposed**, reduce it, remand the action with instruction for further consideration, or dismiss the action, with or without prejudice, but in no event shall he or she increase the penalty.” 6B DCMR § 1613 (emphasis added). Finally, § 1614 sets forth the requirements of the final decision notice, specifically, [t]he employee shall be given a notice of final decision in writing, dated and signed by the deciding official, informing him or her of all of the following: ... (b) whether the **penalty proposed in the notice is sustained**, reduced, or dismissed with or without prejudice; ...”. 6B DCMR § 1614.1. (emphasis added).

²³ (Request at 9-10).

²⁴ *Id.* at 6-9.

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Read together, these regulations clearly allow the deciding official to impose the initially proposed penalty of termination. Initially, the employee is advised of the *proposed* action, i.e. suspension or termination. If the *proposed* action is termination, the employee is afforded an administrative review before a hearing officer/adverse action panel. The hearing officer/adverse action panel then makes a *recommendation* to the deciding official that encompasses both cause and the *proposed* penalty. Next, the deciding official reviews the evidence and the hearing officer's *recommendation* and makes a final decision. 6B DCMR § 1613.2 plainly allows the deciding official to impose the originally proposed penalty. It does not restrict the deciding official to the *recommended* penalty of the hearing officer/adverse action panel. Finally, the employee is notified of whether the *penalty proposed in the notice* is sustained, reduced, or dismissed with or without prejudice. Thus, there is no reasonable, logical interpretation of the regulations as a whole that restricts the deciding official to the imposition of a penalty no greater than that recommended by the hearing officer.²⁵

The Board disagrees. In Slip Op. No. 1344, the Board unambiguously held that 6B DCMR §§ 1613.1 and 2 prohibit MPD from imposing a higher penalty than what the adverse action panel recommends.²⁶ The Board also held that the regulations “supersede a General Order of the MPD.”²⁷ When the D.C. Superior Court affirmed Slip Op. No. 1344, those holdings became the governing law on these issues.²⁸ In this case, MPD terminated Grievant's employment even though the Panel had recommended an Official Reprimand. The Arbitrator, exercising his express authority, accurately applied PERB's and the Court's holdings and mitigated Grievant's termination to the Official Reprimand the Panel recommended.²⁹

In its Request, MPD did not cite any “applicable law” that supersedes PERB's or the Court's holdings, nor did it present any authority that “mandates that the Arbitrator arrive at a different result.”³⁰ MPD merely asserted that its reading of the language of the regulations should govern instead of PERB's and the Superior Court's reading of the same language.

The Board finds that MPD's contentions constitute nothing more than mere disagreements with the Arbitrator's application of the currently prevailing law on these issues.

²⁵ *Id.* at 8-9.

²⁶ *MPD v. FOP, supra*, Slip Op. No. 1344 at ps. 5-6, PERB Case No. 12-A-05.

²⁷ *Id.* at 5 (noting that “[i]f a recommended penalty appears insufficient, the regulations give [the deciding official] the option of remanding the case, but they do not give [the official] the option of increasing the penalty on [his or her own].”)

²⁸ See *MPD v. PERB, supra*, 2012 CA 009192 P(MPA) at p. 19.

²⁹ (Award at 7-11, 14-16).

³⁰ *MPD v. FOP, supra*, Slip Op. No. 1295, PERB Case No. 09-A-11.

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Accordingly, the Award's mitigation of Grievant's penalty was not "on its face contrary to law."³¹

B. The Award is Not Contrary to Public Policy

PERB's review of an arbitration award on grounds that it is contrary to public policy is an "extremely narrow" exception to the rule that reviewing bodies must defer to the arbitrator's ruling.³² Indeed, "the exception is designed to be narrow so as to limit potentially intrusive judicial review of arbitration awards under the guise of public policy."³³ A petitioner must therefore demonstrate that the award "compels" the violation of an explicit, well defined public policy grounded in law and/or legal precedent.³⁴ Further, the violation must be so significant that the law or public policy "mandates that the arbitrator arrive at a different result."³⁵ Finally, mere "disagreement with the arbitrator's interpretation ... does not make the award contrary to ... public policy."³⁶

In this case, MPD argues that in *Hutchinson v. District of Columbia Office of Employee Appeals*,³⁷ the D.C. Court of Appeals found that § 1614—a 1990 regulation that was later superseded by 6B DCMR § 1613—did not prohibit an agency's deciding official from imposing the penalty that was initially proposed in the employee's proposed adverse action letter even if the agency's reviewing official recommended a lower penalty.³⁸ MPD asserts:

[In *Hutchinson*,] the District of Columbia Court of Appeals addressed the interpretation of a regulation nearly identical to Section 1613.2. [...] In *Hutchinson*, the District of Columbia Fire Department ("Fire Department") issued a notice to an employee (a fire communications operator) proposing that he be removed for charges of misconduct. *Id.* at 229. The Fire Department appointed a deputy fire chief as a "disinterested designee" [which MPD argues acted in the same capacity as the hearing officer referenced in § 1613] to review the proposed action and make a recommendation to the deciding official. *Id.* The deputy fire chief recommended a ninety-day suspension. *Id.* However, the Fire

³¹ *Id.*; see also *MPD v. FOP*, *supra*, Slip Op. No. 933, PERB Case No. 07-A-08; and *MPD v. PERB*, *supra*, 2012 CA 009192 P(MPA).

³² *District of Columbia Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee (on Behalf of Kenneth Johnson)*, 59 D.C. Reg. 3959, Slip Op. No. 925, PERB Case No. 08-A-01 (2012).

³³ *Id.* (quoting *American Postal Workers Union, AFL-CIO v. United States Postal Service*, 789 F.2d 1, 8 (D.C. Cir. 1986)).

³⁴ See *United Paperworkers Int'l Union v. Misco, Inc.*, 484 U.S. 29, 36 (1987).

³⁵ *MPD v. FOP*, *supra*, Slip Op. No. 633, PERB Case No. 00-A-04.

³⁶ *MPD v. FOP*, *supra*, Slip Op. No. 933, PERB Case No. 07-A-08.

³⁷ 710 A.2d 227 (D.C. 1998).

³⁸ (Request at 10-12).

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Chief, as the deciding official, after reviewing the recommendation and the record, issued a final decision imposing the originally proposed penalty of removal. *Id.* The employee appealed, and a subsequent hearing was held before the District of Columbia Office of Employee Appeals (“OEA”), where the administrative judge (“AJ”) upheld the removal. *Id.* at 230. The employee then appealed OEA’s decision up to the Court of Appeals arguing that, among other reasons, OEA erred because the Fire Chief, as the deciding official, “was limited to imposing a penalty no greater than that recommended by the disinterested designee, i.e., a ninety-day suspension.” *Id.*

The employee based his argument on the former § 1614 [from the 1990 edition of the DCMR], nearly identical to the current Section 1613 [contained in the current DCMR issued in 2008], which stated that: “The deciding official shall either sustain the penalty proposed, reduce it, or dismiss the action with or without prejudice, but shall not increase the penalty.” *Id.* at 233. While the employee argued that “penalty proposed” in the regulation referred to the penalty *recommended* by the deputy fire chief, i.e., the ninety-day suspension, the OEA AJ interpreted “penalty proposed” as referring to the initial penalty proposed, i.e., termination. *Id.* at 233-34.

Recognizing that Courts “defer to an agency’s interpretation of the statute that it administers unless the interpretation conflicts with the plain meaning of the statute or its legislative history,” the Court agreed with OEA’s interpretation. *Hutchinson v. D.C. Office of Employee Appeals*, 710 A.2d 227, 234 (D.C. 1998). Accordingly, the Court found that “[u]nder the prevailing interpretation of the regulations, the deciding official acted within his authority by firing [the employee].” *Id.* at 234. Specifically, the Court concluded that “[t]here is nothing in the current regulations to prevent a deciding official from imposing a penalty greater than what was recommended by the disinterested designee, provided, of course, that the penalty does not exceed what was proposed by the proposing official.” *Id.* at 234-35.³⁹

MPD asserts that the policy the Court created in *Hutchinson* authorized MPD’s Human Resources Director in this case to terminate Grievant’s employment in accordance with the Proposed Adverse Action letter even though the Panel only recommended an Official

³⁹ *Id.* at 10-11.

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Reprimand.⁴⁰ MPD argues:

There is no logical basis to conclude that OEA may interpret the regulation to mean one thing while an arbitrator may interpret the regulation to mean something entirely different. Such a conclusion would nullify one of the express purposes of the CMPA, specifically, to “[c]reate uniform systems for personnel administration among the executive departments and agencies reporting directly to the Mayor of the District of Columbia ...”. D.C. Code § 1-601.02. Hence, the arbitrator’s conclusion that 6B DCMR § 1613.2 prohibited the Department from imposing the originally proposed penalty of termination is contrary to law.⁴¹

The Board disagrees. As MPD recognized in its Request, *Hutchinson* only applied to the 1990 regulation, § 1614, which was later superseded by the current § 1613. While the two sections are similar, in *MPD v. PERB*, the D.C Superior Court expressly found that PERB’s current unequivocal interpretation of the current § 1613 takes precedence over *Hutchinson*’s interpretation of the now inoperative § 1614.⁴² The Court stated:

PERB and [FOP argue] that MPD inappropriately relies on *Hutchinson* because it involved a different agency and a different regulation with a unique legislative history. [Citations omitted].

The argument by PERB and [FOP] is persuasive. Perhaps the most important takeaway from *Hutchinson* is the Court of Appeals’ observation that “we defer to the OEA’s interpretation of the personnel regulations to the same extent that we would defer to any agency’s interpretation of the statute it administers.” *Hutchinson*, 710 A.2d at 234. PERB is charged with administering 6B DCMR § 1613.2; therefore, the agency is entitled to deference, just as the OEA was in *Hutchinson*. The fact that PERB accepted a contrary interpretation of a “virtually identical” regulation does not establish that either the Arbitrator’s interpretation was contrary to law or that PERB’s decision was clearly erroneous.⁴³

Hutchinson does not constitute an “explicit well defined public policy” that “compels” an invocation of the “extremely narrow” public policy exception in D.C. Official Code § 1-

⁴⁰ *Id.* at 11-12.

⁴¹ *Id.* at 12.

⁴² See *MPD v. PERB*, *supra*, 2012 CA 009192 P(MPA) at ps. 18-19.

⁴³ *Id.* at 19.

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605.02(6); nor does it “mandate[] that the [A]rbitrator arrive at a different result.”⁴⁴ On the contrary, the “explicit well defined public policy” governing the instant case is that established and accepted by the Superior Court in *MPD v. PERB*.⁴⁵ Accordingly, the Board finds that the Arbitrator did not act contrary to public policy when he applied PERB’s and the Court’s interpretations of 6B DCMR §§ 1613.1 and 2 to mitigate Grievant’s penalty to an Official Reprimand.⁴⁶

C. Conclusion

Based on the foregoing, the Board finds that the Award’s mitigation of Grievant’s termination to Official Reprimand was not on its face contrary to law or public policy.⁴⁷ Accordingly, MPD’s Request is denied and the matter is dismissed in its entirety with prejudice.

ORDER

IT IS HEREBY ORDERED THAT:

1. MPD’s Request is denied and the matter is dismissed in its entirety with prejudice.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy, and Members Donald Wasserman, Keith Washington, and Ann Hoffman. Member Yvonne Dixon was not present.

April 24, 2015

Washington, D.C.

⁴⁴ *Id.*; see also *MPD v. FOP*, *supra*, Slip Op. No. 925, PERB Case No. 08-A-01; *American Postal Workers Union*, *supra*; and *United Paperworkers*, *supra*.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *MPD v. FOP*, *supra*, Slip Op. No. 1295, PERB Case No. 09-A-11.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 15-A-06, Opinion No. 1517, was transmitted through File & ServeXpress to the following parties on this the 30th day of April, 2015.

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/s/ Felice Robinson

PERB

Government of the District of Columbia
Public Employee Relations Board

_____)	
)	
In the Matter of:)	
)	
American Federation of State, County and)	
Municipal Employees, District Council 20,)	PERB Case No. 12-E-10
Local 2921, AFL-CIO,)	
)	Opinion No. 1518
Petitioner,)	
)	
and)	
)	Motion for Reconsideration
District of Columbia Public Schools,)	
)	
Respondent.)	
)	
_____)	

DECISION AND ORDER

I. Statement of the Case

Before the Board is a Motion for Reconsideration (“Motion”) filed on or about April 8, 2015, by the District of Columbia Public Schools (“DCPS”). DCPS requests that the Board reconsider its March 25, 2015, Decision and Order in Slip Op. No. 1512 (hereinafter “Slip Op. No. 1512”), in which the Board granted in part and denied in part an Enforcement Petition (“Petition”) filed by American Federation of State, County and Municipal Employees, District Council 20, Local 2921, AFL-CIO (“AFSCME”). DCPS asserts that Slip Op. No. 1512 is contrary to PERB precedent because “a genuine dispute exists over the terms of the underlying decision” (found in the Board’s July 26, 2012, Order in *American Federation of State, County and Municipal Employees, Local 2921, AFL-CIO v. District of Columbia Public Schools*, 59 D.C. Reg. 11364, Slip. Op. No. 1299, PERB Case No. 05-U-19 (2012) (hereinafter “Slip Op. No. 1299”). For the reasons stated herein, the Board rejects DCPS’ arguments and denies DCPS’ Motion.

II. Background

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Slip Op. No. 1299 in PERB Case No. 05-U-19 originated from an unfair labor practice complaint filed by AFSCME on January 7, 2005, in which AFSCME alleged that in 2003, an arbitration award (“Applewhite Award”) ordered DCPS to begin providing AFSCME with proper notice prior to conducting reductions-in-force (“RIFs”). In 2004, DCPS conducted a RIF without providing AFSCME advance notice. On June 15, 2004, AFSCME filed a group grievance (“Grievance”) challenging the RIF, but on October 1, 2004, DCPS refused to process the Grievance. On January 7, 2005, AFSCME filed its unfair labor practice complaint in PERB Case No. 05-U-19 alleging that DCPS violated D.C. Official Code §§ 1-617.04(a)(1) and (5) when it failed and refused to process AFSCME’s Grievance, and when it failed to comply with the notice requirements in the Applewhite Award.¹ DCPS did not file an answer to the complaint, and PERB assigned the matter to a hearing examiner.

In its July 26, 2012 Decision and Order in PERB Case No. 05-U-19 (Slip Op. No. 1299), the Board adopted the hearing examiner’s findings² that: (1) because DCPS did not file an answer in the case, all of the material facts were deemed admitted³; (2) DCPS was bound by the 2003 Applewhite Award because it did not challenge or appeal the Award; nor did it seek clarification of the Award’s terms⁴; (3) DCPS repudiated the parties’ collective bargaining agreement and therefore committed unfair labor practices under D.C. Official Code §§ 1-617.04(a)(1) and (5) when it failed and refused to process AFSCME’s Grievance and when it failed to give AFSCME proper notice prior to its 2004 RIF.⁵

Upon finding that the hearing examiner’s findings and recommendations were reasonable, supported by the record, and consistent with PERB precedent,⁶ the Board, in pertinent part, ordered the following:

2. The District of Columbia Public Schools will cease and desist from violating D.C. Code § 1-617.04(a)(1) and (5) by refusing to process group grievances filed by AFSCME District Council 20, Local 2921 and by failing to comply with the Applewhite Award as it pertains to notifications about reductions in force.

¹ *AFSCME Local 2921 v. DCPS*, *supra*, Op. No. 1299 at ps.1-3, PERB Case No. 05-U-19.

² *Id.* at 3-4, 6.

³ *Id.* at 3; *see also* PERB Rule 520.7.

⁴ *Id.* at 2, 4.

⁵ *Id.* at 3-4 (citing *University of the District of Columbia Faculty Association / NEA v. University of the District of Columbia*, 39 D.C. Reg. 9628, Op. No. 320, PERB Case No. 92-A-04 (2004) (holding that parties who arbitrate a matter pursuant to a collective bargaining agreement are bound by the arbitrator’s award); and *American Federation of Government Employees, Local 872 v. District of Columbia Water and Sewer Authority*, 46 D.C. Reg. 4398, Op. No. 497, PERB Case No. 96-U-23 (1996) (holding that failing or refusing to implement an arbitration award constitutes a failure to bargain in good faith and is an unfair labor practice under D.C. Official Code § 1-617.04(a)(5))).

⁶ *Id.*; *see also American Federation of Government Employees, Local 872 v. District of Columbia Water and Sewer Authority*, 52 D.C. Reg. 2474, Slip Op. No. 702, PERB Case No. 00-U-12 (2003) (holding that the Board will affirm a Hearing Examiner’s findings if the findings are reasonable, supported by the record, and consistent with Board precedent).

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DCPS did not appeal or challenge the Board's Order.

On or about September 6, 2012, AFSCME filed a Petition for Enforcement ("Petition"), alleging that DCPS had "not complied with any portion of [the Board's Order in Slip Op. No. 1299], including and especially the requirements set forth in paragraphs 2-4...; nor ha[d] DCPS taken any steps toward compliance with the order."⁷ The Petition's Certificate of Service certified that the Petition was duly served by U.S. Mail on: (1) DCPS' General Counsel; (2) a Supervisory Attorney with the D.C. Office of Labor Relations and Collective Bargaining; and (3) an Assistant Attorney General in the D.C. Office of the Solicitor General.⁸ Notwithstanding, DCPS did not file a response to AFSCME's Petition.

On March 25, 2015, the Board issued Slip Op. No. 1512, in which it granted AFSCME's Petition in part, and denied it in part.⁹ Specifically, the Board found that because DCPS "still has not processed AFSCME's June 15, 2004 Grievance, PERB will seek judicial enforcement of paragraph 2 of its Order in Slip Op. No. 1299 in the D.C. Superior Court unless full compliance with the paragraph is documented to the Board in File & ServeXpress within 10 business days of the issuance of this Decision and Order."¹⁰

DCPS now asks PERB to reconsider its finding, arguing that there exists "a genuine dispute" concerning the Board's Order in Slip Op. No. 1299.¹¹

III. Analysis

The Board has repeatedly held that "a motion for reconsideration cannot be based upon mere disagreement with its initial decision."¹² Additionally, the moving party must provide authority which "compels reversal" of the Board's initial decision.¹³ Lastly, a party that has

⁷ (Petition at 2).

⁸ (Petition at Cert. of Service).

⁹ *American Federation of State, County and Municipal Employees, Local 2921, AFL-CIO v. District of Columbia Public Schools*, Slip. Op. No. 1512, PERB Case No. 12-E-10 (March 25, 2015) (holding that the Board will seek enforcement of paragraph 2 in its Order in Slip Op. No. 1299, but will not seek enforcement of paragraphs 3-6 in the Order).

¹⁰ *Id.* at 6.

¹¹ (Motion at 4-5) (citing *Fraternal Order of Police/Metropolitan Police Department Labor Committee v. District of Columbia Metropolitan Police Department*, 59 D.C. Reg. 5006, Slip Op. No. 966 at p. 5, PERB Case No. 08-E-02 (2009)).

¹² See *Candi Peterson v. Washington Teachers Union*, Slip Op. No. 1254 at ps. 2-3, PERB Case No. 12-S-01 (March 28, 2012); see also *University of the District of Columbia Faculty Association/National Education Association v. University of the District of Columbia*, 59 D.C. Reg. 6013, Slip Op. No. 1004 at p. 10, PERB Case No. 09-U-26 (2009); and *American Federation of Government Employees, Local 2725 v. District of Columbia Department of Consumer and Regulatory Affairs and District of Columbia Office of Labor Relations and Collective Bargaining*, 59 D.C. Reg. 5041, Slip Op. No. 969 at ps. 4-5, PERB Case No. 06-U-43 (2003).

¹³ *UDC Faculty Assoc. v. UDC*, *supra*, Slip Op. No. 1004 at p. 10, PERB Case No. 09-U-26; see also *AFGE, Local 2725 v. DCRA and OLRCB*, *supra*, Slip Op. No. 969 at ps. 5, PERB Case No. 06-U-43.

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failed to raise certain arguments or to file appeals in a timely manner waives its right to raise or challenge those specific issues for the first time in a Motion for Reconsideration.¹⁴

A. DCPS Cannot Raise its “Genuine Dispute”/“Legitimate Reason” Exception for the First Time in its Motion for Reconsideration.

In its Motion in this case, DCPS relies on *FOP v. MPD, supra*, Slip Op. No. 966, PERB Case No. 08-E-02. DCPS argues that therein, the Board held that a “genuine dispute” over the terms of an award or order may provide a “legitimate reason” for failing to comply with that award or order.¹⁵ DCPS alleges that the “plain language” of the Board’s Order in Slip Op. No. 1299 never expressly ordered DCPS to process AFSCME’s June 15, 2004 Grievance, and that the Order’s lack of clear direction established a “legitimate reason” for DCPS’s failure to process the Grievance.¹⁶ Accordingly, DCPS argues that its failure to process the Grievance was not deliberate.¹⁷

The Board wholly rejects DCPS’ contention, and finds that DCPS’ reliance on *FOP v. MPD, supra*, Slip Op. No. 966, PERB Case No. 08-E-02 is misplaced. In that case, the Board found the following:

Consistent with D.C. Code § 1-617.13(c) and Superior Court Rule 1, MPD could have filed a Petition for Review of Agency Decision in the Superior Court of the District of Columbia within thirty days of the [...] Board[‘s] Decision and Order. However, MPD did not file a Petition for Review. Therefore, MPD has waived its right to appeal the Board's [...] Decision and Order in the Superior Court of the District of Columbia. In view of the above, we believe that MPD's failure to comply with the terms of the Award is not based on a genuine dispute over the terms of [the Arbitrator’s] Award, but rather on a flat refusal to comply with the Award. We find that MPD has no "legitimate reason" for its on-going refusal to [comply with the Award].¹⁸

The Board has applied a similar analysis in numerous other cases, reasoning that if the non-complying party failed to file an appeal of the award or order, then there could not be a “genuine dispute” giving rise to a “legitimate reason” that justified that party’s failure to comply with the

¹⁴ *AFGE, Local 2725 v. DCRA and OLRCB, supra*, Slip Op. No. 969 at p. 5, PERB Case No. 06-U-43; *see also FOP v. MPD, supra*, Slip Op. No. 966 at p. 5, PERB Case No. 08-E-02; *American Federation of State, County and Municipal Employees, District Council 20, Local 2921, AFL-CIO v. District of Columbia Public Schools*, 50 D.C. Reg. 5077, Slip Op. No. 712 at p. 4, PERB Case No. 03-U-17 (2003); and *American Federation of State, County and Municipal Employees, District Council 20, Local 2921, AFL-CIO v. District of Columbia Public Schools*, 51 D.C. Reg. 4170, Slip Op. No. 731 at p. 2, PERB Case No. 03-U-17 (2003).

¹⁵ *FOP v. MPD, supra*, Slip Op. No. 966 at p. 4-5, PERB Case No. 08-E-02.

¹⁶ (Motion at 4-5).

¹⁷ *Id.* at 5.

¹⁸ *See* p. 5.

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award or order.¹⁹ The purpose behind the Board's reasoning is clear: if a party "genuinely disputes" an award or order, it must exhaust its administrative and adjudicative remedies in an effort to resolve those disputes. Otherwise, a party could simply refuse to comply with an award or order just because it disagreed with it.²⁰

In this case, DCPS' Motion for Reconsideration is the first time that DCPS has filed any pleading in PERB Case No. 05-U-19 or in the instant PERB Case No. 12-E-10 asserting that the Board's 2012 Order in Slip Op. No. 1299 was somehow unclear. As the Board noted in its initial Decision in this matter (Slip Op. No. 1512), DCPS did not:

- 1) appeal or raise any challenges to the 2003 Applewhaite Award;
- 2) file an answer to AFSCME's 2005 unfair labor practice complaint in PERB Case No. 05-U-19; or
- 3) appeal or raise any challenges to the Board's findings and Order in Slip Op. No. 1299 in PERB Case No. 05-U-19.²¹

Although DCPS did attempt to raise its argument that the Order was unclear in a March 3, 2015, email to a PERB staff-member during PERB's investigation of AFSCME's Petition for Enforcement in PERB Case No. 12-E-10, the Board summarily dismissed that effort, stating:

DCPS argued in its March 3 email that despite the Board's finding that DCPS committed an unfair labor practice by failing to process the Grievance, the Board's Order in Slip Op. No. 1299 only ordered DCPS to cease violating D.C. Official Code § 1-617.04(a)(1) and (5) going forward, and did not expressly order DCPS to retroactively process AFSCME's Grievance.

The Board wholly dismisses DCPS' contention. As mentioned previously, DCPS did not challenge or seek clarification of the Applewhaite Award. It did not file an Answer to AFSCME's unfair labor practice complaint in PERB Case No. 05-U-19; nor did it challenge PERB's final Decision and Order in PERB Case No. 05-U-19 (Slip Op. No. 1299). Moreover, DCPS did not file a response to AFSCME's instant Petition for Enforcement. Based on DCPS' failure to file timely responses in these cases, the Board declines to entertain DCPS' efforts to now raise an argument that

¹⁹ See, i.e. *AFSCME, Local 2921 v. DCPS, supra*, Slip Op. No. 712 at p. 4, PERB Case No. 03-U-17; *Fraternal Order of Police/Department of Corrections Labor Committee (on behalf of Dexter Allen) v. District of Columbia Department of Corrections*, 59 D.C. Reg. 3919, Slip Op. No. 920 at ps. 5-6, PERB Case No. 07-E-02 (2007); and *American Federation of Government Employees, Local 2725 v. District of Columbia Department of Consumer and Regulatory Affairs and District of Columbia Office of Labor Relations and Collective Bargaining*, 59 D.C. Reg. 5347, Slip Op. No. 930 at 9, PERB Case No. 06-U-43 (2008).

²⁰ *Id.*; see also *AFGE, Local 2725 v. DCRA and OLR CB, supra*, Slip Op. No. 969 at p. 5, PERB Case No. 06-U-43.

²¹ *AFSCME, Local 2921 v. DCPS, supra*, Slip Op. No. 1512 at ps. 4-5, PERB Case No. 12-E-10.

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attempts to parse the language of the Board's Order in Slip Op. No. 1299.²²

Thus, because DCPS did not appeal or seek clarification of the Board's Order in Slip Op. No. 1299, and because it did not file a Response to AFSCME's Petition for Enforcement in PERB Case No. 12-E-10, the Board finds that DCPS cannot now raise its argument that the Board's Order in Slip Op. No. 1299 was somehow unclear for the first time in the instant Motion for Reconsideration.²³ Moreover, even if DCPS could raise its argument for the first time here, the Board would still find that DCPS' reasons for failing to process AFSCME's Grievance—deliberate or not—would not qualify as a “genuine dispute” or “legitimate reason” because DCPS did not appeal or seek any clarification of the Board's Order in Slip Op. No. 1299. Accordingly, DCPS' Motion on this asserted basis is denied.

B. The Board's Findings in Slip Op. No. 1512 Did Not Legitimize DCPS' Interpretation of the Board's Order in Slip Op. No. 1299.

DCPS argues that when the Board stated in Slip Op. No. 1512 that the Order in Slip Op. No. 1299 “unquestionably required DCPS to process AFSCME's June 15, 2004 Grievance,”²⁴ the Board actually legitimized DCPS' position that the Order was unclear because it “emphasiz[ed] the existing issues with the [...] order.”²⁵ DCPS reasons that “[i]f the Board's directive to process the June 15, 2004 grievance was clear from the prior Decision and Order, there would be no need to address the Board's intentions from the Decision and Order in question.”²⁶ This argument misrepresents the Board's position and reasoning. As stated previously, the Board in Slip Op. No. 1512 expressly declined to “entertain” DCPS' attempt to parse the language of the Board's Order in Slip Op. No. 1299 because DCPS had, in all previous opportunities, failed to file any pleadings objecting to the Order. Accordingly, the Board found that DCPS had forfeited its right to challenge the intent of the Order, which, the Board stated, was clear and unambiguous.²⁷

Notwithstanding, the Board noted through *dicta* that even if it had addressed the merits of DCPS' argument, DCPS' position would still fail “because the plain language of the Board's Order clearly required DCPS to process AFSCME's 2004 Grievance as well as all future similar grievances.”²⁸ The Board reasoned the following:

Indeed, when the Board found that DCPS violated D.C. Official Code § 1-617.04(a)(1) and (5) by failing to process the Grievance, and additionally when it ordered DCPS to cease violating D.C. Official Code §§ 1-617.04(a)(1) and (5), the Board undoubtedly

²² *Id.* at 5.

²³ See *AFGE, Local 2725 v. DCRA and OLR CB, supra*, Slip Op. No. 969 at p. 5, PERB Case No. 06-U-43.

²⁴ *AFSCME, Local 2921 v. DCPS, supra*, Slip Op. No. 1512 at p. 5, PERB Case No. 12-E-10.

²⁵ (Motion at 5).

²⁶ *Id.*

²⁷ *AFSCME, Local 2921 v. DCPS, supra*, Slip Op. No. 1512 at p. 5, PERB Case No. 12-E-10.

²⁸ *Id.* at 5-6.

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intended for DCPS to cease violating the statute by failing to process not just all similar subsequent grievances, but that very Grievance as well.²⁹

In other words, the Board simply made it clear to DCPS that its Order in Slip Op. No. 1299 unquestionably required DCPS to process AFSCME's 2004 Grievance as well as all future similar grievances.³⁰ As AFSCME correctly reasoned in its Opposition to DCPS' Motion, to interpret the Board's Order to mean that the Board had granted relief in future similar matters, but not in the matter at hand, would be "irrational".³¹ Therefore, the Board rejects DCPS' argument that the Board's discussion of what it ordered in Slip Op. No. 1299 somehow legitimized DCPS' position that the Order was unclear.

C. DCPS Has Not Provided Any Authority That "Compels Reversal" of the Board's Initial Decision in Slip Op. No. 1512.

The Board noted in Slip Op. No. 1512 that D.C. Official Code § 1-617.13(b) expressly authorizes the Board to interpret its own orders and to determine whether or not its orders have been complied with as long as its conclusions are supported by substantial evidence from the whole record.³² Additionally, the Board noted that PERB Rules 560.2 and 560.3 state that after a petition for enforcement has been filed, "the responding party shall have ten (10) days from service to respond to the petition", and that "[f]ailure by the responding party to file [a response] ... may be construed as an admission of the petitioner's allegations."³³

The Board's finding in Slip Op. No. 1512 was more than adequately supported by substantial evidence from the whole records of PERB Case Nos. 05-U-19 and 12-E-10. It is undisputed that: (1) DCPS did not challenge or appeal the Applewhite Award; (2) did not file an answer to AFSCME's complaint in PERB Case No. 05-U-19; (3) did not appeal the Board's Order in Slip Op. No. 1299; and (4) did not file a response to AFSCME's Petition for Enforcement in PERB Case No. 12-E-10.³⁴ Nevertheless, the Board still weighed all of the facts and evidence before it and, in accordance with its express authority under the statute and PERB's Rules, reasonably determined that DCPS had not processed AFSCME's 2004 Grievance and that judicial enforcement of the Order in the D.C. Superior Court was therefore warranted.³⁵ In its Motion, DCPS has not pointed to any substantial evidence that disproves the Board's findings, nor has it provided any authority that "compels reversal" of the Board's Decision.³⁶ Therefore, the Board denies DCPS' Motion for a Reconsideration of that Decision.

D. Conclusion

²⁹ *Id.* at 5-6.

³⁰ *Id.*

³¹ (Opposition to Motion for Reconsideration at 1).

³² *AFSCME, Local 2921 v. DCPS, supra*, Slip Op. No. 1512 at p. 4, PERB Case No. 12-E-10.

³³ *Id.* at 4.

³⁴ *Id.* at 4-7.

³⁵ *Id.* at 4-7.

³⁶ See *UDC Faculty Assoc. v. UDC, supra*, Slip Op. No. 1004 at p. 10, PERB Case No. 09-U-26.

Decision and Order

PERB Case No. 12-E-10 (Motion for Reconsideration)

Page 8

Based on the foregoing, the Board finds that DCPS' Motion constitutes nothing more than a mere disagreement with the Board's initial Decision in Slip Op. No. 1512.³⁷ Thus, the Motion is denied. Accordingly, as stated in the Board's Order in Slip Op. No. 1512, the Board will seek judicial enforcement of paragraph 2 of the Board's Order in Slip Op. No. 1299 in the D.C. Superior Court unless full compliance with the paragraph is documented to the Board in File & ServeXpress within 10 business days of the issuance of this Decision and Order.³⁸

ORDER

IT IS HEREBY ORDERED THAT:

1. DCPS' Motion for Reconsideration of the Board's Decision in Slip Op. No. 1512 is denied.
2. AFSCME's Petition for Enforcement of Paragraph 2 of the Board's Order in Slip Op. No. 1299, PERB Case No. 05-U-19, is granted.
3. PERB will seek judicial enforcement of paragraph 2 of the Board's Order in Slip Op. No. 1299 in the D.C. Superior Court unless full compliance with the Board's Order in paragraph 2 is documented to the Board in File & ServeXpress within 10 business days of the issuance of this Decision and Order.
4. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy, and Members Donald Wasserman, Keith Washington, and Ann Hoffman. Member Yvonne Dixon was not present.

April 24, 2015

Washington, D.C.

³⁷ See *Peterson v. WTU*, *supra*, Slip Op. No. 1254 at ps. 2-3, PERB Case No. 12-S-01.

³⁸ See *Fraternal Order of Police/Department of Corrections Labor Committee (on behalf of Dexter Allen) v. District of Columbia Department of Corrections*, 59 D.C. Reg. 3919, Slip Op. No. 920 at p. 7, PERB Case No. 07-E-02 (2007).

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 12-E-10, Op. No. 1518 was transmitted by File & ServeXpress to the following parties on this the 28th day of April, 2015.

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/s/ Felice Robinson
PERB

Government of the District of Columbia
Public Employee Relations Board

<hr/>)	
In the Matter of:)	
)	
National Association of Government)	
Employees, Local R3-05)	
)	
Petitioner)	PERB Case Nos: 15-UM-01
)	15-CU-02
and)	
)	Opinion No. 1519
Metropolitan Police Department)	
)	
and)	
)	
Department of Forensic Sciences)	
)	
Respondents)	
<hr/>)	

**DECISION AND ORDER ON UNIT MODIFICATION
AND COMPENSATION UNIT DETERMINATION**

I. Statement of the Case

On October 23, 2014, the National Association of Government Employees, Local R3-05 filed a unit modification petition and a petition for a compensation unit determination for a group of employees who were transferred from the Metropolitan Police Department (“MPD”) to the Department of Forensic Sciences (“DFS”).¹ A Notice was posted at MPD and DFS. No objections or requests to intervene were received from any employees or labor organizations.² On March 2, 2015, NAGE and DFS submitted a Joint Letter of Agreement, stating that the parties agreed to all the claims made in the unit modification and compensation unit determination petitions.³ For the reasons stated below, the Board grants the petitions.

¹ The Board certified NAGE Local R3-05 as the exclusive representative for the affected employees when they were employed at MPD. *District of Columbia Board of Labor Relations*, Case No. 0R002 (December 14, 1979).

² MPD did not submit any comments to the petitions.

³ DFS submitted comments, but withdrew its comments when it submitted the Joint Letter of Agreement.

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II. Background

On December 14, 1979, NAGE Local R3-05 was certified as exclusive representative of:

All non-professional employees of the Metropolitan Police Department excluding wage grade employees of the Property Division and the Fleet Management Division, management executives, confidential employees, supervisors or any employee engaged in personnel work in other than a purely clerical capacity.⁴

These employees were placed in Compensation Unit 1.⁵

In 2011, the Department of Forensic Sciences was established as an agency “to provide high-quality, timely, accurate, and reliable forensic science services...”⁶ D.C. Official Code § 5-1501.08(a) provides for “the orderly transfer to the Department [of Forensic Sciences] all of the authority, responsibilities, duties, assets, and functions of MPD pertaining to forensic science services, including ... personnel and authority for vacant and filled positions...”⁷ On October 1, 2012, employees in MPD’s fingerprint comparison and firearms departments were transferred to DFS.⁸ On October 1, 2013, employees in MPD’s DNA analysis, trace analysis, and computer forensics were transferred to DFS.⁹

III. Discussion

NAGE Local R3-05 requests the Board to modify the above-described unit to reflect the transfer of employees from MPD to DFS. NAGE Local R3-05 proposes the following bargaining unit at DFS:

All non-professional employees of the Department of Forensic Sciences, excluding employees in the Public Health Laboratory, managers, supervisors, confidential employees, or any employee engaged in personnel work in more than a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

In the Joint Letter of Agreement, the parties agreed “that a modified order to reflect the change in identity of the employing agency is made necessary by the transfer of employment positions formerly under the authority of the Metropolitan Police Department (MPD) to the new

⁴ *District of Columbia Board of Labor Relations*, Case No. 0R002.

⁵ Petition at 4.

⁶ D.C. Official Code § 5-1501.02(b).

⁷ D.C. Official Code § 5-1501.08(b) provided that the transfers occur not later than October 1, 2012.

⁸ Petition at 4.

⁹ *Id.*

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Case Nos. 15-UM-01 & 15-CU-02

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Department of Forensic Sciences.”¹⁰ During a conference call with PERB staff, DFS and NAGE Local R3-05 stated that the parties have continued to operate under the same collective bargaining agreement, as when the affected employees were employed at MPD.

Board Rule 504.1(a) provides that a unit modification may be sought “[t]o reflect a change in the identity or statutory authority of the employing agency.” Further, the Board has held that “when the functional role and employees of a public employer/agency are transferred to a new entity established to perform in the same capacity, ... the new agency is not a new employer for the purposes of collective bargaining.”¹¹ The basis for the requested modification is the statutory creation of DFS and the transfer of employees from MPD to DFS. The parties do not dispute that the employees continue to share common working conditions, organizational structure, and supervision. DFS and NAGE Local R3-05 continue to operate under the collective bargaining agreement that covered the affected employees when they were employed by MPD. Based on these factors, the Board finds that the employees in the unit, as modified, meet the community of interest criteria for finding an appropriate unit under D.C. Official Code § 1-617.09(c).¹² The Board finds that the modified unit will continue to promote effective labor relations and efficiency of agency operations. The requested modification does not give rise to a question concerning the representation of the unit that would necessitate an election. Therefore, the Board concludes for the foregoing reasons that the modified unit is appropriate for collective bargaining with DFS.

As the Board has determined that the unit is appropriate for non-compensation bargaining, the Board considers the petition for compensation unit determination for the employees in the modified unit. The Board authorizes compensation units pursuant to D.C. Official Code § 1-617.16(b), which provides:

In determining an appropriate bargaining unit for negotiations concerning compensation, the Board shall authorize broad units of occupational groups so as to minimize the number of different pay systems or schemes. The Board may authorize bargaining by multiple employers or employee groups as may be appropriate.

The Board recognizes a two-part test from this provision to determine an appropriate compensation unit: (1) the employees of the proposed unit comprise broad occupational groups; and (2) the proposed unit minimizes the number of different pay systems or schemes.¹³

¹⁰ Joint Letter of Agreement at 2.

¹¹ *American Federation of State, County and Municipal Employees, District Council 20 and Local 2921 v. D.C. Public Schools & Office of the State Superintendent of Education*, 60 D.C. Reg. 16499, Slip Op. No. 1440, PERB Case No. 13-U-09 (2013).

¹² See *D.C. Department of Public Works and American Federation of Government Employees, Local 631*, Slip Op. No. 614, PERB Case Nos. 99-UM-06 & 99-UCN-04, for factors that the Board considers for modification of unit.

¹³ *AFSCME, D.C. Council 20, Local 2401 v. D.C. Pub. Schs.*, 59 D.C. Reg. 4954, Slip Op. No. 962 at p. 3, PERB Case No. 08-CU-01 (2009).

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In the petition and the Joint Letter of Agreement, the parties assert that Compensation Unit 1 is the appropriate unit for compensation bargaining.¹⁴ The description of Compensation Unit 1 is:

Compensation Unit 1 – Consisting of all career service professional, technical, administrative and clerical employees who currently have their compensation set in accordance with the District Service (DS) Schedule and who come within the personnel authority of the Mayor of the District of Columbia, the Board of Trustees of the University of the District of Columbia, and the District of Columbia Board of Library Trustees, except physicians employed by the Department of Human Services and the Department of Corrections and Registered Nurses employed by the Department of Human Services.

The parties state the employees are currently compensated under Compensation Unit 1. In addition, the parties do not dispute that the employees fall within broad occupational groups included in Compensation Unit 1. The parties also do not dispute that incorporating the employees into Compensation Unit 1 will result in fewer pay systems. The Board finds that its two-prong test has been satisfied and grants the Petition for Compensation Unit Determination.

ORDER

IT IS HEREBY ORDERED THAT:

1. The non-compensation unit for which NAGE Local R3-05 is certified as the exclusive representative in District of Columbia Board of Labor Relations, Case No. 0R002, is modified and will be described as set forth below. Nothing in this Order is to be construed as altering the scope of the bargaining unit except in the manner discussed in this Decision.

Unit Description:

- All non-professional employees of the Department of Forensic Sciences, excluding employees in the Public Health Laboratory, managers, supervisors, confidential employees, or any employee engaged in personnel work in more than a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.
2. The employees in the above-described unit are placed in Compensation Unit 1.
 3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

¹⁴ Petition at 5.

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BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy, Member Ann Hoffman, Member Keith Washington and Member Donald Wasserman. Member Yvonne Dixon was not present.

Washington, D.C.

April 24, 2015

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order and Certification in PERB Case No. 15-UM-01/15-CU-02 was served to the following parties via File & ServeXpress on this the 30th day of April 2015:

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//s/ Felice Robinson
Felice Robinson
Paralegal Specialist

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AFSCME is the certified exclusive bargaining representative for:

All non-professional employees employed by the District of Columbia Office of Administrative Hearings, excluding all management officials, supervisors, confidential employees, employees who are covered by another union's certification, employees engaged in personnel work other than in a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

PERB Case No. 14-RC-02, Certification No. 159 (August 21, 2014).

The Board authorizes compensation units pursuant to D.C. Official Code § 1-617.16(b), which provides:

In determining appropriate bargaining units for negotiations concerning compensation, the Board shall authorize broad units of occupational groups so as to minimize the number of different pay systems or schemes. The Board may authorize bargaining by multiple employers or employee groups as may be appropriate.

The Board recognizes a two-part test from this provision to determine an appropriate compensation unit: (1) the employees of the proposed unit comprise broad occupational groups; and (2) the proposed unit minimizes the number of different pay systems or schemes.²

According to Petitioners, the proposed group of employees consists of a broad range of occupational groups, including Customer Service Coordinator, Legal Administrative Specialists (Court Clerks), Legal Administrative Specialist, Legal Assistants, Legal Assistants (Court) and Paralegal Specialists; thus, satisfying the first requirement of the aforementioned test.

Petitioners further assert that all of the employees are Career Service employees and on the District Service pay, retirement, and compensation system. Placement of the employees in Compensation Unit 1 does not increase the number of different pay systems or schemes; thus, satisfying the second requirement of the aforementioned test.

For the foregoing reasons, the Board grants the Joint Petition for Compensation Unit Determination and places the above-referenced bargaining unit in Compensation Unit 1.

² *AFSCME, D.C. Council 20, Local 2401 v. D.C. Pub. Schs.*, 59 D.C. Reg. 4954, Slip Op. No. 962 at p. 3, PERB Case No. 08-CU-01 (2009).

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ORDER

IT IS HEREBY ORDERED THAT:

1. The Petitioners' "Amended Joint Petition for Compensation Unit Determination" is granted.
2. The following employees are placed in Compensation Unit 1:
All non-professional employees employed by the District of Columbia Office of Administrative Hearings, excluding all management officials, supervisors, confidential employees, employees who are covered by another union's certification, employees engaged in personnel work other than in a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.
3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy, Member Ann Hoffman, Member Keith Washington and Member Donald Wasserman. Member Yvonne Dixon was not present.

Washington, D.C.

April 23, 2015

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 15-CU-03 was served to the following parties on this the 28th day of April 2015.

File & ServeXpress

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