

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council schedules a public hearing on Bill 22-568, Washington Metropolitan Area Transit Authority Dedicated Funding Act of 2017
- D.C. Council schedules a public hearing on Bill 22-0168, Public Housing Credit Building Pilot Program Act of 2017
- D.C. Council schedules a public oversight roundtable on “Net Neutrality”
- D.C. Commission on the Arts and Humanities announces funding availability for the FY 2019 Grant Season
- Department of Energy and Environment announces funding availability for the FY 2018 DCA Airplane Noise Assessment grant
- Department of Health proposes rules on registration process and training programs for various professions
- Executive Office of the Mayor establishes the Local Business Utilization Program (Mayor's Order 2018-011)

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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The deadline for filing documents for publication for District of Columbia Agencies, Boards, Commissions, and Public Charter schools is THURSDAY, NOON of the previous week before publication. The deadline for filing documents for publication for the Council of the District of Columbia is WEDNESDAY, NOON of the week of publication. If an official District of Columbia government holiday falls on Thursday, the deadline for filing documents is Wednesday. Email the Office of Documents and Administrative Issuances at dcdocuments@dc.gov to request the *District of Columbia Register* publication schedule.

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MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-222

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2017

To amend the District of Columbia Public School Nurse Assignment Act of 1987 to require the assignment of registered nurses to each public and public charter school for a minimum of 40 hours per week during each week the school is open to students for instruction, beginning August 1, 2018.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public School Health Services Amendment Act of 2017".

Sec. 2. Section 2 of the District of Columbia Public School Nurse Assignment Act of 1987, effective December 10, 1987 (D.C. Law 7-45; D.C. Official Code § 38-621), is amended as follows:

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

"(a) Beginning August 1, 2018, a registered nurse shall be assigned to each public and public charter school for a minimum of 40 hours per week during each week the school is open to students for instruction."

(b) Subsection (b) is amended to read as follows:

"(b) A licensed practical nurse may be used to satisfy the requirement of subsection (a) of this section if the licensed practical nurse performs duties under the appropriate supervision of, and in general collaboration with, a registered nurse."

(c) Subsection (c) is repealed.

(d) Subsection (g) is repealed.

Sec. 3. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.


ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

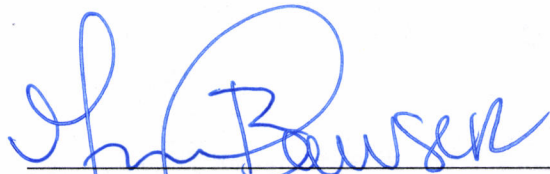
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

The 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
December 28, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-225

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 3, 2018

To amend, on an emergency basis, the Personal Delivery Device Pilot Program Act of 2016 to extend the personal delivery device pilot program through December 31, 2018, and to provide that a registration, including a renewal, issued before December 31, 2017, shall be valid for one year from the date of registration, unless the registration is revoked by the Director of the District Department of Transportation.

BE IN ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Personal Delivery Device Pilot Program Extension Emergency Amendment Act of 2017".

Sec. 2. The Personal Delivery Device Pilot Program Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 50-1551 *et seq.*), is amended as follows:

(a) Section 6193 (D.C. Official Code § 50-1552) is amended by striking the phrase "December 31, 2017" and inserting the phrase "December 31, 2018" in its place.

(b) Section 6195(b) (D.C. Official Code § 50-1554(b)) is amended by striking the phrase "December 31, 2017, whichever is first." and inserting the phrase "December 31, 2018, whichever is first; provided, that a registration, including a renewal, issued before December 31, 2017, shall be valid for one year from the date of registration, unless the registration is revoked pursuant to subsection (d) of this section." in its place.

Sec. 3. Fiscal impact statement.

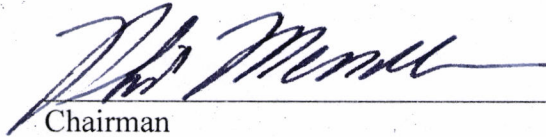
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

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
January 3, 2018

ENROLLED ORIGINAL

A RESOLUTION

22-324

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2017

To confirm the appointment of Ms. Meloyde Batten-Mickens to the District of Columbia Homeland Security Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Homeland Security Commission Meloyde Batten-Mickens Confirmation Resolution of 2017".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Meloyde Batten-Mickens
201 Swan Creek Road
Fort Washington, MD 20744

as a member of the District of Columbia Homeland Security Commission, established by section 202 of the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-262; D.C. Official Code § 7-2271.02), in accordance with section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)), for a term to end February 22, 2020.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-366

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 19, 2017

To declare the existence of an emergency with respect to the need to amend the Homeless Shelter Replacement Act of 2016 to revise the location of the new Ward 1 temporary shelter site for families experiencing homelessness, enhance the capacity of the shelter, and authorize the utilization of the site for the location of permanent supportive housing for seniors and the Rita Bright Recreation Center.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Homeless Shelter Replacement Emergency Declaration Resolution of 2017”.

Sec. 2. (a) There exists an immediate need to amend the Homeless Shelter Replacement Act of 2016, effective July 29, 2016 (D.C. Law 21-141; 63 DCR 11132) (“Act”), to revise the location of the new Ward 1 temporary shelter site for families experiencing homelessness, enhance the capacity of the shelter, and authorize the utilization of the site for the location of permanent supportive housing for seniors and the Rita Bright Recreation Center.

(b) Emergency action is necessary to promote the immediate preservation of the health, safety, and welfare of District residents who are experiencing homelessness, by authorizing the Mayor to construct 35 2- and 3-bedroom apartment-style units on District-owned land at 2500 14th Street, N.W., with funds designated pursuant to the Act, replacing the shelter located at 1433 and 1435 Spring Road, N.W.. This legislation would change the location of the proposed Ward 1 site from previously designated parcels of land located at 2105 and 2107 10th Street, N.W., and 933 V Street, N.W. The proposed amendments align with the Department of Human Services (“Department”) work to ensure that the experience of homelessness within the District is rare, brief, and non-recurring, and help the Department achieve the required number of apartment-style shelter units as required by section 7(d)(4) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-753.01(d)(4)).

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

ENROLLED ORIGINAL

Homeless Shelter Replacement Emergency Amendment Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

COUNCIL OF THE DISTRICT OF COLUMBIA
NOTICE OF INTENT TO ACT ON NEW LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to consider the following legislative matters for final Council action in not less than **15 days**. Referrals of legislation to various committees of the Council are listed below and are subject to change at the legislative meeting immediately following or coinciding with the date of introduction. It is also noted that legislation may be co-sponsored by other Councilmembers after its introduction.

Interested persons wishing to comment may do so in writing addressed to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004 Telephone: 724-8050 or online at www.dccouncil.us.

COUNCIL OF THE DISTRICT OF COLUMBIA
PROPOSED LEGISLATION
BILLS

- | | |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| B22-653 | Extension of Time to Dispose of 8th & O Streets, N.W., Act of 2018 Intro. 1-4-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development |
| <hr/> | |
| B22-654 | Uniform Unclaimed Property Act Revision Act of 2018 Intro. 1-5-18 by Councilmember Evans and referred to the Committee on Finance and Revenue with comments from the Committee on Judiciary and Public Safety |
| <hr/> | |
| B22-655 | Housing Production Trust Fund Board Nominee Confirmation Clarification Amendment Act of 2018 Intro. 1-8-18 by Councilmember Bonds and referred to the Committee on Housing and Neighborhood Revitalization |
| <hr/> | |
| B22-657 | School Sunscreen Safety Amendment Act of 2018 Intro. 1-9-18 by Councilmember Cheh and referred to the Committee on Education with comments from the Committee on Health |
| <hr/> | |

- B22-658 State Park Amendment Act of 2018
Intro. 1-9-18 by Councilmembers Grosso and Gray and referred to the Committee on Transportation and the Environment
-
- B22-659 Achieving Universal Transportation Opportunities (AUTO) Amendment Act of 2018
Intro. 1-9-18 by Councilmembers Nadeau, R. White, Silverman, Grosso, Todd, and Bonds and referred to the Committee on Transportation and the Environment
-
- B22-660 Go Play Amendment Act of 2018
Intro. 1-9-18 by Councilmembers Allen, R. White, and Nadeau and referred to the Committee on Transportation and the Environment
-
- B22-661 Rear-Facing Car Seat Safety Amendment Act of 2018
Intro. 1-9-18 by Councilmembers Todd, Bonds, Nadeau, and Cheh and referred to the Committee on Transportation and the Environment
-
- B22-662 DC Water Consumer Protection Amendment Act of 2018
Intro. 1-9-18 by Chairman Mendelson and Councilmembers T. White, R. White, Todd, Bonds, McDuffie, and Gray and referred to the Committee on Transportation and the Environment with comments from the Committee on Business and Economic Development
-

PROPOSED RESOLUTIONS

- PR22-699 Medical Marijuana Reciprocity Second Proposed Rulemaking Approval Resolution of 2018
Intro. 1-2-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health with comments from the Committee on Judiciary and Public Safety
-

PR22-704 Interagency Council on Homelessness LaToya Young Confirmation Resolution of 2018

Intro. 1-3-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services

PR22-705 Interagency Council on Homelessness Catherine Crosland Confirmation Resolution of 2018

Intro. 1-3-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services

PR22-706 Interagency Council on Homelessness Adam Rocap Confirmation Resolution of 2018

Intro. 1-3-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services

PR22-707 Interagency Council on Homelessness Alicia Horton Confirmation Resolution of 2018

Intro. 1-3-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services

PR22-708 Interagency Council on Homelessness Elizabeth Schroeder Stribling Confirmation Resolution of 2018

Intro. 1-3-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services

PR22-709 Interagency Council on Homelessness Reginald Black Confirmation Resolution of 2018

Intro. 1-3-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services

- PR22-710 Interagency Council on Homelessness Michael Ferrell Confirmation Resolution of 2018
Intro. 1-3-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services
-
- PR22-711 Interagency Council on Homelessness John Van Zandt Confirmation Resolution of 2018
Intro. 1-3-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services
-
- PR22-712 Board of Respiratory Care Timothy J. Mahoney Confirmation Resolution of 2018
Intro. 1-3-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR22-714 Interagency Council on Homelessness J. Chapman Todd Confirmation Resolution of 2018
Intro. 1-4-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services
-
- PR22-716 1125 Spring Road, N.W., Surplus Declaration and Approval Resolution of 2018
Intro. 1-4-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
-
- PR22-717 1125 Spring Road, N.W., Disposition Approval Resolution of 2018
Intro. 1-4-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
-
- PR22-718 Board of Zoning Adjustment Lorna John Confirmation Resolution of 2018
Intro. 1-5-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
-

- PR22-719 Construction Codes Amendment Approval Resolution of 2018
Intro. 1-5-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
-
- PR22-720 DCRA Licensing Fee Approval Resolution of 2018
Intro. 1-5-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
-
- PR22-721 Board of Directors of the Washington Metrorail Safety Commission Chris Geldart Confirmation Resolution of 2018
Intro. 1-5-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
-
- PR22-722 Board of Directors of the Washington Metrorail Safety Commission Robert Bobb Confirmation Resolution of 2018
Intro. 1-5-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
-
- PR22-723 Board of Medicine William J. Strudwick Confirmation Resolution of 2018
Intro. 1-5-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR22-725 Sense of the Council in Support of the National Park Service's National Capital Trail Plan Resolution of 2018
Intro. 1-9-18 by Councilmember Cheh and Retained by the Council
-

Council of the District of Columbia
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT

ANNOUNCES A PUBLIC HEARING ON

B22-0112 – THE “INTERSTATE INSURANCE PRODUCT REGULATION COMPACT ACT OF 2017”;

B22-0418 – THE “RESTRICTIONS OF THE USE OF CREDIT INFORMATION AMENDMENT ACT OF 2017”;

B22-0529 – THE “REBATE REFORM AMENDMENT ACT OF 2017”;

B22-0584 – THE “SERVICE CONTRACT REGULATION ACT OF 2017”; AND

B22-0610 – THE “SERVICE CONTRACT REGULATION AND ENFORCEMENT ACT OF 2017”

Wednesday, January 31, 2018, 10:00 a.m.
Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

On Wednesday, January 31, 2018 Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Business and Economic Development, will hold a public hearing on Bill 22-0112, the “Interstate Insurance Product Regulation Compact Act of 2017”; Bill 22-0418, the “Restrictions of the Use of Credit Information Amendment Act of 2017”; Bill 22-0529, the “Rebate Reform Amendment Act of 2017”; Bill 22-0584, the “Service Contract Regulation Act of 2017”; and Bill 22-0610, the “Service Contract Regulation and Enforcement Act of 2017”. The stated purpose of Bill 22-0112 is to authorize the Mayor to execute an Interstate Insurance Product Regulation Compact to promote and protect the interests of consumers of individual and group annuity, life insurance, disability income, and long-term care insurance products. The bill

also establishes a central clearinghouse to receive and provide review of insurance products covered under the Compact and creates an Interstate Insurance Product Regulation Commission.

The stated purpose of Bill 22-0418 is to amend the “Insurance Trade and Economic Development Amendment Act of 2000” in order to prohibit the use of credit information by an insurer in deciding whether to underwrite a policy, cancel a policy, refuse to renew a policy, increase the premium for a renewal policy, and further prohibit an insurer from determining insurance premiums based on either the absence of credit history or credit history based on collection accounts with the medical industry code.

The stated purpose of Bill 22-0529 is to amend the “Insurance Trade and Economic Development Amendment Act of 2000” to increase the amount of valuable consideration a person may offer as a rebate for a policy or contract of life insurance, annuity, or accident and health insurance.

The stated purpose of Bill 22-0584 is to provide a legal framework within which service contracts may be sold and regulated. It also establishes that a service contract, except where specified to the contrary, is not insurance as regulated under Title 31 of the District of Columbia Official Code and provides consumer protections.

The stated purpose of Bill 22-0610 is to create a legal framework within which service contracts may be sold and regulated in the District. The legislation also seeks to provide protections around the marketing and sale of service contracts.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee on Business and Economic Development via email at cautrey@dccouncil.us or at (202) 724-8053, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, January 29th**. 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 are encouraged to bring **twenty single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to cautrey@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 to the Committee on Business and Economic Development at cautrey@dccouncil.us 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 February 14th**.

Council of the District of Columbia
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT

ANNOUNCES A PUBLIC HEARING ON

**B22-0161– THE “MEDICAL MARIJUANA CERTIFIED BUSINESS ENTERPRISE
PREFERENCE AMENDMENT ACT OF 2017”**

**B22-0537 – THE “OMNIBUS ALCOHOLIC BEVERAGE REGULATION AMENDMENT
ACT OF 2017”;**

**B22-0585 – THE “BUSINESS IMPROVEMENT DISTRICTS TAX EXEMPTION
AMENDMENT ACT OF 2017”; AND**

**PR22-0694 – THE “REVISED ABRA CIVIL PENALTY SCHEDULE RESOLUTION OF
2017”**

Wednesday, February 7, 2018, 10:00 a.m.
Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

On Wednesday, February 7, 2018 Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Business and Economic Development, will hold a public hearing on Bill 22-0161, the “Medical Marijuana Certified Business Enterprise Preference Amendment Act of 2017”; Bill 22-0537, the “Omnibus Alcoholic Beverage Regulation Amendment Act of 2017”; Bill 22-0585, the “Business Improvement Districts Tax Exemption Amendment Act of 2017”; and Proposed Resolution 22-0694, the “Revised ABRA Civil Penalty Schedule Resolution of 2017”.

The stated purpose of Bill 22-0161 is to establish a preference for certified business enterprises who apply for the registration of a medical marijuana facility. The stated purpose of Bill 22-0537 is to define the terms roll call, hearing, and mediation. The legislation also makes several

clarifications to licensing and permitting. These include: 1) clarifying that pub crawl licenses and farmer's market licenses shall be valid for less than 3 years; 2) clarifying that licensees holding manufacturer licenses may deliver the alcoholic beverages that it produces to consumers; and 3) clarifying the tasting hours for manufacturer's license, class C, and several other license categories. The legislation also requires off-premises retailers with security cameras to provide copies of footage to ABRA investigators or a member of the Metropolitan Police Department upon request. Among other things, the legislation also allows for extended hours of operation, sales, service, and consumption of alcoholic beverages during the 2018 All-Star Game and the World Cup Tournament; allows patrons to carry re-sealed alcoholic beverage bottles from hotels; authorizes wine and distillery pub permit holders to transport their products between locations if they are both owned by the licensee; allows holders of bed and breakfast licenses to obtain sidewalk café and summer garden endorsements; and allows off-premises retailer licenses, class A and B, to apply for one-day substantial permits.

The stated purpose of Bill 22-0585 is exempt Business Improvement Districts (BIDs) from certain taxation. It also requires BIDs to obtain a certificate of exemption from the Mayor. The stated purpose of Proposed Resolution 22-0694 is to amend Title 23 of the District of Columbia Municipal Regulations by amending section 800, ABRA Civil Penalty Schedule, to conform the schedule to changes contained in Bill 22-0537, the "Omnibus Alcoholic Beverage Regulation Amendment Act of 2017, modify the tiers for certain infractions, and make administrative and technical changes.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee on Business and Economic Development via email at cautrey@dccouncil.us or at (202) 724-8053, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, February 5th**. 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 are encouraged to bring **twenty single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to cautrey@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 to the Committee on Business and Economic Development at cautrey@dccouncil.us 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 February 21st**.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION

ANNOUNCES A PUBLIC HEARING OF THE COMMITTEE

on

Bill 22-0168, “Public Housing Credit Building Pilot Program Act of 2017”

and

Bill 22-0444, “Public Housing Resident Bill of Rights Amendment Act of 2017”

on

Wednesday, January 31, 2018, at 10:00 AM
John A. Wilson Building, Room 412
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Wednesday, January 31, 2018, Councilmember Anita Bonds, Chairperson of the Committee on Housing & Neighborhood Revitalization, will hold a public hearing on Bill 22-0168, “Public Housing Credit Building Pilot Program Act of 2017”, and Bill 22-0444, “Public Housing Resident Bill of Rights Amendment Act of 2017”. The hearing will take place in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 a.m.

B22-0168, the “Public Housing Credit Building Pilot Program Act of 2017”, would require the D.C. Housing Authority to create a pilot program allowing residents to opt in to have their rent payments reported to credit bureaus for the duration of the program, for the purpose of providing those residents an opportunity to build their credit scores. The bill would also require that DCHA create a report on the program’s outcomes, and advise the Council as to whether the program should be continued and expanded.

B22-0444, the “Public Housing Bill of Rights Amendment Act of 2017”, would require the D.C. Housing Authority to create a document listing certain important rights of public housing residents that are found in both local and federal law and regulations. The document would give plain language descriptions of those provisions, and would be distributed to all District public housing residents.

Those who wish to testify are requested to telephone the Committee on Housing and Neighborhood Revitalization, at (202) 724-8198, or email omontiel@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on January 30, 2018. Persons wishing to testify are encouraged to **submit 15 copies of**

written testimony. Oral testimony should be limited to three minutes for individuals and five minutes for organizations.

If you are unable to testify at the public hearing, 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 Neighborhood Revitalization, 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 February 14, 2018.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

Bill 22-328, Closing of a Public Alley in Square 748, S.O. 16-21105, Act of 2017
Bill 22-412, Closing of a Public Alley in Square 5196, S.O. 17-26544, Act of 2017

And

Bill 22-555, Closing of a Public Alley in Square 211, S.O. 17-26363, Act of 2017

on

Thursday, February 1, 2018
9:30 a.m., Hearing Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on **Bill 22-328**, the “Closing of a Public Alley in Square 748, S.O. 16-21105, Act of 2017”, **Bill 22-412**, the “Closing of a Public Alley in Square 5196, S.O. 17-26544, Act of 2017” and **Bill 22-555**, the “Closing of a Public Alley in Square 211, S.O. 17-26363, Act of 2017.” The hearing will be held at 9:30 a.m. on **Thursday, February 1, 2018** in Hearing Room 120 of the John A. Wilson Building.

The stated purpose of **Bill 22-328** is to order the closing of a portion of the public alley system in Square 748, bounded by 3rd Street, Northeast, L Street, Northeast, M Street Northeast, 2nd street, Northeast and Delaware Avenue, Northeast Washington, D.C. in Ward 6. The stated purpose of **Bill 22-412** is to order the closing of a public alley system in Square 5196, abutting Lots 19, 37, 805, and 814, and bounded by Nannie Helen Burroughs Avenue, Northeast and Division Avenue, Northeast Washington, D.C. in Ward 7. The stated purpose of **Bill 22-555** is to order the closing of a portion of the public alley in Square 221, abutting lots 810 and 800 bounded by Pennsylvania Avenue, 15th Street, H Street, and Madison Place Northwest. The alley is located in Ward 2.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Randi Powell, Legislative Policy Advisor at (202) 724-8092, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business **Tuesday, January 30, 2018**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Wednesday January 31, 2018 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lms.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed 24 hours in advance of the hearing at <http://www.chairmanmendelson.com/circulation>.

If you are unable to testify at the hearing, 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 Thursday, February 15, 2018.

**Council of the District of Columbia
Committee on Finance and Revenue
Notice of Public Hearing**

John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004

**COUNCILMEMBER JACK EVANS, CHAIR
COMMITTEE ON FINANCE AND REVENUE**

ANNOUNCES A PUBLIC HEARING ON:

Bill 22-460, the “Department of Health Smoking Cessation Fund Amendment Act of 2017”

Thursday, February 1, 2018

10:00 a.m.

Room 123 - John A. Wilson Building

1350 Pennsylvania Avenue, NW, Washington, D.C. 20004

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public hearing to be held on Thursday, February 1, 2018 at 10:00 a.m. in Room 123, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Bill 22-460, the “Department of Health Smoking Cessation Fund Amendment Act of 2017” would amend the District of Columbia Official Code to require that 10% of proceeds from cigarette sales be deposited into the Smoking Cessation Fund for interventions. This bill will also remove the applicability clause of the Smoking Restriction Amendment Act of 2013 to allow the provisions of that law to be implemented.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Sarina Loy, Committee Assistant at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 10:00 a.m. on Wednesday, January 31, 2018. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

**Council of the District of Columbia
Committee on Finance and Revenue
Notice of Public Hearing**

John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004

**COUNCILMEMBER JACK EVANS, CHAIR
COMMITTEE ON FINANCE AND REVENUE**

ANNOUNCES A PUBLIC HEARING ON:

**Bill 22-568, the “Washington Metropolitan Area Transit Authority Dedicated Funding Act of 2017”
Bill 22-513, the “University of District of Columbia Leased Property Tax Abatement Amendment Act of
2017”**

Wednesday, February 7, 2018

10:00 a.m.

**Room 120 - John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public hearing to be held on Wednesday, February 7, 2018 at 10:00 a.m. in Room 120, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Bill 22-568, the “Washington Metropolitan Area Transit Authority Dedicated Funding Act of 2017” would establish a nonlapsing, special dedicated fund to be funded by .75% of retail sales tax revenue in order to provide additional funding for maintaining and improving the transportation system of the Washington Metropolitan Area Transit Authority; and would become effective upon passage of legislation by the Maryland General Assembly and the Virginia General Assembly dedicating an equivalent .75% of sales tax revenue in their jurisdictions.

Bill 22-513, the “University of District of Columbia Leased Property Tax Abatement Amendment Act of 2017” would amend Chapter 10 of Title 47 of the District of Columbia Code to exempt from taxation certain real property leased by the University of the District of Columbia, located at 801 North Capitol Street, N.E .

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Sarina Loy, Committee Assistant at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 10:00 a.m. on Tuesday, February 6, 2018. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

ABBREVIATED/REVISED

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

**PR 22-644, District of Columbia Commemorative Works Committee Maryam F. Foye
Confirmation Resolution of 2017**

**PR 22-653, Historic Preservation Review Board Thomas G. Brokaw Confirmation Resolution
of 2017**

&

PR 22-718, Board of Zoning Adjustment Lorna John Confirmation Resolution of 2018

on

**Tuesday, January 16, 2018
10:30 a.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on **PR 22-644**, the “District of Columbia Commemorative Works Committee Maryam F. Foye Confirmation Resolution of 2017”; **PR 22-653**, the “Historic Preservation Review Board Thomas G. Brokaw Confirmation Resolution of 2017”; **PR 22-718**, the “Board of Zoning Adjustment Lorna John Confirmation Resolution of 2018”; The hearing will be held at 10:30 a.m. on **Tuesday, January 16, 2018** in **Hearing Room 412** of the John A. Wilson Building. **This notice has been revised to reflect the newly assigned resolution number for PR 22-718, the “Board of Zoning Adjustment Lorna John Confirmation Resolution of 2018”, as the original (PR 22-537) was withdrawn.**

The stated purpose of **PR 22-644** is to confirm the appointment of Maryam F. Foye as a citizen member of the District of Columbia Commemorative Works Committee (“CWC”). The CWC advises the Council on each application to place a commemorative work on public space in the District of Columbia. The CWC is made up of three citizens nominated by the Mayor and confirmed by the Council, plus nine ex-officio government officials. The purpose of this hearing is to receive testimony from public witnesses as to the fitness of Ms. Foye for the CWC.

The stated purpose of **PR 22-653** is to confirm the appointment of Thomas G. Brokaw as an architect member to the Historic Preservation Review Board. The Historic Preservation Review Board (“HPRB”) is the official body of advisors appointed by the Mayor to guide the government and public on preservation matters in the District of Columbia. The HPRB also assists with the implementation of federal preservation programs and the review of federal projects in the District. The purpose of this hearing is to receive testimony from government and public witnesses as to the fitness of Mr. Brokaw for the HPRB.

The stated purpose of **PR 22-718** is to confirm the appointment of Lorna John to the Board of Zoning Adjustment (“Board”). The Board is an independent, quasi-judicial body with the ability to grant relief from the strict application of the District’s zoning regulations in the form of variances, to grant special exceptions pursuant to the zoning regulations, and to hear appeals from actions taken by

the Zoning Administrator of the Department of Consumer and Regulatory Affairs. The purpose of this hearing is to receive testimony from government and public witnesses as to the fitness of Ms. John for the Board.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Sydney Hawthorne at (202) 724-7130, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business **Friday, January 12, 2018**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on January 12, 2018 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council's office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed 24 hours in advance of the hearing at <http://www.chairmanmendelson.com/circulation>.

If you are unable to testify at the hearing, 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 January 30, 2018.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE ON

Leaf Collection

January 22, 2018 at 11:00 a.m.
Room 412 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

On Monday, January 22, 2018, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public oversight roundtable on the District's leaf collection program. The roundtable will begin at 11:00 a.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The Department of Public Works (DPW) is responsible for leaf collection in the District. At this roundtable, the Committee will examine the current operations of DPW's leaf collection program, including reports of delays in leaf pick up and other scheduling concerns, and consider potential improvements to the program.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify should contact Ms. Aukima Benjamin, Staff Assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring eight copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on February 5, 2018.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HEALTH
NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE
1350 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004**

**COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON
THE COMMITTEE ON HEALTH**

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON

“THE NOT-FOR-PROFIT HOSPITAL CORPORATION BOARD OF DIRECTORS”

**TUESDAY, JANUARY 16, 2018
11 A.M., ROOM 123, JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a public oversight roundtable on “The Not-for-Profit Hospital Corporation Board of Directors.” The roundtable will be held on Tuesday, January 16, 2018, at 11 a.m., in Room 123 of the John A. Wilson Building. A Committee on Health meeting and mark-up is scheduled at 2:30 p.m. If the roundtable has not concluded by 2:30 p.m., it will be recessed, and will reconvene immediately after the conclusion of the mark-up.

The Committee shall examine the recent decision of the Board to permanently close obstetrical services at United Medical Center, as well as the progress that has been made on addressing serious patient safety, financial, and managerial issues at the hospital.

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or mcameron@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Thursday, January 11, 2018. Witnesses should bring 15 copies of their written testimony to the roundtable. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to mcameron@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON GOVERNMENT OPERATIONS
NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE
1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER BRANDON T. TODD
COMMITTEE ON GOVERNMENT OPERATIONS

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE

on

Net Neutrality

and immediately following,

A PUBLIC ROUNDTABLE ON

**PR22-0691 - Sense of the Council Opposing the Repeal of Net Neutrality Rules Resolution
of 2017**

Wednesday, January 24, 2018

11:00 a.m.

Room 412, John A. Wilson Building

1350 Pennsylvania Avenue, NW

Washington, DC 20004

Councilmember Brandon T. Todd announces the scheduling of a public oversight roundtable on net neutrality and immediately following, a public roundtable on **PR22-0691, Sense of the Council Opposing the Repeal of Net Neutrality Rules Resolution of 2017**. The roundtable will be held at 11:00 a.m. on Wednesday, January 24, 2018 in Room 412 of the John A. Wilson Building.

The purpose of the public oversight roundtable is to discuss the impacts of net neutrality and the Federal Communications Commission's (FCC) vote to repeal the 2015 net neutrality protections.

The purpose of the public roundtable is to discuss **PR22-0691, the Sense of the Council Opposing the Repeal of Net Neutrality Rules Resolution of 2017**. **PR22-0691** was introduced on December 19, 2017 by Councilmembers Nadeau, Grosso, Silverman, Cheh, Allen, McDuffie, T. White, Todd, Gray, Bonds, R. White, Evans, and Chairman Mendelson, and referred to the Committee on Government Operations.

PR22-0691 declares the sense of the Council that the District of Columbia strongly opposes the repeal of Net Neutrality Rules as implemented by the Federal Communications Commission in 2015 because it would cause harm to a free and open Internet, infringe on First Amendment

guarantees of freedom of speech and equal access to information, and create an uneven playing field for small businesses.

Individuals and representatives of organizations who wish to testify at the public hearing are asked to contact Faye Caldwell of the Committee on Government Operations at (202) 724-6663 or by email at fcaldwell@dccouncil.us and provide their name(s), address, telephone number, email address, and organizational affiliation, if any, by close of business Tuesday, January 23, 2018. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Wednesday, February 7, 2018. Copies of written statements should be submitted to the Committee on Government Operations, Council of the District of Columbia, Suite 117 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

**Council of the District of Columbia
Committee on Finance and Revenue
Notice of Public Roundtable**

John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004

**COUNCILMEMBER JACK EVANS, CHAIR
COMMITTEE ON FINANCE AND REVENUE**

ANNOUNCES A PUBLIC ROUNDTABLE ON:

PR 22-235, “Sense of the Council in Support of a Ward 2 College Basketball Championship Resolution of 2017”

PR 22-679, the “Commission on the Arts and Humanities Chinedu Felix Osuchukwu Confirmation Resolution of 2017”

Wednesday, January 24, 2018

10:00 a.m.

**Council Chamber - John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public roundtable to be held on Wednesday, January 24, 2018 at 10:00 a.m. in Room 500, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

PR 22-235, the “Sense of the Council in Support of a Ward 2 College Basketball Championship Resolution of 2017” would declare the sense of the Council in support of creating a local Ward 2 college basketball championship between the Georgetown University and George Washington University basketball teams.

PR22-679, the “Commission on the Arts and Humanities Chinedu Felix Osuchukwu Confirmation Resolution of 2017” would confirm the appointment of Mr. Osuchukwu as a member of the Commission on the Arts and Humanities.

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Sarina Loy, Committee Assistant at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 10:00 a.m. on Tuesday, January 23, 2018. Witnesses should bring 15 copies of their written testimony to the roundtable. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

Council of the District of Columbia
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT

ANNOUNCES A PUBLIC ROUNDTABLE ON

**PR22-0596– THE “DIRECTOR OF THE DEPARTMENT OF SMALL AND LOCAL
BUSINESS DEVELOPMENT KRISTI C. WHITFIELD CONFIRMATION RESOLUTION OF
2017”**

Wednesday, January 24, 2018, 10:00 a.m.
Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

On Wednesday, January 24, 2018 Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Business and Economic Development, will hold a public roundtable on Proposed Resolution 22-0596, the “Director of the Department of Small and Local Business Development Kristi C. Whitfield Confirmation Resolution of 2017”. The stated purpose of PR22-0596 is to confirm the appointment of Ms. Kristi Whitfield as the Director of the Department of Small and Local Business Development of the District of Columbia.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee on Business and Economic Development via email at cautrey@dccouncil.us or at (202) 724-8053, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, January 22nd**. 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 are encouraged to bring **twenty single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to cautrey@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 to the Committee on Business and Economic Development at cautrey@dccouncil.us 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 January 31st.**

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B22-652, Extension of Time to Dispose of 8th & O Streets, N.W., Temporary Act of 2018 was adopted on first reading on January 9, 2018. This temporary measure was considered in accordance with Council Rule 413. A final reading on this measure will occur on February 6, 2018.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Grant Budget Modifications

Pursuant to the Consolidated Appropriations Act of 2017, approved May 5, 2017 (P.L. 115-31), the Council of the District of Columbia gives notice that the Mayor has transmitted the following Grant Budget Modification (GBM).

A GBM 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 GBM 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 the GBMs are available in the Legislative Services Division, Room 10.
Telephone: 724-8050

GBM 22-59: FY 2018 Grant Budget Modifications as of December 1, 2017

RECEIVED: 14 day review begins January 3, 2018

GBM 22-60: FY 2018 Grant Budget Modifications as of December 6, 2017

RECEIVED: 14 day review begins January 3, 2018

GBM 22-61: FY 2018 Grant Budget Modifications as of December 7, 2017

RECEIVED: 14 day review begins January 3, 2018

GBM 22-62: FY 2018 Grant Budget Modifications as of December 11, 2017

RECEIVED: 14 day review begins January 3, 2018

GBM 22-63: FY 2018 Grant Budget Modifications as of December 12, 2017

RECEIVED: 14 day review begins January 3, 2018

GBM 22-64: FY 2018 Grant Budget Modifications as of December 13, 2017

RECEIVED: 14 day review begins January 3, 2018

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****READVERTISEMENT**

Placard Posting Date: **January 12, 2018
Protest Petition Deadline: **February 26, 2018
Roll Call Hearing Date: **March 12, 2018
Protest Hearing Date: **May 9, 2018

License No.: ABRA-108548
Licensee: Cucina Al Volo E Street, LLC
Trade Name: Cucina Al Volo E Street
License Class: Retailer’s Class “C” Restaurant
Address: 1299 Pennsylvania Avenue, N.W.
Contact: Jeffery Jackson: 202-251-1566

WARD 2

ANC 2C

SMD 2C01

Notice is hereby given that this licensee 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 on **March 12, 2018 at 10 a.m., 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. The **Protest Hearing date** is scheduled on ****May 9, 2018 at 1:30 pm.**

NATURE OF OPERATION

New Restaurant, serving Italian cuisine. Total Occupancy Load is 220 with seating for 220. Sidewalk Cafe with 45 seats.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES

Sunday through Thursday 11 am – 2 am, Friday and Saturday 11 am – 3 am.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SIDEWALKCAFE

Sunday through Thursday 11 am – 11 pm, Friday and Saturday 11 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: **December 22, 2017
Protest Petition Deadline: **February 5, 2018
Roll Call Hearing Date: **February 20, 2018
Protest Hearing Date: **April 11, 2018

License No.: ABRA-108548
Licensee: Cucina Al Volo E Street, LLC
Trade Name: Cucina Al Volo E Street
License Class: Retailer’s Class “C” Restaurant
Address: 1299 Pennsylvania Avenue, N.W.
Contact: Jeffery Jackson: 202-251-1566

WARD 2

ANC 2C

SMD 2C01

Notice is hereby given that this licensee 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 on **February 20, 2018 at 10 a.m., 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. The **Protest Hearing date** is scheduled on ****April 11, 2018 at 1:30pm.**

NATURE OF OPERATION

New Restaurant, serving Italian cuisine. Total Occupancy Load is 220 with seating for 220. Sidewalk Cafe with 45 seats.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES

Sunday through Thursday 11 am – 2 am, Friday and Saturday 11 am – 3 am.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SIDEWALKCAFE

Sunday through Thursday 11 am – 11 pm, Friday and Saturday 11 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 12, 2018
Protest Petition Deadline: February 26, 2018
Roll Call Hearing Date: March 12, 2018
Protest Hearing Date: May 9, 2018

License No: ABRA-108720
Licensee: Navy Yard Wine Merchant, LLC
Trade Name: Navy Yard Wine Merchant
License Class: Retailer's Class "B"
Address: 1105 New Jersey Avenue, S.E.
Contact: Chrissie Chang: (703) 992-3994

WARD 6

ANC 6D

SMD 6D07

Notice is hereby given that this licensee 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 on March 12, 2018 at 10 a.m., 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. The Protest Hearing date is scheduled on May 9, 2018 at 1:30 p.m.

NATURE OF OPERATION

New Class B Retailer selling beer and wine

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Sunday – Saturday 9:00 am – 11:00 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****READVERTISEMENT**

Placard Posting Date: **January 12, 2018
 Protest Petition Deadline: **February 26, 2018
 Roll Call Hearing Date: **March 12, 2018
 Protest Hearing Date: **May 9, 2018

License No.: ABRA-108398
 Licensee: Pisco Y Nazca Dupont LLC
 Trade Name: Pisco Y Nazca Gastro Bar
 License Class: Retailer’s Class “C” Restaurant
 Address: 1823 L Street, N.W.
 Contact: Andrew Kline: 202-686-7600

WARD 2

ANC 2B

SMD 2B06

Notice is hereby given that this licensee 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 on **March 12, 2018 at 10 a.m., 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. The **Protest Hearing date** is scheduled on ****May 9, 2018 at 4:30 pm.**

NATURE OF OPERATION

New Restaurant, serving Spanish cuisine. Total Occupancy Load is 230, with seating for 230.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

Sunday through Saturday 11 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: **December 22, 2017
 Protest Petition Deadline: **February 5, 2018
 Roll Call Hearing Date: **February 20, 2018
 Protest Hearing Date: **April 11, 2018

License No.: ABRA-108398
 Licensee: Pisco Y Nazca Dupont LLC
 Trade Name: Pisco Y Nazca Gastro Bar
 License Class: Retailer’s Class “C” Restaurant
 Address: 1823 L Street, N.W.
 Contact: Andrew Kline: 202-686-7600

WARD 2

ANC 2B

SMD 2B06

Notice is hereby given that this licensee 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 on **February 20, 2018 at 10 a.m., 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. The **Protest Hearing date** is scheduled on ****April 11, 2018 at 4:30 pm**.

NATURE OF OPERATION

New Restaurant, serving Spanish cuisine. Total Occupancy Load is 230, with seating for 230.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

Sunday through Saturday 11 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****READVERTISEMENT**

Placard Posting Date: **January 12, 2018
Protest Petition Deadline: **February 26, 2018
Roll Call Hearing Date: **March 12, 2018
Protest Hearing Date: **May 9, 2018

License No.: ABRA-108498
Licensee: BW3 LLC
Trade Name: TBD
License Class: Retailer's Class "C" Restaurant
Address: 400 K Street, N.W.
Contact: Andrew Kline: 202-686-7600

WARD 6

ANC 6E

SMD 6E05

Notice is hereby given that this licensee 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 on **March 12, 2018 at 10 a.m., 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. The **Protest Hearing date** is scheduled on ****May 9, 2018 at 4:30 pm**.

NATURE OF OPERATION

New Restaurant serving American style foods. Requesting an Entertainment Endorsement to provide live entertainment. Total Occupancy Load is 130 with seating for 99. Sidewalk Café with 30 seats.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES

Sunday through Saturday 9 am – 12 am

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION ON SIDEWALK CAFE

Sunday through Saturday 9 am – 10 pm

HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES

Sunday through Saturday 9 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: **December 22, 2017
Protest Petition Deadline: **February 5, 2018
Roll Call Hearing Date: **February 20, 2018
Protest Hearing Date: **April 11, 2018

License No.: ABRA-108498
Licensee: BW3 LLC
Trade Name: TBD
License Class: Retailer’s Class “C” Restaurant
Address: 400 K Street, N.W.
Contact: Andrew Kline: 202-686-7600

WARD 6 ANC 6E SMD 6E05

Notice is hereby given that this licensee 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 on **February 20, 2018 at 10 a.m., 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. The **Protest Hearing date** is scheduled on ****April 11, 2018 at 4:30 pm.**

NATURE OF OPERATION

New Restaurant serving American style foods. Requesting an Entertainment Endorsement to provide live entertainment. Total Occupancy Load is 130 with seating for 99. Sidewalk Café with 30 seats.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES

Sunday through Saturday 9 am – 12 am

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION ON SIDEWALK CAFE

Sunday through Saturday 9 am – 10 pm

HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES

Sunday through Saturday 9 am – 12 am

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, FEBRUARY 28, 2018
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

TIME: 9:30 A.M.

WARD SIX

19686 **Application of Trang Nguyen**, pursuant to 11 DCMR Subtitle X, Chapter 10, for
ANC 6E a use variance from the use restrictions of Subtitle U § 301.1, to permit a retail
 establishment on the ground floor of a residential flat in the RF-1 zone at
 premises 207 New York Avenue N.W. (Square 555, Lot 159).

WARD SIX

19688 **Application of Frederic and Pamela Scott**, pursuant to 11 DCMR Subtitle X,
ANC 6E Chapter 9, for a special exception under the residential conversion provisions of
 Subtitle U § 320.2, and pursuant to Subtitle X, Chapter 10, for a variance from the
 access requirements of Subtitle U § 301.1(c)(4), to convert an existing carriage
 house to a third one-family dwelling unit in the RF-1 at premises 433 M Street
 N.W. (Square 513, Lot 57).

WARD THREE

19694 **Application of 5104 MacArthur LLC**, pursuant to 11 DCMR Subtitle X,
ANC 3D Chapter 9, for a special exception under Subtitle C § 703 from the minimum
 parking requirements of Subtitle C § 701.5, to convert the existing commercial
 building to a child development center in the MU-3 Zone at premises 5104
 MacArthur Boulevard N.W. (Square 1418, Lot 43).

PLEASE NOTE:

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of

BZA PUBLIC HEARING NOTICE

FEBRUARY 28, 2018

PAGE NO. 2

Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person’s interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.*** This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning’s website at: www.dcoz.dc.gov. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

**Note that party status is not permitted in Foreign Missions cases.*

Do you need assistance to participate?

Amharic

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም)

ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件

Zelalem.Hill@dc.gov。这些是免费提供的服务。

French

Avez-vous besoin d’assistance pour pouvoir participer ? Si vous avez besoin d’aménagements spéciaux ou d’une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

Korean

참여하시는데 도움이 필요하세요?

특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면,

회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 Zelalem.Hill@dc.gov 로

이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

BZA PUBLIC HEARING NOTICE

FEBRUARY 28, 2018

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Spanish

¿Necesita ayuda para participar?

Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Vietnamese

Quý vị có cần trợ giúp gì để tham gia không?

Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

**FREDERICK L. HILL, CHAIRPERSON
LESYLLEÉ M. WHITE, MEMBER
CARLTON HART, VICE-CHAIRPERSON,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
ONE BOARD SEAT VACANT
CLIFFORD W. MOY, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (“Department”), pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“the Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 78 (Audiology) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to (1) revise the audiology regulation to conform to the addition of audiology assistant as a new profession under Chapter 101 of this title; (2) update the continuing education requirements broadly; and (3) include the new continuing education requirement pertaining to cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) pursuant to Section 510 of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.)).

The rulemaking was published in the *D.C. Register* as a proposed rulemaking on December 9, 2016 at 63 DCR 15127. No comments were received and there has been no change to the rule as proposed. This rule was adopted as final on June 14, 2017 and will be effective upon publication of the notice in the *D.C. Register*.

Chapter 78, AUDIOLOGY, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 7800, GENERAL PROVISIONS, is amended as follows:

Subsection 7800.2 is amended to read as follows:

7800.2 Chapters 40 (Health Occupations: General Rules), 41 (Health Occupations: Administrative Procedures), and 101 (Audiology Assistants) of this title shall supplement this chapter.

Section 7808, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:

7808 CONTINUING EDUCATION REQUIREMENTS

7808.1 This section shall apply to applicants for a renewal, reinstatement, or reactivation of a license and shall not apply to applicants for an initial license or applicants seeking the renewal of a license for the first time after the initial grant of the license.

7808.2 To qualify for the renewal of a license, an applicant shall have completed twenty

(20) hours of approved continuing education during the two (2)-year period preceding the date the license expires, which shall include one (1) hour of ethics. It shall also include two (2) hours of LGBTQ continuing education. This LGBTQ continuing education requirement shall become effective and enforceable six (6) months after the effective date of this section.

- 7808.3 Notwithstanding the requirement of §§ 7808.2 and 7906.2 of this title, an applicant for dual licensure renewal shall have completed thirty (30) hours of approved continuing education during the two year-period preceding the date the licenses expire, including one (1) hour of ethics, two (2) hours of LGBTQ continuing education, and five (5) hours of each of the audiology and speech-language pathology disciplines.
- 7808.4 To qualify for the reinstatement of a license, an applicant shall have completed twenty (20) hours of continuing education described in § 7808.2 during the two (2) years preceding the submission of the reinstatement application.
- 7808.5 To be eligible for the reactivation of a license in accordance with D.C. Official Code § 3-1205.11(c), the following applicants shall be deemed to meet the requirement of D.C. Official Code § 3-1205.11(c)(2):
- (a) An applicant who has been actively and lawfully practicing audiology in another jurisdiction or territory of the United States;
 - (b) An applicant who has not been actively and lawfully practicing audiology in another jurisdiction or territory of the United States, seeks the reactivation of the license five (5) years or less after the last expiration of the license, and has completed twenty (20) hours of continuing education described in § 7808.2 during the two (2) years preceding the submission of the reactivation application; or
 - (c) An applicant who has not been actively and lawfully practicing audiology in another jurisdiction or territory of the United States and seeks the reactivation of the license more than five (5) years after the last expiration of the license who can demonstrate his or her current competency to the Board's satisfaction.
- 7808.6 The Board may periodically conduct a random audit of at least ten percent (10%) of its active licensees to determine continuing education compliance. Any licensee selected for the audit shall provide proof of his or her continuing education compliance to the Board within thirty (30) days of receiving notification of the audit.

Section 7809, CONTINUING EDUCATION PROGRAMS AND ACTIVITIES, is amended to read as follows:

7809 CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

7809.1 A continuing education hour shall be valid and granted credit only if it is part of a program or activity approved by the Board as a program or activity that contributes to the growth of professional competence in the practice of audiology or speech-language pathology, is current in its subject matter, and is developed and taught or conducted by qualified individual(s).

7809.2 Subject to § 7809.1, the Board may grant continuing education credit for programs or activities offered or sponsored by the following organizations:

- (a) The Speech-Language Hearing Association of the District of Columbia or similar speech-language hearing association of another state;
- (b) The American Academy of Audiology;
- (c) The American Speech-Language Hearing Association (ASHA) and its approved continuing education providers;
- (d) An accredited provider of The Accreditation Council on Continuing Medical Education of the American Medical Association offering Category I continuing medical education;
- (e) The International Association of Continuing Education and Training (IACET) and its authorized providers;
- (f) A health care organization accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO); or
- (g) The International Hearing Society.

7809.3 Subject to § 7809.1, the Board may grant continuing education credit for the following activities:

- (a) Attendance and completion of:
 - (1) A course given at an accredited college or university;
 - (2) A seminar or workshop;
 - (3) An educational program given at a conference; or
 - (4) An in-service training;

- (b) Serving as a presenter or speaker at a conference, seminar, workshop, or in- service training; or
- (c) Publishing an article related to audiology or speech-language pathology in a professional journal or authoring or co-authoring a book, a chapter in a book or a book review related to audiology or speech-language pathology.

7809.4 The Board shall not grant credit for work done in the course of a requestor’s normal occupation or incident to the performance of his or her regular duties, such as teaching courses, research, or course preparation in the case of a teacher or professor.

7809.5 A requestor shall have the burden of verifying whether a program or activity is approved by the Board.

7809.6 Satisfactory proof of completion of a seminar, a workshop, or an educational program given at a conference or an in-service training shall include:

- (a) The name and address of the provider of the program;
- (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
- (c) The dates on which the applicant attended the program;
- (d) The hours of credit claimed; and
- (e) Verification by the course provider or accreditor of completion, which for a course provider shall be by signature or stamp, and for an accreditor shall be by an official transcript.

Section 7810, CONTINUING EDUCATION CREDITS, is amended to read as follows:

7810 CONTINUING EDUCATION CREDITS

7810.1 For the purposes of this chapter, one (1) continuing education hour shall mean sixty (60) minutes of learning time.

7810.2 The Board may grant ten (10) continuing education hours for completion of each credit hour of an academic course offered at an accredited college or university provided that the continuing education credit may only be granted for courses completed during the licensure cycle for which credit is claimed.

7810.3 The Board may grant two (2) continuing education hours for the audit of a three (3)-credit-hour academic course offered at an accredited college or university.

- 7810.4 A requestor may receive a maximum of six (6) continuing education hours for attendance and completion of in-service training programs.
- 7810.5 The Board may grant credit for serving as a presenter or speaker at a conference, seminar, workshop, or in- service training, subject to the following restrictions:
- (a) Hours granted pursuant to this section shall not exceed six (6) hours per licensure cycle;
 - (b) If a requestor has previously received credit in connection with a particular presentation, the Board shall not grant credit for a subsequent presentation unless it involves either a different subject or substantial additional research concerning the same subject;
 - (c) The presentation was completed during the licensure cycle for which credit is claimed; and
 - (d) The maximum amount of credit which may be granted for preparation time is twice the amount of the associated presentation time or twice the amount of contact hours awarded to the participants.
- 7810.6 The Board may grant credit for publication of an article related to audiology or speech-language pathology in a professional journal or publication of a book, a chapter in a book, or a book review related to audiology or speech-language pathology, subject to the following restrictions as relevant:
- (a) The Board may grant up to eight (8) continuing education hours per licensure cycle to the author or sole editor of a published book if the book was published or accepted for publication during the period for which credit is claimed;
 - (b) The Board may grant four (4) continuing education hours per licensure cycle to the sole author or a co-author of a peer-reviewed, published original paper; or
 - (c) The Board may grant one (1) continuing education hour per licensure cycle to the sole author of a published book review.

Section 7811, SUPERVISION OF AUDIOLOGY ASSISTANTS, is added to read as follows:

7811 SUPERVISION OF AUDIOLOGY ASSISTANTS

- 7811.1 An audiologist licensed under this chapter may qualify to supervise an audiology assistant only if he or she meets the requirements of § 10105.2.

- 7811.2 A supervising audiologist shall supervise audiology assistants in accordance with §§ 10105 and 10106.
- 7811.3 A supervising audiologist shall retain full professional and ethical responsibility for the professional conduct and performance of the audiology assistant and shall delegate duties only as commensurate with the training, experience, and ability of the audiology assistant and within the scope of lawful practice pursuant to chapter 101 of this title.
- 7811.4 A supervising audiologist shall ensure that an audiology assistant under his or her supervision is duly registered and authorized to practice.

Section 7899, DEFINITIONS, is amended to read as follows:

7899 DEFINITIONS

7899.1 As used in this chapter, the following terms shall have the meanings ascribed:

Approved continuing education – A continuing education program or activity that meets the requirements of § 7809.

Au.D. – Doctor of Audiology.

Board – the Board of Audiology and Speech-Language Pathology, established by Section 841 of the Audiology and Speech-Language Pathology Amendment Act of 2006, effective March 6, 2007 (D.C. Law 16-219; D.C. Official Code § 3-1208.41 (2012 Repl.)).

Direct supervision – supervision in which the supervisor is immediately available on the premises to the supervisee and within vocal communication of the supervisee either directly or by a communication device.

Director - the Director of the Department of Health, or the Director’s designee.

Dual licensure renewal – renewal of both an audiology and a speech-language pathology license in the District of Columbia, within the same renewal period.

General supervision – supervision in which the supervisor is available to the person supervised, either in person or by a communication device.

Good cause – serious illness of the applicant, the death or serious illness of a member of the applicant’s immediate family, or other cause sufficient to the Board.

LGBTQ continuing education – continuing education on cultural competency

or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of D.C. Official Code § 3-1205.10 (b)(5).

Licensure cycle – a two-year period between the January 1 of each odd-numbered year and December 31 of each even-numbered year during which a license issued pursuant to this chapter is valid in accordance with § 7801.1.

Ph.D. – Doctor of Philosophy in Audiology.

Practice of audiology – means the planning, directing, supervising, and conducting of habilitative or rehabilitative counseling programs for individuals or groups of individuals who have, or are suspected of having, disorders of hearing; any service in audiology, including prevention, identification, evaluation, consultation, habilitation or rehabilitation, instruction, or research; participating in hearing conservation or hearing aid and assistive listening device evaluation, selection, preparation, dispensing, and orientation; fabricating ear molds; providing auditory training and speech reading; or administering tests of vestibular function and tests for tinnitus. The practice of audiology includes speech and language screening limited to a pass-or-fail determination for the purpose of identification of individuals with disorders of communication. The practice of audiology does not include the practice of medicine or osteopathic medicine, or the performance of a task in the normal practice of medicine or osteopathic medicine by a person to whom the task is delegated by a licensed physician.

Reinstatement – The reinstatement of a license in accordance with D.C. Official Code § 3-1205.12.

Requestor – a person seeking continuing education credits.

Supervised experience – the clinical fellowship year required for applicants for licensure with a Master’s degree or Ph.D. degree, or the period of supervised practice during an Au.D. program.

Supervisor – an audiologist who is qualified under § 7803.7 and who is providing general supervision to an individual completing the supervised experience requirements in § 7803, or an audiologist qualified under § 7812.9 who is providing direct supervision to a graduate student under § 7812.

Supervisee – an individual who is completing the supervised experience requirements.

Valid continuing education – continuing education approved and granted continuing education credit by the Board in accordance with §§ 7909 and 7910.

7899.2 The definitions in § 4099 of chapter 40 of this title are incorporated by reference into and are applicable to this chapter.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (“Department”), pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“the Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 79 (Speech-Language Pathology) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to revise the speech-language pathology regulation to conform to the addition of speech-language pathology clinical fellows and speech-language pathology assistants as new professions under Chapters 84 and 102 of this title, and to update the continuing education requirements broadly, as well as to include the new continuing education requirement pertaining to cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (“LGBTQ”), pursuant to Section 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.)).

The rulemaking was published in the *D.C. Register* as a proposed rulemaking on December 9, 2016 at 63 DCR 15135. No comments were received and there has been no change to the rule as proposed. This rule was adopted as final on June 14, 2017 and will be effective upon publication of the notice in the *D.C. Register*.

Chapter 79, SPEECH-LANGUAGE PATHOLOGY, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 7900, GENERAL PROVISIONS, is amended as follows:

Subsection 7900.2 is amended to read as follows:

7900.2 Chapters 40 (Health Occupations: General Rules), 41 (Health Occupations: Administrative Procedures), 84 (Speech-Language Pathology Clinical Fellows), and 102 (Speech-Language Pathology Assistants) of this title shall supplement this chapter.

Section 7902, EDUCATIONAL REQUIREMENTS, is amended as follows:

Subsection 7902.1 is amended to read as follows:

7902.1 To qualify for a license under this chapter, an applicant shall have graduated with a Master’s or Doctoral Degree in speech-language pathology from a recognized educational institution whose speech-language pathology program is accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology or an equivalent accrediting body as determined by the Board.

Section 7903, CLINICAL FELLOWSHIP REQUIREMENTS, is amended to read as follows:

7903 CLINICAL FELLOWSHIP REQUIREMENTS

7903.1 To qualify for a license under this chapter, an applicant shall have completed a clinical fellowship meeting the requirements of Chapter 84 (Speech-Language Pathology Clinical Fellows) of this title.

7903.2 The Board may accept completion of the clinical fellowship required for the American Speech-Language-Hearing Association (ASHA) Certificate of Clinical Competence as meeting the requirements for clinical fellowship in this chapter under § 7903.1.

Section 7906, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:

7906 CONTINUING EDUCATION REQUIREMENTS

7906.1 This section shall apply to applicants for a renewal, reinstatement, or reactivation of a license and shall not apply to applicants for an initial license or applicants seeking the renewal of a license for the first time after the initial grant of the license.

7906.2 To qualify for the renewal of a license, an applicant shall have completed twenty (20) hours of continuing education valid in accordance with § 7907 during the two (2)-year period preceding the date the license expires, which shall include one (1) hour of ethics. It shall also include two (2) hours of LGBTQ continuing education. This LGBTQ continuing education requirement shall become effective and enforceable six (6) months after the effective date of this section.

7906.3 Notwithstanding the requirements of §§ 7906.2 and 7808.2 of Chapter 78 (Audiology) of this title, an applicant for dual licensure renewal shall have completed thirty (30) hours of approved continuing education during the two year-period preceding the date the license expires, including one (1) hour of ethics, two (2) hours of LGBTQ continuing education, five (5) hours of each of the audiology and speech-language pathology disciplines.

7906.4 To qualify for the reinstatement of a license, an applicant shall have completed twenty (20) hours of continuing education described in § 7906.2 during the two (2) years preceding the submission of the reinstatement application.

7906.5 To qualify for the reactivation of a license in accordance with D.C. Official Code § 3-1205.11(c), the following applicants shall be deemed to meet the requirement of D.C. Official Code § 3-1205.11(c)(2):

- (a) An applicant who has been actively and lawfully practicing speech-language pathology in another jurisdiction or territory of the United States;
- (b) An applicant who has not been actively and lawfully practicing speech-language pathology in another jurisdiction or territory of the United States, seeks the reactivation of the license five (5) years or less after the last expiration of the license, and has completed twenty (20) hours of continuing education described in § 7906.2 during the two (2) years preceding the submission of the reactivation application; or
- (c) An applicant who has not been actively and lawfully practicing speech-language pathology in another jurisdiction or territory of the United States and seeks the reactivation of the license more than five (5) years after the last expiration of the license who can demonstrate his or her current competency to the Board's satisfaction.

7906.6 The Board may conduct a random audit of at least ten percent (10%) of its active licensees to determine continuing education compliance. Any licensee selected for the audit shall provide proof of continuing education compliance to the Board within thirty (30) days of receiving notification of the audit.

Section 7907, CONTINUING EDUCATION PROGRAMS AND ACTIVITIES, is amended to read as follows:

7907 CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

7907.1 A continuing education hour shall be valid and granted credit only if it is part of a program or activity approved by the Board as a program or activity that contributes to the growth of professional competence in the practice of audiology or speech-language pathology, is up to date in its subject matter, and is developed and taught or conducted by qualified individual(s).

7907.2 Subject to § 7907.1, the Board may grant continuing education credit for programs or activities offered or sponsored by the following organizations:

- (a) The Speech-Language Hearing Association of the District of Columbia or similar speech-language hearing association of another state;
- (b) The American Academy of Audiology;
- (c) The American Speech-Language Hearing Association (ASHA) and its approved continuing education providers;

- (d) An accredited provider of The Accreditation Council on Continuing Medical Education of the American Medical Association offering Category I continuing medical education;
- (e) The International Association of Continuing Education and Training (IACET) and its authorized providers;
- (f) A health care organization accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO); or
- (g) The International Hearing Society.

7907.3 Subject to § 7907.1, the Board may grant continuing education credit for the following activities:

- (a) Attendance and completion of:
 - (1) A course given at an accredited college or university;
 - (2) A seminar or workshop;
 - (3) An educational program given at a conference; or
 - (4) An in-service training;
- (b) Serving as a presenter or speaker at a conference, seminar, workshop, or in-service training; or
- (c) Publishing an article related to audiology or speech-language pathology in a professional journal or authoring or co-authoring a book, a chapter in a book or a book review related to audiology or speech-language pathology.

7907.4 The Board shall not grant credit for work done in the course of a requestor's normal occupation or incident to the performance of his or her regular duties, such as teaching courses, research, or course preparation in the case of a teacher or professor.

7907.5 A person seeking continuing education credits shall have the burden of verifying whether a program is approved by the Board.

7907.6 Satisfactory proof of completion of a seminar, a workshop, or an educational program given at a conference or an in-service training shall include:

- (a) The name and address of the provider of the program;

- (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
- (c) The dates on which the applicant attended the program;
- (d) The hours of credit claimed; and
- (e) Verification by the course provider or accreditor of completion, by signature, stamp, or official transcript in the case of accreditors.

Section 7908, CONTINUING EDUCATION CREDITS, is amended to read as follows:

7908 CONTINUING EDUCATION CREDITS

- 7908.1 For the purposes of this chapter, one (1) continuing education hour shall mean sixty (60) minutes of learning time.
- 7908.2 The Board may grant ten (10) continuing education hours for completion of each credit hour of an academic course offered at an accredited college or university provided that the continuing education credit may only be granted for courses completed during the licensure cycle for which credit is claimed.
- 7908.3 The Board may grant two (2) continuing education hours for the audit of a three (3)-credit-hour academic course offered at an accredited college or university provided that the continuing education credit may only be granted for courses audited during the licensure cycle for which credit is claimed.
- 7908.4 A requestor may receive a maximum of six (6) continuing education hours for attendance and completion of in-service training programs.
- 7908.5 The Board may grant credit for serving as a presenter or speaker at a conference, seminar, workshop, or in- service training, subject to the following restrictions:
- (a) Hours granted pursuant to this section shall not exceed six (6) hours per licensure cycle;
 - (b) If a requestor has previously received credit in connection with a particular presentation, the Board shall not grant credit for a subsequent presentation unless it involves either a different subject or substantial additional research concerning the same subject;
 - (c) The presentation was completed during the licensure cycle for which credit is claimed; and

- (d) The maximum amount of credit which may be granted for preparation time is twice the amount of the associated presentation time or twice the amount of contact hours awarded to the participants.

7908.6 The Board may grant credit for publication of an article related to audiology or speech-language pathology in a professional journal or publication of a book, a chapter in a book or a book review related to audiology or speech-language pathology, subject to the following restrictions as relevant:

- (a) The Board may grant up to eight (8) continuing education hours per licensure cycle to the author or sole editor of a published book if the book was published or accepted for publication during the period for which credit is claimed;
- (b) The Board may grant four (4) continuing education hours per licensure cycle to the sole author or a co-author of a peer-reviewed, published original paper; or
- (c) The Board may grant one (1) continuing education hour per licensure cycle to the sole author of a published book review.

Section 7914, SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY CLINICAL FELLOWS, is added to read as follows:

7914 SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY CLINICAL FELLOWS

7914.1 A speech-language pathologist may qualify to supervise a speech-language pathology clinical fellow if he or she meets the requirement of § 8404.2 of this title.

7914.2 A speech-language pathologist supervising a clinical fellow shall comply with the requirements set forth in chapter 84 of this title.

Section 7915, SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY ASSISTANTS, is added to read as follows:

7915 SUPERVISION OF SPEECH-LANGUAGE PATHOLOGY ASSISTANTS

7915.1 A speech-language pathologist supervising a speech-language pathology assistant shall retain full professional and ethical responsibility for the professional conduct and performance of the speech-language pathology assistant and shall delegate duties only as consistent with the training, experience, and ability of the speech-language pathology assistant.

7915.2 A speech-language pathologist supervising a speech-language pathology assistant shall comply with the requirements set forth in Chapter 102 (Speech-Language Pathology Assistants) of this title.

Section 7999, DEFINITIONS, is amended to read as follows:

7999 DEFINITIONS

7999.1 As used in this chapter, the following terms shall have the meanings ascribed:

Approved continuing education – A continuing education program or activity that meets the requirements of § 7907.

Board – the Board of Audiology and Speech-Language Pathology, established by Section 841 of the Audiology and Speech-Language Pathology Amendment Act of 2006, effective March 6, 2007 (D.C. Law 16-219; D.C. Official Code § 3-1208.41 (2012 Repl.)).

Clinical fellow – a person who is completing the clinical fellowship requirements set forth under § 7903 and Chapter 84 (Speech-Language Pathology Clinical Fellows) of this title.

Clinical fellowship- the experience required by Section 7903 and regulated under Chapter 84 of this title.

Direct supervision – supervision in which the supervisor is immediately available on the premises to the supervisee and within vocal communication of the supervisee either directly or by a communication device.

Director - the Director of the Department of Health, or the Director's designee.

Dual licensure renewal – renewal of both an audiology and a speech-language pathology license in the District of Columbia, within the same renewal period.

General supervision – supervision in which the supervisor is available to the person supervised, either in person or by a communication device.

Good cause – serious illness of the applicant, the death or serious illness of a member of the applicant's immediate family, or other cause sufficient to the Board.

Graduate student – a person enrolled in a Master's or Doctoral degree program in speech-language pathology.

LGBTQ continuing education – continuing education on cultural competency

or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the Act (D.C. Official Code § 3-1205.10 (b)(5)(2016 Supp.)).

Licensure cycle – a two-year period between the January 1 of each odd-numbered year and December 31 of each even-numbered year during which a license issued pursuant to this chapter is valid in accordance with § 7901.1.

Practice of speech-language pathology – means the application of principles, methods, or procedures related to the development and disorders of human communication, including any condition, whether of organic or non-organic origin, that impedes the normal process of human communication including disorders and related disorders of speech, articulation, fluency, voice, oral, or written language; auditory comprehension and processing; oral, pharyngeal or laryngeal sensorimotor competencies; swallowing; auditory or visual processing; auditory or visual memory or cognition; communication; and assisted augmentative communication treatment and devices. The term “practice of speech language pathology” also includes the planning, directing, supervising, and conducting of a habilitative and rehabilitative counseling program for individuals or groups of individuals who have, or are suspected of having, disorders of communication, and any service in speech-language pathology including prevention, identification, evaluation, consultation, habilitation or rehabilitation, instruction or research. The practice of speech-language pathology may include pure-tone air conduction hearing screening, screening of tympanometry, and acoustic reflex screening, limited to a pass-or-fail determination for the identification of individuals with other disorders of communication and may also include aural habilitation or rehabilitation, which means the provision of services and procedures for facilitating adequate auditory, speech, and language skills in individuals with hearing impairment. The practice of speech-language pathology does not include the practice of medicine or osteopathic medicine, or the performance of a task in the normal practice of medicine or osteopathic medicine by a person to whom the task is delegated by a licensed physician.

Reinstatement – The reinstatement of a license in accordance with D.C. Official Code § 3-1205.12.

Requestor – a person seeking continuing education credits.

7999.2

The definitions in § 4099 of Chapter 40 (Health Occupations: General Rules) of this title are incorporated by reference into and are applicable to this chapter.

DEPARTMENT OF HEALTH

NOTICE OF SECOND PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in Section 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 15, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of a second proposed rulemaking action to adopt new Chapters 94 (Dialysis Technicians), 95 (Medication Aides), 96 (Certified Nursing Assistants), and 97 (Patient Care Technicians), of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

These regulations are required pursuant to the Practice of Nursing Amendment Act of 2009, effective July 7, 2009 (D.C. Law 18-18; D.C. Official Code § 3-1209.07(b) (2016 Repl.)), and Mayor's Order 98-140, dated August 20, 1998.

These regulations were previously published as a Proposed Rulemaking at 60 DCR 000788 on January 25, 2013. In response to the publication, the Board of Nursing (Board) received numerous comments and numerous changes have been made.

In some sections, numbering has changed between the Notice of Proposed Rulemaking published on January 25, 2013 and this Notice of Second Proposed Rulemaking. In this preamble, a single asterisk "*" denotes a numerical reference to the January 25, 2013 publication. Double asterisks "**" indicate a numerical reference to this Second Proposed Rulemaking.

"Patient Care Technician" was removed from Chapter 96* and assigned its own chapter – Chapter 97.** The Board determined that combining the two (2) professions made it difficult to establish a clear distinction between the two (2) professions.

MedStar Washington Hospital Center suggested that the language in § 9604.2(c)* (§ 9704.1(d)**) be changed to read that a "Fundamentals of Nursing" course be "successfully passed" instead of "Completion..." of the course. The Board found no distinction between the two (2) terms. The Board noted that a student who receives a grade of less than "C" in the course has not "completed" or "successfully passed" the course.

MedStar also noted that the regulations do not address how long a nursing student or nurse who failed the national registered nursing examination may work as a patient care technician (PCT) without taking the national certification examination. The Board did not specify a time limit but states that the nursing student or nurse may work indefinitely as a PCT.

MedStar requested clarification in § 9604.2(d)* as to whether a hospital corpsman must obtain certification as a certified nursing assistant. In addition, MedStar suggested adding experience as an emergency medical technician (EMT). The Board did not establish a certification requirement, but specified in § 9704.1(f)** that these personnel must have at least one thousand (1,000) hours of practice within the last thirty-six (36) months. In addition, the Board dropped

the term “hospital corpsman” and specifically named the military personnel who qualify as specified by the National Council of State Boards of Nursing.

Subsection 9604.2(b)* requires a PCT to complete a Board-approved PCT training program. MedStar suggested that the Board consider a phased-in approach for this new requirement due to the lack of available “Board-approved PCT programs in this area.” To address MedStar’s concerns, the Board notes that § 9705.1(b)** will continue to require an applicant to complete a Board-approved program; § 9705.2** will continue to provide a waiver for qualified applicants; and § 9720.2** will allow health care facilities to offer PCT training programs. The Board is of the opinion that these provisions should suffice in meeting MedStar’s suggestion for a phased-in approach and address the concerns about a lack of available programs.

MedStar suggested that § 9604.3(a),* which requires completion of a “Board-approved patient care training program” for persons certified by waiver, be deleted. In § 9705.2** the Board specifies that documentation by an employer will satisfy the requirements for certification by waiver.

MedStar suggested that § 9607.1* be amended to decrease the continuing education requirement from twenty-four (24) hours to sixteen (16) hours because it is burdensome in terms of payment and scheduled time off. The Board notes that the regulations require continuing education or in-service training. Thus, an employer can substitute in-service training for that which a certified nursing assistant (CNA) would be required to incur an out-of-pocket expense. MedStar also requested that the two (2) hours of a mandated topic be reconsidered. The Board did not drop the requirement. The Board notes that three (3) hours of continuing education are required pursuant to the “HIV/AIDS Continuing Education Requirements Amendment Act of 2012.” In addition, two (2) hours of continuing education are required pursuant to the “LGBTQ Cultural Competency Education Amendment Act of 2015.”

MedStar suggested that § 9616.1* be amended to allow a PCT to discontinue a Foley catheter. In § 9715.1(k)** the Board authorized PCTs to perform urinary catheterizations, which include insertion and discontinuation of urinary catheters.

MedStar also suggested that a PCT be allowed to apply and reapply sequential compression devices. This permissible function was added in § 9715.1(m).**

MedStar suggested that changes be made in the language in § 9617.1* as it relates to dialysis technicians (DT). The Board notes that the acronym “DT” was incorrect. The acronym “CNA” now appears in its place.

MedStar suggested that the language of § 9620.1(e)* be amended to allow hospitals or health care facilities to provide training for a CNA or PCT. In response to the recommendation, the Board provided for this training in §§ 9720.2(d) and (e).**

MedStar requested clarification of the competency evaluation mentioned in § 9625.5* that will be required for CNAs/PCTs, who may administer it, and the frequency in which it would have to be performed. The Board notes that § 9704.1** will require an applicant for certification to

provide evidence of successfully passing a PCT examination offered by a PCT certification organization recognized by the National Commission for Certifying Agencies.

The DC Coalition on Long Term Care commented on the language in §§ 9425.6* and 9425.8* as it relate to the conditions under which the Board may grant conditional approval to training programs. The Board eliminated Section 9424* (Dialysis Technician Program Approval Procedures). The standards for DT training programs are now incorporated into § 9420,** which comply with federal requirements “Part 494: Conditions for Coverage for End-Stage Renal Disease Facilities” (V693) that require a training program to be managed by a medical director, who reports to the facility’s governing body, with the training program being under the direction of a registered nurse. The Department of Health will ensure compliance with the federal requirements.

The DC Coalition on Long Term Care commented that § 9527.1* seemed to indicate that medication aides should be trained to be DTs since that subsection referred to the skills list in § 9415.* The current language in § 9527.1** indicates that training should be according to a Board approved medication aide model curriculum, as it may be amended from time to time.

The DC Coalition on Long Term Care expressed the opinion that the word “schools” should not be a part of the definition of “facilities” in § 9599.1.* The word “schools” has been removed.

Finally, the DC Coalition on Long Term Care stated that section 9624,* entitled the “Training Program Approval Procedures,” does not include approval by the Educational Licensure Commission (ELC) as required for the medication aide program. The Board notes that § 9620.1** lists the types of institutions that are licensed by ELC that may apply for approval by the Board. In addition, ELC has specified the types of educational programs that must be licensed pursuant to D.C. Official Code §§ 38-1301, *et seq.*

Fresenius Medical Care expressed concerns about the ability of DTs to reactivate their registration for up to five (5) years without practicing during that time. Fresenius noted that a DT must be certified to work. To address the issue, the language in § 9408.3** was amended to require an individual in inactive status, who reactivates his or her registration, to submit proof of current certification from a program recognized by the Centers for Medicare & Medicaid Services, and the Board.

In addition, Fresenius expressed concern about the requirement in § 9411.1* for an employer to complete an annual performance review for DTs. Fresenius also expressed its concern about the requirement in § 9411.2* for an employer to provide regular continuing education. The Board has eliminated the “Performance Review” requirement for employers but will require DTs to complete three (3) hours of continuing education as required by the “HIV/AIDS Continuing Education Requirements Amendment Act of 2012” and two (2) hours of continuing education as required by the “LGBTQ Cultural Competency Continuing Education Amendment Act of 2015.”

Fresenius recommended changes to the language in § 9415.1(d)(1) and(2)* as it relates to the administration of drugs by DTs. These recommendations were followed and incorporated § 9415.1(e).**

Fresenius also raised concerns about the language in §§ 9420.2(d)* and 9420.3(c)* as they relate to standards for DT training programs. The language in § 9420** has been amended to comply with federal regulations, “Part 494: Conditions for Coverage for End-Stage Renal Disease Facilities” (V693) which require a medical director, who is accountable to the governing board of the dialysis facility, and working in conjunction with a nurse management, to have oversight of dialysis facilities. The medical director will be expected to ensure that DTs meet the training requirements as set forth in 42 CFR §§ 494.140(e)(1), (2), and (3).

Fresenius suggested eliminating the language in § 9424.1(b)(3)* which required a proposed training program to provide a description of the potential effect on existing DT training programs. In response, § 9424* has been eliminated in its entirety. The standards for DT training programs are now incorporated in § 9420,** which comply with federal requirements “Part 494 Conditions for Coverage for End-Stage Renal Disease Facilities” (V693). The Department of Health will ensure compliance with the federal requirements.

Fresenius suggested revisions to § 9427.15(a)* to allow a dialysis technician with one (1) year of full time experience to be a preceptor. It also opined that § 9427.15(b),* which required a clinical preceptor to have five (5) years of direct client care experience, was unnecessary. In response, § 9427* has been eliminated in its entirety. It will be the responsibility of the medical director, governing board, and a registered nurse who will operate the program in compliance with federal regulations, “Part 494: Conditions for Coverage for End-Stage Renal Disease Facilities” (V693), to ensure that the program has qualified instructional personnel.

Fresenius stated that the definition of “activities of daily living,” which appears in the Definitions Subsection 9499.1,* is not relevant to the dialysis patient population and thus should be deleted. This definition was removed.

Finally, Fresenius noted that the term “endorsement,” which also appears in the Definitions Subsection 9499.1,* is not relevant as certification is required by federal regulations. The Board chose not to eliminate the term, but amended it to read as follows; in addition to meeting federal certification, an applicant must satisfy the requirements of District law.

DC Appleseed noted the incongruity between §§ 9425.5,* 9425.6,* and 9425.8.* It noted that those sections do not contain any mention of passage rates on the certification exam. To reiterate, Section 9424* has been eliminated. The standards for DT training programs are now incorporated in § 9420,** which comply with federal requirements “Part 494: Conditions for Coverage for End-Stage Renal Disease Facilities” (V693) that require a training program to be managed by a medical director, who reports to the facility’s governing body, with the training program being under the direction of a registered nurse. It will be the responsibility of the personnel operating the training program to ensure that the trainees have sufficient instruction to pass the certification examination.

DC Appleseed also noted that § 9527.1* appears to require that medication aides should also be trained as DTs. The current language in § 9527.1** indicates that training should be according to

a Board approved medication aide model curriculum, as it may be amended from time to time through rulemaking.

DC Appleseed commented that in Section 9505* the specific relationship between medication aide and both CNA and home health aide is not sufficiently spelled out. For example, it is not clear that a candidate for “medication aide-certified (MA-C)” must also complete the requirements for home health aide and/or nursing assistant either prior to or while becoming a medication aide. Similarly, if it is intended that MA-Cs are home health aides or nursing assistants with additional authority and capacity (to dispense medicine, monitor for adverse reactions, etc.) it is not clear whether they need to register first as a home health aide, or pass the certification exam for nursing assistant or if the MA-C will authorize them to serve as a home health aide and/or CNA. It appears that the MA-C exam is meant to be administered to CNAs and will therefore not cover the same material as the nursing assistant certification exams, so MA-Cs who have not previously achieved nursing assistant certification should be required to take the nursing assistant certification exam and the Medication Aide Certification Examination. In addition, training programs that are providing the full complement of hours, one hundred and forty, (140), should be required to specify which position their MA-C trainees will be eligible to fill, home health or nursing assistant, if not both. The Board addressed this concern in § 9528.2** by requiring a trainee to provide evidence of certification as a nursing assistant or home health aide, or evidence of one (1) year of experience as a direct support professional.

DC Appleseed also suggested that in § 9527.2(a)* the total number of hours for a medication aide should be raised from 140 to 175. The Board of Nursing notes that the amended regulations contain language in § 9527.1** that will require training programs to comply with the Board’s model curriculum. Specified hours that were enumerated in §§ 9527.2(a), (b), and (c)* have been eliminated, as they may need to be modified from time to time once the program is implemented.

Under § 9604.2(a),* DC Appleseed recommended that PCTs should be required to be MA-Cs, and not just CNAs, to enhance their career mobility. The Board did not adopt that suggestion, but amended the language to require passing a PCT examination, completing specific nursing coursework, or military or civilian training in the field.

Finally, DC Appleseed suggested using a different acronym for PCTs to distinguish them from PCTs who are DTs under federal guidelines. The Board did not adopt this suggestion and will continue to use the acronym PCT.

The DC Coalition of Disability Service Providers questioned whether “health care facilities” under § 9520.2(d)* includes providers who support persons under the Department on Disability Services. In § 9599.1,** the Board added the term “Health care facility” which includes “homes of persons with physical and intellectual disabilities.”

The DC Coalition of Disability Service Providers also noted that § 9524.1(b)* lists requirements for a school/educational institution, but not for a “health facility” or other provider/training model. In response, the Board added Section 9523** which establishes approval procedures for health care facilities medication aide programs.

Finally, this rulemaking will require two (2) hours of continuing education instruction on cultural competency or specialized clinical training focusing on patients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression, as mandated by the “LGBTQ Cultural Competency Continuing Education Amendment Act of 2016.”

Title 17 DCMR, Business, Occupations, and Professionals, is amended as follows:

CHAPTER 94 DIALYSIS TECHNICIANS

- 9400 GENERAL PROVISIONS
- 9401 REGISTRATION
- 9402 TERM OF REGISTRATION
- 9403 CRIMINAL BACKGROUND CHECK
- 9404 APPLICATION FOR REGISTRATION
- 9405 [RESERVED]
- 9406 REGISTRATION BY ENDORSEMENT
- 9407 RENEWAL OF REGISTRATION
- 9408 INACTIVE STATUS; REACTIVATION OF REGISTRATION
- 9409 REINSTATEMENT OF EXPIRED REGISTRATION
- 9410 [RESERVED]
- 9411 [RESERVED]
- 9412 [RESERVED]
- 9413 ASSIGNMENT AND DELEGATION OF NURSING CARE TASKS TO DIALYSIS TECHNICIANS
- 9414 [RESERVED]
- 9415 DIALYSIS TECHNICIAN TASKS
- 9416 [RESERVED]
- 9417 DISCIPLINE
- 9418 [RESERVED]
- 9419 [RESERVED]
- 9420 STANDARDS FOR DIALYSIS TECHNICIAN TRAINING PROGRAMS
- 9499 DEFINITIONS

9400 GENERAL PROVISIONS

- 9400.1 This chapter applies to applicants for, and holders of, a registration to practice as a dialysis technician (DT).
- 9400.2 Chapter 40 (Health Occupations: General Rules) and 41 (Health Occupations: Administrative Procedures) of this title apply to holders of a registration to practice as a DT.

9401 REGISTRATION

9401.1 No person shall practice as a DT in the District of Columbia longer than eighteen (18) months without being registered by the Board of Nursing (Board) as a DT.

9401.2 A DT shall be certified pursuant to § 9404.1(d) and registered by the Board within eighteen (18) months of his or her hire date. If a DT who is not certified changes employment from one dialysis facility to another, the time he or she was employed in the first facility shall count towards the eighteen (18) month period for certification unless he or she had a gap in employment as a DT of more than eighteen (18) months.

9402 TERM OF REGISTRATION

9402.1 Subject to § 9401.1, a registration issued pursuant to this chapter shall expire at 11:59 p.m. on October 31 of each even-numbered year.

9402.2 The Director may modify the renewal system pursuant to § 4006.3 of Chapter 40 of this title and may modify the date on which a registration expires.

9403 CRIMINAL BACKGROUND CHECK

9403.1 A person applying for registration (“an applicant”) as a DT shall undergo a criminal background check (CBC) prior to issuance of the registration.

9403.2 After issuance of an initial registration, the applicant shall undergo an additional CBC as determined by the Department of Health (DOH).

9403.3 The Board shall review the results of an applicant’s CBC if, within the seven (7) years preceding the CBC, the applicant has been arrested or convicted in the District of Columbia, or in any state or territory of the United States where the person has worked or resided, for any of the following offenses or their equivalent:

- (a) Murder, attempted murder, or manslaughter;
- (b) Arson;
- (c) Assault, battery, assault and battery, assault with a dangerous weapon, mayhem or threats to do bodily harm;
- (d) Burglary;
- (e) Robbery;
- (f) Kidnapping;

- (g) Theft, fraud, forgery, extortion or blackmail;
- (h) Illegal use or possession of a firearm;
- (i) Trespass or injury to property;
- (j) Rape, sexual assault, sexual battery, or sexual abuse;
- (k) Child abuse or cruelty to children;
- (l) Adult abuse, neglect or exploitation; or
- (m) Unlawful distribution or possession with intent to distribute a controlled substance.

9404 APPLICATION FOR REGISTRATION

9404.1 An applicant for registration as a DT shall:

- (a) Be at least eighteen (18) years of age;
- (b) Have graduated from high school or have a graduate equivalency diploma;
- (c) Submit an application and application fee; and
- (d) Submit evidence of current certification from one of the following:
 - (1) The Certified Clinical Hemodialysis Technician Examination offered by the Nephrology Nursing Certification Commission;
 - (2) The Board of Nephrology Examiners for Nursing and Technology examination;
 - (3) The National Nephrology Certification Organization examination; or
 - (4) Another certification program recognized by the Centers for Medicare & Medicaid Services (CMS) and the Board.

9404.2 An application that remains incomplete for ninety (90) days or more from the date of submission shall be considered abandoned and may be closed by the Board. The applicant shall thereafter be required to reapply, comply with the current requirements for registration, and pay the required fees.

9405 [RESERVED]

9406 REGISTRATION BY ENDORSEMENT

9406.1 An applicant for registration by endorsement as a DT shall provide proof of the following:

- (a) That he or she has a current certification as a DT by a certifying body recognized by the Board; and
- (b) That he or she has an unencumbered certification, registration or licensure from another jurisdiction, if applicable.

9407 RENEWAL OF REGISTRATION

9407.1 An applicant for renewal shall:

- (a) Provide evidence of completion of twelve (12) hours per year, twenty-four (24) in total, of in-service or continuing education in the area of dialysis or areas relevant to practice during the renewal period;
- (b) Have completed continuing education which includes a minimum of three (3) hours of in HIV/AIDS and two (2) hours of continuing education in cultural competency or specialized clinical training on clients who identify as LGBTQ and any additional Board mandated topics;
- (c) Practiced for a minimum of one hundred (100) hours during the prior twenty-four (24) months as a dialysis technician under the supervision of a registered nurse;
- (d) Submit a current certification as a dialysis technician from a certification program recognized by the CMS and the Board; and
- (e) Completed a CBC as required by Section 9403.

9407.2 In-service programs or continuing education provided by a nursing organization, or health services organization that is recognized by the Board, shall be:

- (a) Current in subject matter;
- (b) Developed and taught by qualified individuals; and
- (c) Relevant to the role of a DT.

9407.3 Applications shall be subject to audit to assure compliance with §§ 9407.1 and 9407.2.

9408 INACTIVE STATUS; REACTIVATION OF REGISTRATION

- 9408.1 A DT with an active certification may request to be placed on inactive status.
- 9408.2 While on inactive status, the individual shall not be subject to the renewal fee and shall not practice as a DT in the District of Columbia.
- 9408.3 To reactivate an inactive status, the individual shall submit evidence of current certification from a certification program recognized by the CMS and the Board.

9409 REINSTATEMENT OF EXPIRED REGISTRATION

- 9409.1 If a DT fails to renew his or her registration, the Board shall reinstate the registration if the applicant:
- (a) Applies to the Board for reinstatement of the registration within five (5) years after the registration expires;
 - (b) Provides evidence of current certification; and
 - (c) Provides evidence of having completed twelve (12) continuing education hours within the year prior to submission of an application.
- 9409.2 If a DT does not hold a national certification and fails to apply for reinstatement within five (5) years after it expires, the applicant shall meet the requirements pursuant to § 9404.

9410 [RESERVED]

9411 [RESERVED]

9412 [RESERVED]

9413 ASSIGNMENT AND DELEGATION OF NURSING CARE TASKS TO DIALYSIS TECHNICIANS

- 9413.1 A registered nurse (RN) may delegate nursing care tasks to a DT.
- 9413.2 A DT shall not practice independently but shall work under the supervision of a RN.
- 9413.3 Dialysis tasks that may be delegated to a DT shall comply with the standards for delegation listed in 17 DCMR § 5415 and be determined by:
- (a) The knowledge and skills of the DT;

- (b) Verification of the clinical competence of the DT by the employing agency;
- (c) The stability of the patient's condition that involves predictability, absence of risk of complication, and rate of change;
- (d) The variables in each health care setting which include, but are not limited to:
 - (1) The accessible resources and established policies, procedures, practices and channels of communication that lend support to the type of dialysis tasks, functions, or activities being delegated to a DT;
 - (2) The complexity and frequency of care needed by a given client population;
 - (3) The proximity of clients to staff;
 - (4) The number and qualifications of staff; and
 - (5) The accessibility of the RN or other licensed health professionals.

9413.4 Dialysis that inherently involves on-going assessment, interpretation or decision making that cannot be logically separated from the procedure(s) shall not be delegated to a DT.

9414 [RESERVED]

9415 DIALYSIS TECHNICIAN TASKS

9415.1 A DT may perform the following tasks under the supervision of a registered nurse, nurse practitioner, or physician:

- (a) Providing effective communication and interpersonal skills;
- (b) Preparing and cannulating peripheral access sites (arterial-venous fistulas and arterial-venous grafts);
- (c) Initiating, delivering or discontinuing dialysis care;
- (d) Measuring and recording temperature, pulse, respiration, and blood pressure when initiating, delivering, or discontinuing dialysis patient care;
- (e) Administering the following drugs only:

- (1) Anticoagulants either to prime the extracorporeal system in preparation for initiation of treatment, or for administration throughout the treatment, in an amount prescribed by a licensed provider;
- (2) Normal saline via the extracorporeal system to correct dialysis induced hypotension based on the facility’s medical protocol, provided that amounts beyond that established in the facility’s medical protocol shall not be administered without the direction from a RN, nurse practitioner, physician, or physician assistant; and
- (3) Intradermal anesthetics in an amount prescribed by a physician, physician’s assistant, or nurse practitioner;
- (f) Assisting the RN in data collection;
- (g) Obtaining a blood specimen via the extracorporeal system;
- (h) Responding to complications that arise in conjunction with dialysis care;
- (i) Initiating and discontinuing treatment via arterio-venous access; and
- (j) Maintaining the central venous catheter.
- (k) Performing other acts, as delegated by the RN, for which the dialysis technician is qualified.

9415.2 The scope of practice of a dialysis technician shall not include:

- (a) Dialysis care for a patient whose condition is determined by the RN to be critical, fluctuating, or unpredictable; and
- (b) The administration of blood and blood products.

9415.3 Dialysis technicians, where appropriate, shall provide care based upon standing treatment protocols.

9416 [RESERVED]

9417 DISCIPLINE

9417.1 The Board may revoke, suspend, or deny the registration of any DT who is convicted during a period of registration, of any of the crimes listed in § 9403.4 or any act specified in D.C. Official Code § 3-1205.14(a) (2016 Repl.).

- 9417.2 In addition to any other disciplinary action it may take, the Board may impose a civil penalty of not more than five thousand dollars (\$5,000) per violation as provided by D.C. Official Code § 3-1205.14(c)(5) (2016 Repl.), or file a letter of concern if the Board believes there is insufficient evidence to support direct action against the DT.
- 9417.3 Grounds for denial, suspension, revocation or other discipline of a DT include the inability to function with reasonable skill and safety for the following reasons and for any additional acts as specified in D.C. Official Code § 3-1205.14 (2016 Repl.):
- (a) Substance abuse or other chemical dependency;
 - (b) Client abandonment;
 - (c) Fraud or deceit, which may include but is not limited to:
 - (1) Filing false credentials;
 - (2) Falsely representing facts on an application for initial certification, reinstatement, or renewal; or
 - (3) Giving or receiving assistance in taking the competency evaluation;
 - (d) Client neglect, abuse, or misappropriation of funds;
 - (e) Boundary violations;
 - (f) Unsafe client care;
 - (g) Performance of acts beyond the DT's range of functions or beyond those tasks delegated;
 - (h) Misappropriation or misuse of property;
 - (i) Criminal conviction;
 - (j) Failure to conform to acceptable standards of practice as a DT;
 - (k) Placement of clients at risk of harm; or
 - (l) Violation of the privacy or failure to maintain the confidentiality of client information.

- 9417.4 The Board shall maintain and make available all public Board disciplinary actions.
- 9417.5 DT's who are unable to perform their duties due to drug or alcohol dependency or mental illness may utilize the services offered under the Nurse Rehabilitation Program pursuant to D.C. Official Code §§ 3-1251.01, *et seq.* (2016 Repl.)
- 9417.6 The Board may refer for criminal prosecution any violation of the Health Occupations Revision Act, D.C. Official Code §§ 3-1201.01, *et seq.* (2016 Repl.) that it deems appropriate.
- 9418 [RESERVED]**
- 9419 [RESERVED]**
- 9420 STANDARDS FOR DIALYSIS TECHNICIAN TRAINING PROGRAMS**
- 9420.1 A medical director and nurse manager shall be responsible for patient care and outcomes in DT training programs.
- 9420.2 The medical director shall be accountable to the governing body of the dialysis facility for the quality of medical care provided to patients in DT training programs.
- 9420.3 Pursuant to 42 CFR § 494.140(a), the medical director shall be a physician in internal medicine or pediatrics, certified by a professional board, who has completed a board-approved training program in nephrology and has at least twelve (12) months of experience providing care to patients receiving dialysis.
- 9420.4 If a physician, as specified in § 9420.3, is not available to direct a dialysis training program, another physician may direct the program subject to the approval of the Department of Health pursuant to 42 CFR § 494.140(a)(2).
- 9420.5 Pursuant to 42 CFR § 494.140(b), the nurse manager shall meet the following qualifications:
- (a) Be a full-time employee of the training program;
 - (b) Be an RN;
 - (c) Have at least twelve (12) months experience in clinical nursing, and an additional six (6) months of experience in providing nursing care to patients on maintenance dialysis.

9499 DEFINITIONS

9499.1 As used in this chapter, the following terms shall have the meanings ascribed:

Abuse - any willful or reckless act or omission by a DT that causes or is likely to cause or contribute to, or which caused or is likely to have caused or contributed to, physical or emotional injury, death, or financial exploitation of a client.

Administer - the direct application of drugs to the human body only by insertion or via a dialysis tubing device as prescribed by a licensed provider.

Applicant - a person applying for a registration to practice as a DT.

Board - the Board of Nursing as established by § 204 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.04 (2016 Repl.)).

Continuing education - systematic learning experiences designed to augment the knowledge, skills, and attitudes of the DT.

Criminal background check - a report of a person's criminal history by the appropriate state and federal authorities, or approved vendor, to determine whether the person has been convicted of a crime in the District of Columbia or in any state or territory of the United States where such person has worked or resided.

Delegation - the transference from the RN to another individual within the scope of his or her practice, the authority to act on behalf of the RN in the performance of a nursing intervention, while the RN retains accountability and responsibility for the delegated act.

Director - the Director of the Department of Health, or his or her designee.

Endorsement - the process of issuing a certification to a DT applicant who is registered by a state Board and recognized by the Board as a qualified professional according to standards that were the substantial equivalent at the time of the certification to the standards for that profession set forth in this chapter and who has continually remained in good standing with the Board from the date of certification until the date of certification in the District.

In-service - learning experiences provided in the work setting for the purpose of assisting staff members in performing their assigned functions in that particular agency or institution.

Misappropriation - the application of another's property or money dishonestly to one's own use.

Neglect - any act or omission by a DT which causes or is likely to cause or contribute to, or which caused or is likely to have caused or contributed to the injury, death, or financial exploitation of a consumer.

Program - the planned series of instructions, didactic and clinical, designed so the student will acquire the requisite knowledge and skills.

Reinstatement - reissuance of an expired DT registration.

9499.2 The definitions in § 4099 of Chapter 40 of this title are incorporated by reference into and are applicable to this chapter.

CHAPTER 95 MEDICATION AIDES

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9500 GENERAL PROVISIONS

- 9500.1 This chapter applies to applicants for, and holders of, a certification to practice as a medication aide (MA-C).
- 9500.2 Chapter 40 (Health Occupations: General Rules) and 41 (Health Occupations: Administrative Procedures) of this title apply to holders of a certification to practice as a MA-C.

9501 CERTIFICATION

- 9501.1 No person shall practice as an MA-C in the District of Columbia without being certified by the Board of Nursing (Board).

9502 TERM OF CERTIFICATION

- 9502.1 Subject to § 9501.1, a certification issued pursuant to this chapter shall expire at 11:59 p.m. on October 31 of each odd-numbered year.
- 9502.2 The Director of the Department of Health (DOH) may modify the renewal system pursuant to § 4006.3 of Chapter 40 of this title and may modify the date on which a certification expires.

9503 CRIMINAL BACKGROUND CHECK

- 9503.1 An applicant for certification as an MA-C shall undergo a criminal background check (CBC) prior to issuance of the certification.
- 9503.2 After issuance of an initial certification, the applicant shall undergo an additional CBC determined by the DOH.
- 9503.3 The Board shall review the applicant's CBC results if, within the seven (7) years preceding the CBC, the applicant has been arrested or convicted in the District of Columbia, or in any state or territory of the United States where the applicant has worked or resided, for any of the following offenses or their equivalent:
- (a) Murder, attempted murder, or manslaughter;

- (b) Arson;
- (c) Assault, battery, assault and battery, assault with a dangerous weapon, mayhem or threats to do bodily harm;
- (d) Burglary;
- (e) Robbery;
- (f) Kidnapping;
- (g) Theft, fraud, forgery, extortion or blackmail;
- (h) Illegal use or possession of a firearm;
- (i) Trespass or injury to property;
- (j) Rape, sexual assault, sexual battery, or sexual abuse;
- (k) Child abuse or cruelty to children;
- (l) Adult abuse, neglect or exploitation; or
- (m) Unlawful distribution or possession with intent to distribute a controlled substance.

9504 APPLICATION FOR CERTIFICATION

9504.1 An applicant for certification as an MA-C shall:

- (a) Be at least eighteen (18) years of age;
- (b) Provide evidence of having passed the National Council of Boards of Nursing (NCSBN) Medication Aide Certification Examination (MACE) and of satisfactory performance of nursing related services for a minimum of one (1) year;
- (c) Meet the requirements of § 9503;
- (d) Submit a completed application and application fee to the Board; and
- (e) Submit any other documents that may be required by the Board.

9504.2 An application that remains incomplete for ninety (90) days or more from the date of submission shall be considered abandoned and may be closed by the Board. The

applicant shall thereafter be required to reapply, comply with the current requirements for certification, and pay the required fees.

9505 CERTIFICATION BY EXAMINATION

9505.1 To apply for authorization to take a MA-C examination, an applicant shall provide proof of one (1) of the following:

- (a) Successful completion of a medication aide course approved by the Board;
- (b) Completion of a practical nursing or registered nursing fundamentals course in the United States and a minimum of forty (40) hours of practice in a clinical setting that includes administration of drugs; or
- (c) An evaluation by the Commission on Graduates of Foreign Nursing Schools (CGFNS), indicating equivalent education as an registered nurse (RN) or licensed practical nurse (LPN) outside the United States.

9505.2 To request special accommodations for an examination, an applicant shall submit in writing, the following information:

- (a) A letter from the appropriate health professional that confirms the applicant's disability and provides information describing the accommodations required; and
- (b) A letter from the applicant's education program, indicating what accommodations were granted by the program.

9505.3 If an applicant has not taken or passed the medication aide examination more than twenty four (24) months after the date the applicant becomes eligible to apply to take the examination, the applicant shall comply with requirements set forth in § 9505.1(a).

9506 CERTIFIED MEDICATION AIDE ENDORSEMENT

9506.1 An applicant for MA-C endorsement shall submit proof of:

- (a) Current registration as an MA-C in another jurisdiction;
- (b) Having passed the NCSBN-MACE or other medication aide examination approved by the Board; and
- (c) Having met the requirements of § 9504.

9507 RENEWAL OF CERTIFICATION

9507.1 An applicant for renewal shall:

- (a) Provide evidence of completion of twelve (12) hours per year, twenty-four (24) in total, of in-service training or continuing education;
 - (1) Six (6) hours in pharmacology or administration of drugs;
 - (2) Three (3) hours of in HIV/AIDS;
 - (3) Two (2) hours of cultural competency or specialized clinical training on clients who identify as LGBTQ; and
 - (4) Any additional subject matter that may be mandated by the Board.
- (b) Submit evidence of performance of drug administration related services for compensation during the prior twenty four (24) months; and
- (c) Complete a CBC as required.

9507.2 MA-Cs who have another active District of Columbia certification as nursing assistive personnel may apply continuing education hours for that to renewal requirements here.

9507.3 Applicants shall be subject to audit to assure compliance with § 9507.1.

9508 INACTIVE STATUS; REACTIVATION OF CERTIFICATION

9508.1 An MA-C with an active certification may request to be placed on inactive status.

9508.2 While on inactive status, an MA-C shall not be subject to the renewal fee and shall not practice, attempt to practice, or offer to practice as an MA-C in the District of Columbia.

9508.3 To reactivate an inactive status, an applicant shall meet the requirements of § 9507.

9509 REINSTATEMENT OF EXPIRED CERTIFICATION

9509.1 If an MA-C fails to renew his or her certification, the Board shall reinstate the certification if the applicant:

- (a) Applies to the Board for reinstatement of the certification within five (5) years after the certification expires; and

- (b) Provides evidence of having completed twenty-four (24) continuing education hours within the two (2) years prior to submission of an application;

9509.2 If an MA-C does not hold a certification in another jurisdiction and fails to apply for reinstatement within five (5) years after his or her certification expires, the MA-C shall meet the requirements for certification pursuant to § 9505, Certification by Examination.

9510 [RESERVED]

9511 [RESERVED]

9512 [RESERVED]

9513 ASSIGNMENT AND DELEGATION OF NURSING CARE TASKS TO MEDICATION AIDES

9513.1 A registered nurse (RN) or licensed practical nurse (LPN) may assign or delegate tasks to an MA-C if the task is appropriate to the level of knowledge and skill of the MA-C and is within the scope of authorized tasks of the MA-C listed in § 9515.1.

9513.2 MA-Cs shall not practice independently but shall work under the supervision of an RN or LPN.

9513.3 The delegation or assignment of a task shall comply with the standards for delegation and assignment listed in 17 DCMR § 5415 (registered nurse) and delegation and assignment listed in 17 DCMR § 5515 (licensed practical nurse). Nursing care tasks that may be delegated or assigned shall be determined by:

- (a) The knowledge and skills of the MA-C;
- (b) Verification of the clinical competence of the MA-C by the employing agency;
- (c) The stability of the client's condition, including factors such as predictability, absence of risk of complication, and rate of change; and
- (d) The variables in each health care setting which include, but are not limited to:
 - (1) The accessible resources and established policies, procedures, practices, and channels of communication that lend support to the type of nursing tasks being delegated to the MA-C;

- (2) The complexity and frequency of care needed by a given client population; and
- (3) The accessibility of an RN or LPN.

9513.4 The MA-C shall not perform a task involving the administration of drugs if:

- (a) The administration of drugs requires a calculation of the dosage of the drug or the conversion of the dosage;
- (b) The supervising nurse is unavailable either in person or by telephone to monitor the progress of the client and the effect of the drug on the client;
- (c) The client is not stable or has changing health care needs; or
- (d) The MA-C has not been prepared by training to perform the delegated or assigned task. Upon such delegation or assignment, the MA-C shall immediately inform the supervising nurse of his or her inability by training to perform the delegated task.

9514 [RESERVED]

9515 MEDICATION AIDE TASKS

9515.1 The MA-C may perform the following tasks under the supervision of the RN or LPN:

- (a) Performing personal care including bathing, grooming, and assistance with toileting or bedpan use;
- (b) Assisting the patient with transfer, ambulation, and exercise as prescribed;
- (c) Observing, recording, and reporting the client's physical condition, behavior, or appearance;
- (d) Assisting with eating;
- (e) Measuring and recording height and weight;
- (f) Implementing universal precautions to assure infection control;
- (g) Performing tasks related to keeping the patient's living area in a condition that promotes the client's health and comfort;
- (h) Assisting the patient with activities that are directly supportive of skilled therapy services; and

- (i) Communicating with patients who have cognitive impairment, sensory deficits or impairments, communication limitations, agitation or combativeness.

9515.2 In addition to the tasks in § 9515.1, the MA-C may perform the following under the supervision of an RN or LPN:

- (a) Provide effective communication and interpersonal skills;
- (b) Administering epinephrine via an auto injector to treat severe allergic reactions to insect stings, bite and foods;
- (c) Performing finger stick blood glucose test with a physician's, nurse practitioner's or physician assistant's order which shall indicate:
 - (1) The frequency for finger sticks;
 - (2) The normal blood sugar range;
 - (3) The range outside of the indicated range and when to notify the nurse for readings; and
 - (4) The parameters for when to contact emergency services;
- (d) Reporting of symptoms or side effects;
- (e) Administering insulin or any other subcutaneous injection as specified by the Board, via a prefilled syringe;
- (f) Administering oral drugs;
- (g) Administering drugs via eye, ear, or nose;
- (h) Administering drugs via suppository;
- (i) Administering topical drugs and medicated shampoos;
- (j) Reporting symptoms or side effects; and
- (k) Documenting drug administration or omissions, on medication administration record.

9516 REPORTING REQUIREMENTS

- 9516.1 Based on agency or facility policies, the MA-C shall document which drugs have been administered and shall document whether drugs have been taken by the patient as ordered.
- 9516.2 The MA-C shall:
- (a) Report the following to the supervising nurse:
 - (1) Signs or symptoms that appear life threatening;
 - (2) Events that appear health threatening; and
 - (3) Drugs that produced no results or undesirable effects as reported by the patient;
 - (b) Notify a nurse prior to each administration of prescribed PRN (as needed) drugs;
 - (c) Be personally responsible and accountable for all actions taken when implementing delegated tasks;
 - (d) Comply with laws, policies and procedures applicable to the setting in which the MA-C is administering drugs; and
 - (e) Be employed only in situations where RN or LPN supervision is available.

9517 DISCIPLINE

- 9517.1 The Board may revoke, suspend, or deny registration of any MA-C who is convicted during a period of registration, of any of the crimes listed in § 9503.4 or any act specified in D.C. Official Code § 3-1205.14 (2016 Repl.).
- 9517.2 In addition to any other disciplinary action it may take, the Board may impose a civil penalty of not more than five thousand dollars (\$5,000) per violation as provided by D.C. Official Code § 3-1205.14(c)(5), or file a letter of concern if the Board believes there is insufficient evidence to support direct action against the MA-C.
- 9517.3 Grounds for denial, suspension, revocation or other discipline of an MA-C include the inability to function with reasonable skill and safety for the following reasons and for any additional acts as specified in D.C. Official Code § 3-1205.14:
- (a) Substance abuse or other chemical dependency;

- (b) Client abandonment;
- (c) Fraud or deceit, which may include but is not limited to:
 - (1) Filing false credentials;
 - (2) Falsely representing facts on an application for initial certification, reinstatement or renewal; or
 - (3) Giving or receiving assistance in taking the competency evaluation;
- (d) Client neglect, abuse or misappropriation of funds;
- (e) Boundary violations;
- (f) Unsafe client care;
- (g) Performing acts beyond the MA-C range of functions or beyond those tasks delegated;
- (h) Misappropriating or misusing property;
- (i) A criminal conviction;
- (j) Failing to conform to acceptable standards of practice as an MA-C;
- (k) Putting clients at risk of harm; or
- (l) Violating the privacy or failing to maintain the confidentiality of client information.

9517.4 The Board shall maintain and make available all records of disciplinary actions.

9517.5 An MA-C who is unable to perform his or her duties due to drug or alcohol dependency or mental illness may utilize the services offered under the Nurse’s Rehabilitation Program pursuant to D.C. Official Code §§ 3-1251.01, *et seq.*

9517.6 The Board may refer for criminal prosecution any violation of the Health Occupations Revision Act, D.C. Official Code §§ 3-1201.01, *et seq.* (2016 Repl.) that it deems appropriate.

9518 [RESERVED]

9519 [RESERVED]

9520 STANDARDS FOR MEDICATION AIDE TRAINING PROGRAMS

9520.1 No institution shall provide MA-C training in the District of Columbia unless its training program has been approved by the Board.

9520.2 The following types of institutions may apply for approval to provide MA-C training:

- (a) Private, degree-granting educational institutions operating or incorporated in the District of Columbia which are licensed by the Higher Education Licensure Commission (HELC) pursuant to the Educational Institution Licensure Act of 1976 (D.C. Law 1-104; D.C. Official Code §§ 38-1301, *et seq.* (2012 Repl.));
- (b) Private, non-degree post-secondary schools operating in the District of Columbia which are licensed by the Education Licensure Commission;
- (c) District public universities or colleges; and
- (d) Department on Disability Services facilities and health care facilities licensed and operating in the District of Columbia, that have received no adverse actions during the preceding two (2) years.

9520.3 The Board shall consider any one of the following as an adverse action which would preclude a facility from providing MA-C training:

- (a) A facility's participation in the Medicaid or Medicare Program is terminated, restricted or revoked;
- (b) A facility, other than a new facility, has received a provisional or restricted license; or
- (c) A facility is given a provider agreement of less than one (1) year.

9520.4 All MA-C training programs shall have adequate faculty and clinical facilities to provide supervised clinical experience with early, realistic exposure to job requirements. The clinical experience shall include the full range of skills needed in the workplace.

9521 SUPERVISED PRACTICE OF MEDICATION AIDE TRAINEES

9521.1 A medication aide trainee may practice only in accordance with the Act and this chapter.

9521.2 A trainee who is fulfilling educational requirements under this chapter may engage in supervised practice without a District of Columbia certification.

- 9521.3 All supervised practice of a trainee shall take place under the general or immediate supervision of an RN or LPN.
- 9521.4 A trainee shall identify himself or herself as a trainee before practicing.
- 9521.5 A trainee shall not receive compensation of any nature, directly or indirectly, from a client or client's family member.
- 9521.6 The nurse supervising the trainee shall be responsible for practice by a trainee during the period of supervision and may be subject to disciplinary action for trainee violations of the District of Columbia Health Occupations Revision Act of 1985, effective March 15, 1986 ("Act") (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01, *et seq.* (2016 Repl.)) or this chapter.
- 9521.7 The Board may deny an application for certification by, or take other disciplinary action against, a trainee who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the trainee.

9522 [RESERVED]

9523 MEDICATION AIDE PROGRAM APPROVAL PROCEDURES FOR HEALTH CARE FACILITIES

- 9523.1 Each facility applying for approval to provide MA-C training shall submit an application for approval which contains the following information:
- (a) A certificate of exemption or approval from the Higher Education Licensure Commission (HELIC);
 - (b) A certificate of exemption or approval by the HELIC, if coursework is offered to persons not employed by the facility;
 - (c) A list of qualified instructors with resumes attached; and
 - (d) A description of the trainee population and the tentative training schedule.
- 9523.2 A training program shall not admit trainees to the program before the program has been approved by the Board.
- 9523.3 The Board shall withdraw approval of training if the facility loses its licensure status.

9524 MEDICATION AIDE PROGRAM APPROVAL PROCEDURES FOR SCHOOLS

9524.1 Each institution applying for approval to provide MA-C training shall do the following:

- (a) At least one hundred eighty (180) days in advance of the scheduled starting date, submit an application for approval to the Board which contains the following information:
 - (1) A statement of purpose;
 - (2) A statement of need for the training program in the District of Columbia;
 - (3) A description of the proposed program's potential effect on existing medication aide training programs in the area;
 - (4) The organizational structure of the institution showing the relationship of the proposed training program within the organization;
 - (5) Evidence of financial resources, adequate planning, implementation, and continuation of the program;
 - (6) Licensure status of the proposed training facility;
 - (7) The qualifications of proposed instructors;
 - (8) The number of fulltime equivalent budgeted instructor positions;
 - (9) Evidence of the availability of adequate clinical facilities;
 - (10) A description of the anticipated trainee population, including admission and graduation criteria, a copy of the admissions examination, and health requirements;
 - (11) A tentative time schedule for planning and initiating the program; and
 - (12) A fee schedule.
- (b) Submit the one thousand dollar (\$1000) application fee.

- 9524.2 Schools currently non-compliant with the Board's regulatory requirements for existent programs are not eligible to submit an application to establish an additional program.
- 9524.3 After reviewing the application, based on the applicant's compliance with § 9527, a decision shall be made by the Board to:
- (a) Approve the application;
 - (b) Defer approval if additional information is needed; or
 - (c) Deny approval of the application.
- 9524.4 If an application approval has been granted, a site visit may be conducted.
- 9524.5 After reviewing the site visit report and applicant's compliance with § 9532, the Board shall vote to approve, deny, or defer program approval for resource, facility, or service concerns.
- 9524.6 The nurse coordinator for each facility or institution approved to provide training shall attend a Board sponsored orientation.
- 9524.7 A training program shall not admit trainees to the program before the program has been approved by the Board.
- 9524.8 If the application is denied, the applicant shall not resubmit an application until one (1) year has passed from the last submission.

9525 PERIODIC REVIEW OF APPROVED PROGRAMS

- 9525.1 Programs approved by the Board to train MA-Cs shall submit to the Board an annual report and the five hundred dollar (\$500) fee in accordance with procedures established by the Board.
- 9525.2 The Board shall annually re-evaluate the medication aide training programs.
- 9525.3 The Board may make unannounced visits to review and assess each nursing medication aide training program to ensure that the program is in compliance with §§ 9527, 9528, 9531 and 9532.
- 9525.4 The Board shall assess each training program on the basis of visits to the facility, the progress of the training program, and any other information deemed appropriate by the Board.
- 9525.5 The program must meet the seventy-five percent (75%) pass rate on the District of Columbia's competency evaluation each year.

- 9525.6 The training program deficiencies sufficient to warrant withdrawal of approval shall include, but are not limited to the following:
- (a) Failure to effectively utilize the District of Columbia's approved curriculum for the training program;
 - (b) Failure to maintain an adequate number of instructors with required qualifications;
 - (c) Failure to meet the seventy five percent (75%) pass rate of the District of Columbia's approved competency evaluation for a period of two (2) years or more;
 - (d) Failure of trainees to demonstrate minimal competencies upon employment;
 - (e) Failure to adhere to training program's stated objectives, and policies;
 - (f) Failure to maintain adequate resources, facilities, and services required to meet training objectives; and
 - (g) Failure to correct other deficiencies outlined by the Board.
- 9525.7 If the training program does not meet the requirements for continued approval:
- (a) The Board may grant conditional approval, not to exceed to one (1) year, pending correction of the deficiencies; and
 - (b) The Board may restrict admissions of trainees to programs in conditional status.
- 9525.8 The Board shall withdraw approval of a training program if:
- (a) It determines that the program is not in compliance with the regulatory requirements set forth in this chapter; or
 - (b) The education institution loses its licensure; or
 - (c) The program has failed to correct deficiencies within time period specified by the Board.
- 9525.9 Schools or facilities whose program approval status has been withdrawn may apply for approval pursuant to § 9524.1.
- 9525.10 The Board may investigate complaints made against a program and may conduct hearings in connection with such complaints.

9525.11 Any Board action for suspension or withdrawal of a training program's approval shall take place only upon notice to the program and the opportunity for a hearing in accordance with D.C. Official Code § 3-1205.14 (2016 Repl.).

9526 [RESERVED]

9527 MEDICATION AIDE TRAINING PROGRAM REQUIREMENTS

9527.1 Training programs shall use Board approved MA-C model curriculum, as it may be amended from time to time.

9527.2 Each training program shall have a sufficient number of qualified instructors to meet the purposes and objectives of the program.

9527.3 The training program shall be coordinated by an RN or LPN, who:

- (a) Has a current, unencumbered District of Columbia license; and
- (b) Has at least two (2) years of full-time or full-time equivalent experience as an RN or LPN with clinical experience in the clinical practice setting he or she is coordinating; and
- (c) Has not been disciplined by the Board pursuant to D.C. Official Code § 3-1205.14 (2012 Repl.).

9527.4 The MA-C program coordinator shall be a qualified RN with institutional authority and administrative responsibility for the program.

9527.5 The program coordinator's responsibilities shall include, but are not limited to:

- (a) Ensuring that the curriculum is coordinated and implemented in accordance with the chapter;
- (b) Establishing the responsibilities of the instructors;
- (c) Ensuring that each instructor meets the qualifications as specified in this chapter;
- (d) Ensuring that each student is properly supervised during the student's clinical experience; and
- (e) Reporting annually and respond upon request to the Board.

9527.6 Each instructor shall have the following minimum qualifications:

- (a) Be currently licensed or registered in good standing, in the jurisdiction in which he or she is providing the preceptorship;
- (b) Have completed a course in teaching adults or have experience in teaching adults; and
- (c) Have a minimum of two (2) years of experience as an RN or licensed practical nurse providing direct patient care, during the five (5) years immediately preceding the date of the written agreement.

9527.7 The ratio of instructors to trainees in clinical areas involving direct care and medication administration to clients shall be based upon client acuity level, skill level of the trainee, and the clinical setting.

9527.8 Each training program shall have a record or attestation that trainees received information in writing on the policies governing admission, retention, dismissal, and the course requirements of the training program.

9527.9 Each training program shall have records of vaccinations of applicants for communicable diseases prior to admission.

9528 MINIMUM QUALIFICATIONS FOR MEDICATION AIDE TRAINEES

9528.1 Each trainee shall be a high school graduate or have completed a general education diploma.

9528.2 Each trainee shall provide evidence of certification as a nursing assistant or home health aide, or evidence of at least one (1) year experience as a direct support professional.

9528.3 Each trainee shall provide evidence of satisfactory performance of nursing related services for a minimum of one (1) year.

9528.4 Each trainee shall be required to take a pre-admission examination to assess reading, writing, and math skills prior to enrollment in a training program.

9528.5 Each trainee shall provide evidence of vaccination or immunity to communicable diseases prior to admission.

9528.6 Each trainee shall attest in writing to receiving information on:

- (a) The policies governing admission, retention, dismissal, and the course requirements of the training program, in writing; and
- (b) Certification requirements including CBC and examination.

9529 [RESERVED]

9530 CLOSING OF TRAINING PROGRAMS

9530.1 Each MA-C program that voluntarily discontinues shall:

- (a) Notify the Board, in writing, as early as possible of the intended discontinuance, stating the reason(s) and planned date of the intended closing;
- (b) Continue the training program until the committed class scheduled for currently enrolled trainees is completed; and
- (c) Notify the Board of the final closing date at least thirty (30) days before the final closing.

9530.2 Before the Board may withdraw approval of a program the Board shall:

- (a) Issue a notice of intended action to the program notifying the program that:
 - (1) The Board intends to withdraw approval of the program and the reasons for the action;
 - (2) The institution has a right to a hearing; and
- (b) Send notice to the Higher Education Licensure Commission (HELIC) of the Board's intention to withdraw program approval.

9530.3 If the Board denies or withdraws approval of a training program, the institution shall:

- (a) Close the program on the date provided by the Board; and
- (b) Comply with the requirements of all applicable rules and notify the Board that the requirements have been fulfilled.

9531 RECORDS RETENTION

9531.1 Each MA-C training program shall maintain an accurate and appropriate system of record keeping.

9531.2 Each training program shall ensure that administrative and personnel records are protected against loss, destruction, and unauthorized review.

- 9531.3 A record for each trainee shall be maintained by the facility and shall include the trainee's evaluation, health information, and items required in § 9528.
- 9531.4 Each instructor's personnel records shall be maintained by the facility and shall include application data, qualifications, and position description, and shall be available for review by the Board.
- 9531.5 All records shall be maintained by the training program for a minimum of seven (7) years.

9532 RESOURCES, FACILITIES, AND SERVICES

- 9532.1 Each MA-C training program shall maintain resources, facilities, and services which are adequate to accommodate the training program. The resources, facilities, and services shall include, but are not limited to:
- (a) Adequate temperature controls in each training facility;
 - (b) Clean and safe conditions of the facility's premises;
 - (c) Adequate space for private faculty-student conferencing;
 - (d) Adequate lighting in each facility; and
 - (e) Sufficient and adequate equipment for the program's needs, including audio-visual equipment and equipment needed for simulating client care.
- 9532.2 Each classroom, conference room, skills laboratory, and office shall be adequate to meet the needs of the training program.
- 9532.3 Each cooperative agreement between a training program and a healthcare facility shall be in writing. The training program shall maintain a copy of the agreement in its records.

9599 DEFINITIONS

- 9599.1 As used in this chapter, the following terms shall have the meanings ascribed:

Abuse - the infliction of physical or mental harm, injury, or death, or financial exploitation of a client.

Administer - the direct application of drugs to the human body whether by ingestion, inhalation, insertion, sublingual, or topical means; or the application of drugs by an epinephrine autoinjector device for emergency purposes only.

Applicant - a person applying for certification as a medication aide employee under this chapter.

Board - the Board of Nursing as established by Section 204 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Code § 3-1202.04 (2016 Repl.)).

Clinical - faculty planned and guided learning activities designed to assist preceptors in meeting course objectives and to apply nursing knowledge and skills in the direct care of clients, including clinical conferences and planned learning activities in acute care facilities, and other community resources. Clinical shall not include skills lab activities.

Conditional approval - the approval status that is granted for a time period specified by the Board to an MA-C training program to correct deficiencies when the training program has failed to meet or maintain the requirements and standards of this chapter.

Continuing education - systematic learning experiences designed to augment the knowledge, skills, and attitudes of the medication aide.

Criminal background check - a report of a person's criminal history by the appropriate state and federal authorities, or approved vendor, to determine whether the person has been convicted of a crime in the District of Columbia or in any state or territory of the United States where such person has worked or resided.

Delegation - the transference from the RN or LPN to another individual within the scope of his or her practice, the authority to act on behalf of the RN or LPN in the performance of a nursing intervention, while the RN or LPN retains accountability and responsibility for the delegated act.

Direct support professional - any person employed by, under contract with, sub-contracted with, through a provider Medicaid Agreement, or serving in a volunteer capacity with or for a public or private agency that provides services and supports to and for individuals with intellectual and developmental disabilities.

Director - the Director of the Department of Health, or his or her designee.

Drug -

- (a) Any substance recognized as a drug, medicine, or medicinal chemical in the official United States Pharmacopoeia, official National Formulary, official Homeopathic Pharmacopoeia, or official Veterinary Medicine Compendium or other official drug compendium or any supplement to any of them;

- (b) Any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animal;
- (c) Any chemical substance (other than food) intended to affect the structure or any function of the body of man or other animal; and
- (d) Any substance intended for use as a component of any items specified in subparagraph (a), (b), or (c) of this paragraph, but does not include medical devices or their components, parts, or accessories.

Endorsement - the process of issuing a certification to an applicant who is registered by a state Board and recognized by the Board as a qualified professional according to standards that were the substantial equivalent at the time of the certification to the standards for that profession set forth in this chapter and who has continually remained in good standing with the Board from the date of certification until the date of certification in the District.

Fingerstick - sticking of the finger to get a blood sample to use in a glucometer to measure the amount of glucose in blood.

Health care facility – a facility and agency that provide long-term care such as an assisted living residence, group homes for persons with physical and intellectual disabilities, and skilled home care agencies.

Higher Education Licensure Commission – a Mayoral appointed regulatory, consumer protection authority responsible for public protection with regard to legitimate quality education in the District of Columbia.

In-service - activities provided by the employer intended to assist the medication aide in acquiring, maintaining, or increasing competence in fulfilling the assigned responsibilities specific to the expectations of the employer.

Immediate supervision - supervision in which the supervisor is on the premises and within vocal communication, either directly or by communication device.

Medication aide certified – an individual who has successfully completed training and a certification examination to administer drugs and has been certified by the Board.

Misappropriation – the application of another’s property or money dishonestly to one’s own use.

Neglect - any act or omission by an MA-C which causes or is likely to cause or contribute to, or which caused or is likely to have caused or contributed to the injury, death, or financial exploitation of a patient.

Nursing assistive personnel - an individual who has received appropriate training or instruction to function in a complementary or assistant role to a RN or LPN, in providing direct patient care or in carrying out delegated nursing tasks.

Pass rate - the percentage of candidates who receive a passing score on the competency evaluation out of the total number of examinations administered for the review period.

Program - the planned series of instruction, didactic and clinical, designed so that the student will acquire the requisite knowledge and skills.

Reinstatement - reissuance of an expired medication aide certification.

Skills laboratory – faculty guided activities planned for students in a school/campus laboratory that simulates the activities provided by the CNA. The activities include demonstrations and return demonstrations using equipment and supplies that are used for the purpose of attaining required psychomotor skills.

CHAPTER 96: CERTIFIED NURSING ASSISTANTS

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9600 GENERAL PROVISIONS

- 9600.1 This chapter applies to applicants for, and holders of, a certification to practice as a certified nursing assistant (CNA).
- 9600.2 Chapters 40 (Health Occupations: General Rules) and 41 (Health Occupations: Administrative Procedures) of this title apply to holders of a certification to practice as a CNA.

9601 NURSING ASSISTANT CERTIFICATION

- 9601.1 No person shall practice as a CNA in the District of Columbia longer than four (4) months without first being registered by the Board of Nursing (Board).
- 9601.2 A nursing assistant shall be certified pursuant to § 9604.1 and registered by the Board within four (4) months of his or her hire date. If a nursing assistant who is not certified changes employment from one (1) long-term care facility to another, the time he or she was employed in the first facility shall count towards the four (4) month period for employment.

9602 TERM OF CERTIFICATION

- 9602.1 Subject to § 9601.1, a certification issued pursuant to this chapter shall expire at 11:59 p.m. on October 31 of each odd-numbered year.
- 9602.2 The Director may modify the renewal system pursuant to § 4006.3 of Chapter 40 of this title and may modify the date on which a certification expires.

9603 CRIMINAL BACKGROUND CHECK

- 9603.1 A person applying for certification as a CNA shall undergo a criminal background check (CBC) prior to issuance of the certification.
- 9603.2 After issuance of an initial certification, the applicant shall undergo an additional CBC or as determined by the Department of Health (DOH).
- 9603.3 The applicant shall pay a fee for the CBC as established by the DOH.
- 9603.4 The Board shall review the results of a CBC of a person if, within the seven (7) years preceding the CBC, the person has been arrested or convicted in the District of Columbia, or in any state or territory of the United States where the person has worked or resided, for any of the following offenses or their equivalent:
- (a) Murder, attempted murder, or manslaughter;
 - (b) Arson;
 - (c) Assault, battery, assault and battery, assault with a dangerous weapon, mayhem or threats to do bodily harm;
 - (d) Burglary;
 - (e) Robbery;
 - (f) Kidnapping;
 - (g) Theft, fraud, forgery, extortion or blackmail;
 - (h) Illegal use or possession of a firearm;
 - (i) Trespass or injury to property;
 - (j) Rape, sexual assault, sexual battery, or sexual abuse;
 - (k) Child abuse or cruelty to children;
 - (l) Adult abuse, neglect or exploitation; or
 - (m) Unlawful distribution or possession with intent to distribute a controlled substance.

9604 APPLICATION FOR CERTIFICATION

- 9604.1 An applicant for certification as a CNA shall:

- (a) Be at least eighteen (18) years of age;
- (b) Meet the requirements of § 9603.1;
- (c) Submit evidence of successfully passing a certification examination offered by one (1) of the following:
 - (1) Pearson VUE National Nurse Aide Assessment Program; or
 - (2) Other certification program recognized by the Centers for Medicare and Medicaid Services (CMS) and the Board.
- (d) Submit a completed application to the Board along with any other documents that may be required by the Board.

9604.2 An application that remains incomplete for ninety (90) days or more from the date of submission shall be considered abandoned and closed by the Board. The applicant shall thereafter be required to reapply, comply with the current requirements for certification, and pay the required fees.

9605 CERTIFICATION BY EXAMINATION

9605.1 To qualify to become a CNA by examination, an applicant shall be a high school graduate or possess a general education diploma, and provide proof of one (1) of the following:

- (a) Successful completion of a CNA program or bridge to nursing assistant program, within the past twenty-four (24) months, approved by the Board or by a nursing Board in the United States with standards determined by the Board to be substantially equivalent to the standards in the District of Columbia; or
- (b) Evidence of completion of a practical nursing or registered nursing “Fundamentals of Nursing” course with a minimum forty (40) hours clinical component which includes skills as specified in § 9615; or
- (c) Evidence of Commission on Graduates of Foreign Nursing Schools certificate, indicating equivalent education as a registered nurse (RN) or licensed practical nurse (LPN) outside the United States.

9605.2 To request special accommodations for an examination, an applicant shall submit in writing, the following information:

- (a) A letter from the appropriate health professional which confirms the applicant’s disability and provides information describing the accommodations required; and

- (b) A letter from the applicant's education program, indicating what accommodations were granted by the program.

9605.3 If an applicant has not taken or passed the nursing assistant certification examination for more than twenty four (24) months after the date the applicant becomes eligible to apply to take the examination, the applicant shall comply with requirements set forth in § 9605.1(a).

9606 CERTIFICATION BY ENDORSEMENT

9606.1 An applicant for endorsement as a CNA shall provide proof of the following:

- (a) Current registration and certification as a CNA in another jurisdiction; and
- (b) Meeting the requirements of § 9604.

9607 RENEWAL OF CERTIFICATION

9607.1 An applicant for renewal shall:

- (a) Provide evidence of completion of twelve (12) hours per year, twenty-four (24) in total, of continuing education or in-service training in the area of health or nursing needs, of an assigned client population during the certification period. Continuing education shall include a minimum of three (3) hours of HIV/AIDS, two (2) hours of continuing education in cultural competency or specialized clinical training on clients who identify as LGBTQ, and any additional Board mandated subject matter;
- (b) Provide evidence of the performance of a minimum of eight (8) hours of nursing related services for compensation during the prior twenty-four (24) months; and
- (c) Complete a CBC as required.

9607.2 Applicants who have another active District of Columbia certification as a nursing assistive personnel (NAP) may apply continuing education hours to NAP renewal requirements.

9607.3 Applications will be subject to audit to assure compliance with § 9607.1.

9608 INACTIVE STATUS; REACTIVATION

- 9608.1 A nursing assistant with an active certification may request to be placed on inactive status.
- 9608.2 While on inactive status, the individual shall not be subject to the renewal fee and shall not practice, attempt to practice, or offer to practice as a CNA in the District of Columbia.
- 9608.3 To reactivate an inactive status, an individual shall:
- (a) Apply to the Board for reactivation of the certification;
 - (b) Provide evidence of having completed twenty-four (24) hours of in-service training or continuing education within the past two (2) years prior to submission of an application;
 - (c) Provide evidence of current CNA certification or registration in another jurisdiction; and
 - (d) Provide evidence of having worked, providing nursing services a minimum of eight (8) hours within the past two (2) years prior to submission of an application.

9609 REINSTATEMENT OF EXPIRED CERTIFICATION

- 9609.1 If a CNA fails to renew his or her certification, the Board shall reinstate the certification if the applicant:
- (a) Applies to the Board for reinstatement of the certification within five (5) years after the certification expires;
 - (b) Provides evidence of having completed twenty-four (24) hours of in-service training or continuing education within the past two (2) years prior to submission of an application;
 - (c) Provides evidence of current CNA certification or registration; and
 - (d) Provides evidence of having worked for a minimum of eight (8) hours within the last twenty-four (24) months as a CNA.
- 9609.2 If a CNA does not meet the requirements specified in § 9609.1 and fails to apply for reinstatement within five (5) years after his or her certification expires, the applicant shall meet the requirements for certification pursuant to § 9604.

9610 [RESERVED]

9611 [RESERVED]

9612 [RESERVED]

9613 ASSIGNMENT AND DELEGATION OF NURSING CARE TASKS

9613.1 A registered nurse (RN) or licensed practical nurse (LPN) or other authorized health care professional may assign or delegate tasks to a CNA that are among the authorized tasks listed in § 9615.1.

9613.2 A CNA shall not practice independently but shall work under the supervision of an RN or LPN or other authorized licensed health care professional.

9613.3 The delegation or assignment shall comply with the standards for delegation listed in 17 DCMR § 5415 (registered nurse) and assignments listed in 17 DCMR § 5515 (licensed practical nurse). Nursing care tasks that may be delegated or assigned shall be determined by:

- (a) The knowledge and skills of the CNA;
- (b) Verification of the clinical competence of the CNA by the employing agency;
- (c) The stability of the client's condition, including factors such as predictability, absence of risk of complication, and rate of change in health status; and
- (d) The variables in each health care setting which include, but are not limited to:
 - (1) The accessible resources and established policies, procedures, practices, and channels of communication that lend support to the type of nursing tasks being delegated;
 - (2) The complexity and frequency of care needed by a given client population; and
 - (3) The accessibility of an RN or LPN.

9613.4 Nursing tasks that inherently involve on-going assessment, interpretation, or decision making that cannot be logically separated from one or more procedures shall not be delegated to the CNA.

9614 [RESERVED]

9615 CERTIFIED NURSING ASSISTANT TASKS

9615.1 Under the supervision of an RN or LPN or other authorized licensed health professional, a CNA may perform the following tasks:

- (a) Provide effective communication and interpersonal skills;
- (b) Maintain infection control;
- (c) Provide safety and emergency procedures;
- (d) Promote a patient's independence;
- (e) Recognize and report abuse;
- (f) Basic nursing skills which include:
 - (1) Measuring and recording vital signs;
 - (2) Measuring and recording height and weight;
 - (3) Observing and reporting pain;
 - (4) Recognizing abnormal signs and symptoms of common diseases and conditions;
 - (5) Applying clean bandages;
 - (6) Assisting with admitting, transferring, or discharging patients; and
 - (7) Applying and removing elastic stockings;
- (g) Personal care skills, including but not limited to:
 - (1) Bathing, skin care, and dressing;
 - (2) Oral and denture care;
 - (3) Shampoo and hair care;
 - (4) Fingernail care;
 - (5) Toileting, perineal and ostomy care; and
 - (6) Feeding and hydration, including proper feeding techniques and use of assistive devices in feeding;

- (h) Mental health and social welfare care such as:
 - (1) Responding appropriately to behavior;
 - (2) Providing care, sensitive to religion, national origin, gender identity, and sexual orientation; and
 - (3) Providing care to dying patients;
- (i) Basic restorative services such as:
 - (1) Transferring, ambulation, eating, and dressing changes;
 - (2) Range of motion exercises;
 - (3) Proper turning and positioning in bed and chair;
 - (4) Bowel and bladder training;
 - (5) Care and use of prosthetic and orthotic devices; and
 - (6) Changing dry dressings; and
- (j) Patient's rights such as:
 - (1) Providing privacy and maintaining confidentiality;
 - (2) Promoting the patient's rights to make personal choices to accommodate his or her needs;
 - (3) Giving assistance in resolving grievances and disputes;
 - (4) Providing needed assistance in getting to and participating in patient and family groups and other activities;
 - (5) Maintaining care and security of a patient's personal possessions;
 - (6) Providing care which ensures that the patient is free from abuse, mistreatment, and neglect and the need to report any such instances to appropriate facility staff; and
 - (7) Maintaining the patient's environment and care to avoid the need for restraints.

9617 DISCIPLINE

- 9617.1 The Board may revoke, suspend, or deny registration of any CNA who is convicted during a period of registration, of any of the crimes listed in § 9603.3 or any act specified in D.C. Official Code § 3-1205.14 (2016 Repl.).
- 9617.2 In addition to any other disciplinary action it may take, it may impose a civil penalty of not more than five thousand dollars (\$5,000) per violation as provided by D.C. Official Code § 3-1205.14(c) (5) (2016 Repl.), or file a letter of concern if the Board believes there is insufficient evidence to support direct action against a CNA.
- 9617.3 Grounds for denial, suspension, revocation or other discipline of a CNA include the inability to function with reasonable skill and safety for the following reasons and for any additional acts as specified in D.C. Official Code § 3-1205.14 (2016 Repl.):
- (a) Substance abuse or other chemical dependency;
 - (b) Client or patient abandonment;
 - (c) Fraud or deceit, which may include but is not limited to:
 - (1) Filing false credentials;
 - (2) Falsely representing facts on an application for initial certification, reinstatement or renewal; or
 - (3) Giving or receiving assistance in taking the competency evaluation;
 - (d) Client or patient neglect, abuse or misappropriation of funds;
 - (e) Boundary violations;
 - (f) Unsafe client care;
 - (g) Performing acts beyond the CNA's range of functions or beyond those tasks delegated;
 - (h) Misappropriation or misuse of property;
 - (i) A criminal conviction;
 - (j) Failure to conform to acceptable standards of practice as a CNA;

- (k) Putting clients or patients at risk of harm; or
- (l) Violating the privacy or failing to maintain the confidentiality of client information.

9617.4 A CNA who is unable to perform his or her duties due to drug or alcohol dependency or mental illness may utilize the services offered under the Nurse's Rehabilitation Program pursuant to D.C. Official Code §§ 3-1251.01, *et seq.* (2016 Repl.).

9617.5 The Board may refer for criminal prosecution any violation of the Health Occupations Revision Act, effective March 15, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)) that it deems appropriate.

9618 ACTION ON COMPLAINTS OF RESIDENT NEGLECT AND ABUSE, AND MISAPPROPRIATION OF RESIDENT PROPERTY

9618.1 The Board will review all allegations of resident neglect and abuse, and misappropriation of resident property.

9618.2 The Board shall not make a finding that an individual has neglected a resident if the individual demonstrates that the neglect was caused by factors beyond the control of the individual.

9618.3 If there is reason to believe, either through oral or written evidence that an individual used by a facility to provide services to residents could have abused or neglected a resident or misappropriated a resident's property, the Board will investigate the allegation.

9618.4 If the Board makes a preliminary determination, based on oral or written evidence and its investigation, that the abuse, neglect or misappropriation of property occurred, within ten (10) working days of the Board's findings, it shall notify:

- (a) The individual(s) implicated in the findings;
- (b) The individual(s) of a right to a hearing;
- (c) The current administrator of the facility in which the incident occurred; and
- (d) The administrator of the facility that currently employs the individual, if different from the facility in which the incident occurred.

9618.5 Pursuant to § 9618.4(b), the hearing notice shall include:

- (a) A description of the allegations made against the CNA;
- (b) The proposed findings from the investigation;
- (c) A statement that the CNA may challenge the charges against him or her, by submitting a written request within twenty (20) days from the date of service of the notice on a prescribed form;
- (d) Notification that his or her name will be listed in the CNA Abuse Registry, as having knowingly abused or neglected a resident or misappropriated a resident's property while providing services in a facility, unless the CNA requests a hearing and disproves the charges against him or her;
- (e) The consequences to the CNA of being listed in the CNA Abuse Registry; and
- (f) The fact that the individual has a right to be represented by an attorney at the individual's own expense.

9618.6 The Board shall complete the hearing and the hearing record within one hundred twenty (120) days from the day it receives the request for a hearing.

9618.7 If, following a hearing, neglect, abuse, or misappropriation of a resident's property has been substantiated, or if an individual waives the right to a hearing after a complaint alleging neglect, abuse, or misappropriation has been substantiated, the Board shall report the findings to the CAN Abuse Registry within ten (10) working days.

9618.8 The following information on any substantiated finding by the Board, of abuse, neglect, or misappropriation of property of an individual shall be placed on the nurse aide abuse registry:

- (a) Documentation of the Board's investigation, including the nature of the allegation and the evidence that led the Board to conclude that the allegation was valid;
- (b) The date of the hearing, if the individual chose to have one, and its outcome; and
- (c) A statement by the individual disputing the allegation, if he or she chooses to make one.

9618.9 This information shall remain in the registry permanently, unless the finding was made in error, the individual was found not guilty in a court of law, or the District is notified of the individual's death.

9619 [RESERVED]

9620 STANDARDS FOR TRAINING PROGRAMS

9620.1 No institution shall provide CNA training in the District of Columbia unless its training program has been approved by the Board.

9620.2 The following types of institutions may apply for approval to provide CNA training:

- (a) Private, degree-granting educational institutions operating or incorporated in the District of Columbia which are licensed by the Higher Education Licensure Commission (HELIC) pursuant to the Institution Licensure Act of 1976 (D.C. Law 1-104; D.C. Official Code §§ 38-1301 *et seq.*(2012 Repl.);
- (b) Private, non-degree post-secondary schools operating in the District of Columbia which are licensed by the HELIC;
- (c) District of Columbia public vocational or trade schools;
- (d) District of Columbia public universities or colleges; and
- (e) Hospitals, and health care facilities licensed as training facilities by the HELIC and operating in the District of Columbia that have received no adverse action during the preceding two (2) years.

9620.3 The Board shall consider any one (1) of the following as an adverse action which shall preclude a health care facility from providing CNA training:

- (a) The termination, restriction, or revocation of the facility's participation or enrollment in the Medicaid or Medicare program;
- (b) Provisional or restricted licensure of the facility, provided it is not a new facility; or
- (c) If the facility has a provider agreement of less than one (1) year.

9621 SUPERVISED PRACTICE OF TRAINEES

9621.1 A nursing assistant trainee may practice only in accordance with the District of Columbia Health Occupations Revision Act of 1985, effective March 15, 1986 (Act) (D.C. Law 6-99; D.C. Official Code §§ 3-1203.01, *et seq.* (2016 Repl.) and this chapter.

- 9621.2 A trainee who is fulfilling educational requirements of this chapter may engage in supervised practice without a District of Columbia certification.
- 9621.3 All supervised practice of a trainee shall take place under the general or immediate supervision of an RN or LPN.
- 9621.4 A trainee shall identify himself or herself as a trainee before practicing.
- 9621.5 A trainee shall not receive compensation of any nature, directly or indirectly, from a client or a client's family member.
- 9621.6 The nurse supervising the trainee shall be responsible for all practice by a trainee during the period of supervision and may be subject to disciplinary action for trainee violations of the Act or this chapter.
- 9621.7 The Board may deny an application for certification by, or take other disciplinary action against, a trainee who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the trainee.

9622 [RESERVED]

9623 [RESERVED]

9624 TRAINING PROGRAM APPROVAL PROCEDURES

- 9624.1 Each institution applying for a certificate of approval to provide nursing assistant training shall do the following:
- (a) Submit to the Board, at least one hundred eighty (180) days in advance of the scheduled starting date, a statement of intent to establish a CNA training program;
 - (b) Submit to the Board an application for a certificate of approval which contains the following information:
 - (1) A statement of purpose;
 - (2) A statement of need for the training program in the District of Columbia;
 - (3) A description of the proposed program's potential effect on existing nursing assistant training programs in the area;

- (4) The organizational structure of the institution showing the relationship of the proposed training program within the organization;
- (5) Evidence of financial resources adequate for planning, implementation, and continuation of the program;
- (6) Licensure status of the proposed training facility;
- (7) The qualification of proposed instructors;
- (8) The number of full-time equivalent budgeted instructor positions;
- (9) Evidence of the availability of adequate clinical facilities for the training program;
- (10) A description of the anticipated trainee population including admission and graduation criteria, health requirements, and copy of entrance examination;
- (11) Tentative time schedule for planning and initiating the program;
- (12) Fee schedules; and

(c) Submit to the Board the one thousand dollar (\$1000) application fee.

9624.2 Schools currently non-compliant with the Board's regulatory requirements for existent programs are not eligible to submit an application to establish an additional program.

9624.3 After reviewing the application, based on the applicant's compliance with § 9627, a decision shall be made to:

- (a) Approve the application;
- (b) Defer approval if additional information is needed; or
- (c) Deny approval of the application.

9624.4 If an application approval has been granted, a site visit may be conducted.

9624.5 After reviewing the site visit report and the applicant's compliance with § 9632, the Board shall vote to approve, deny, or defer program approval for resource, facility, or service concerns.

- 9624.6 The nurse coordinator for each facility or institution approved to provide training shall attend a Board sponsored orientation.
- 9624.7 A training program shall not admit trainees to the program before the program has been approved by the Board.
- 9624.8 If the application is denied, the applicant may not resubmit an application until one (1) year has passed from the last submission.

9625 PERIODIC REVIEW OF APPROVED PROGRAMS

- 9625.1 Programs approved by the Board to train CNAs shall submit to the Board an annual report and five hundred dollar (\$500) fee in accordance with procedures established by the Board.
- 9625.2 The Board shall re-evaluate CNA training programs once a year.
- 9625.3 The Board shall make unannounced visits to review and assess each CAN training program to ensure that the program is in compliance with §§ 9627, 9628, 9631, and 9632.
- 9625.4 The Board shall assess each training program on the basis of visits to the facility, the progress of the training program, and any other information deemed appropriate by the Board.
- 9625.5 The program must meet the seventy-five percent (75%) pass rate on the District's competency evaluation each year.
- 9625.6 The training program deficiencies sufficient to warrant withdrawal of approval shall include, but are not limited to the following:
- (a) Failure to effectively utilize the District's approved curriculum for the training program;
 - (b) Failure to maintain an adequate number of instructors with required qualifications;
 - (c) Failure to meet the seventy five percent (75%) pass rate on the District's approved competency evaluation for a period of two (2) consecutive years;
 - (d) Failure of trainees to demonstrate minimal competencies upon employment;
 - (e) Failure to adhere to training program's stated objectives, and policies;

- (f) Failure to maintain adequate resources, facilities, and services required to meet training objectives; and
- (g) Failure to correct other deficiencies outlined by the Board.

9625.7 If the training program does not meet the requirements for continued approval:

- (a) The Board may grant conditional approval, not to exceed to one (1) year, pending correction of the deficiencies; and
- (b) The Board may restrict admissions of trainees to programs in conditional status.

9625.8 The Board shall withdraw approval of a training program if:

- (a) It determines that the program is not in compliance with the regulatory requirements set forth in this chapter;
- (b) The education institution loses its licensure; or
- (c) The program has failed to correct deficiencies within one (1) year.

9625.9 The Board may consider reinstatement or approval of a training program upon submission of satisfactory evidence that the program meets the standards set forth in this chapter.

9625.10 The Board may investigate complaints made against a program and may conduct hearings in connection with such complaints.

9625.11 Any Board action for suspension or withdrawal of a training program's approval shall take place only upon notice to the program and the opportunity for a hearing in accordance with D.C. Official Code § 3-1205.14 (2016 Repl.).

9626 [RESERVED]

9627 NURSING ASSISTANT TRAINING PROGRAM REQUIREMENTS

9627.1 Training programs shall use the Board approved CNA model curriculum, as it may be amended from time to time.

9627.2 Each training program shall have a sufficient number of qualified instructors to meet the purposes and objectives of the program.

9627.3 The training program shall be coordinated by an RN who:

- (a) Has a current, unencumbered District of Columbia license;

- (b) Has at least two (2) years of full-time or full-time equivalent experience as an RN or LPN with at least one (1) year of clinical experience in a long-term care setting; and
- (c) Has not been disciplined by the Board pursuant to D.C. Official Code § 3-1205.14 (2016 Repl.).

9627.4 The CNA program coordinator shall be a qualified RN with institutional authority and administrative responsibility for the program.

9627.5 The program coordinator's supervision and responsibility for the training of CNAs shall include, but not be limited to:

- (a) Ensuring that the curriculum is coordinated and implemented in accordance with the chapter;
- (b) Establishing the responsibilities of the instructors;
- (c) Ensuring that each instructor meets the qualifications as specified in this chapter;
- (d) Ensuring that each student is properly supervised during the student's clinical experience;
- (e) Ensuring that each clinical preceptor provides the evaluation of the student's performance to the clinical instructor; and
- (f) Reporting annually, and responding upon request, to the Board.

9627.6 The clinical preceptor shall have the following minimum qualifications:

- (a) Be currently licensed or registered in good standing in the jurisdiction in which he or she is providing the preceptorship; and
- (b) Have a minimum of two (2) years of experience as an RN or LPN providing direct patient care, during the five (5) years immediately preceding the date of the written agreement.

9627.7 The ratio of preceptor to trainees in a clinical setting shall not exceed one (1) preceptor to two (2) trainees.

9627.8 Each instructor shall have the following minimum qualifications:

- (a) Be licensed or certified in his or her profession in the District of Columbia; and

- (b) Have completed a course in teaching adults or have experience in supervising nurse aides.

9627.9 The ratio of instructor to trainees in a clinical setting shall not exceed one (1) instructor to eight (8) trainees.

9627.10 Each training program shall have a record or attestation that trainees received information on the policies governing admission, retention, dismissal, and the course requirements of the training program, in writing.

9627.11 Each training program shall have records of vaccinations of applicants for communicable diseases prior to admission.

9628 MINIMUM QUALIFICATIONS FOR NURSING ASSISTANT TRAINEES

9628.1 Each trainee shall be required to take a pre-admission examination to assess reading, writing, and math skills prior to enrollment in a training program.

9628.2 Each trainee for the home health aide to nursing assistant bridge program shall provide evidence of home health aide certification by the Board's approved written and skills examination.

9628.3 Each trainee shall be required to provide evidence of vaccinations or immunity to communicable diseases prior to admission.

9628.4 Each trainee shall attest in writing to receiving information on:

- (a) The policies governing admission, retention, dismissal, and the course requirements of the training program, in writing; and
- (b) Certification requirements including CBC and examination.

9629 [RESERVED]

9630 CLOSING OF EDUCATION AND TRAINING PROGRAMS

9630.1 Each CNA program that voluntarily closes shall:

- (a) Notify the Board, as early as possible, in writing, of the intended closing, stating the reason(s) and planned date of the intended closing;
- (b) Continue the training program until the committed class scheduled for currently enrolled trainees is completed; and

- (c) Notify the Board of the final closing date at least thirty (30) days before the final closing.

9630.2 Before the Board may withdraw approval of a program, the Board shall:

- (a) Issue a notice of intended action to the program notifying the program that:
 - (1) The Board intends to withdraw approval of the program and the reasons for the action; and
 - (2) The program has a right to a hearing.
- (b) Send notice to the HELC of the Board’s intention to withdraw program approval.

9630.3 If the Board denies or withdraws approval of a training program, the institution shall:

- (a) Close the program on the date provided by the Board; and
- (b) Comply with the requirements of all applicable rules and notify the Board that the requirements have been fulfilled.

9631 RECORDS RETENTION

9631.1 Each CNA training program shall maintain an accurate and appropriate system of record keeping.

9631.2 Each training program shall ensure that administrative and personnel records are protected against loss, destruction, and unauthorized review.

9631.3 A record for each trainee shall be maintained by the facility and shall include the trainee’s evaluation, health information, and items set forth in § 9628.

9631.4 Each instructor’s personnel records shall be maintained by the facility and shall include application data, qualifications, and a position description, and shall be available for review by the Board.

9631.5 All records shall be maintained by the training program for a minimum of seven (7) years.

9632 RESOURCES, FACILITIES, AND SERVICES

9632.1 Each CNA training program shall maintain resources, facilities, and services which are adequate to accommodate the training program. The resources, facilities, and services shall include, but are not limited to:

- (a) Adequate temperature controls in each training facility;
- (b) Clean and safe conditions of the facility's premises;
- (c) Adequate space for private faculty-student conferencing;
- (d) Adequate lighting in each facility; and
- (e) Sufficient and adequate equipment for the program's needs, including audio-visual equipment and equipment needed for simulating client care.

9632.2 Each classroom, conference room, skills laboratory, and office shall be adequate to meet the needs of the training program.

9632.3 Each cooperative agreement between a training program and a healthcare facility shall be in writing. The training program shall maintain a copy of the agreement in its records.

9699 DEFINITIONS

9699.1 When used in this chapter, the following terms shall have the meanings ascribed:

Abuse - the infliction of physical or mental harm, or injury to, or death or financial exploitation of a client.

Board - the Board of Nursing as established by § 204 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.04 (2016 Repl.)).

Certified nursing assistant - nursing assistive personnel who are certified to assist with the delivery of direct nursing care to patients, and work under the supervision of a nurse or other health professional.

Clinical - faculty planned and guided learning activities designed to assist in meeting course objectives and to apply nursing knowledge and skills in the direct care of clients, including clinical conferences and planned learning activities in acute care facilities, and other community resources. Clinical shall not include skills lab activities.

Conditional approval - the approval status that is granted for a time period specified by the Board to an CNA training program to correct deficiencies when the training program has failed to meet or maintain the requirements and standards of this chapter.

Continuing education - systematic learning experiences designed to augment the knowledge, skills, and attitudes of the CNA.

Criminal background check - a report of a person's criminal history by the appropriate state and federal authorities, or approved vendor, to determine whether the person has been convicted of a crime in the District of Columbia or in any state or territory of the United States where such person has worked or resided.

Delegation - the transference from the RN or LPN to another individual within the scope of his or her practice, the authority to act on behalf of the RN or LPN in the performance of a nursing intervention, while the RN or LPN retains accountability and responsibility for the delegated act.

Director - the Director of the Department of Health, or his or her designee.

Endorsement - the process of issuing a certification to an applicant who is registered by a state Board and recognized by the Board as a qualified professional according to standards that were the substantial equivalent at the time of the certification to the standards for that profession set forth in this chapter and who has continually remained in good standing with the Board from the date of certification until the date of certification in the District.

Health care facility - a facility or agency that provide long-term care services such as an assisted living residence, group home for persons with physical and intellectual disabilities, and a skilled home care agency.

Higher Education Licensure Commission - the Mayoral appointed regulatory, consumer protection authority responsible for public protection with regard to legitimate quality education in the District of Columbia.

Immediate supervision - supervision in which the supervisor is on the premises and within vocal communication, either directly or by communication device.

In-service - activities provided by the employer intended to assist the CNA in acquiring, maintaining, or increasing competence in fulfilling the assigned responsibilities specific to the expectations of the employer.

Misappropriation - the application of another's property or money dishonestly to one's own use.

Neglect - any act or mission by a CAN which causes or is likely to cause or contribute to, or which caused or is likely to have caused or contributed to the injury, death, or financial exploitation of a consumer.

Nursing assistive personnel - individuals who have received appropriate training or instruction to function in a complementary or assistant role to an RN or LPN, in providing direct patient care or in carrying out delegated nursing tasks. The term includes, but is not limited to, nursing students, graduate nurses, home health aides, personal care aides, medication aides, dialysis technicians, CNAs, patient care technicians, or others as specified by the Board of Nursing.

Pass rate - the percentage of candidates who receive a passing score on the competency evaluation out of the total exams administered for the review period.

Program - the planned series of instruction, didactic and clinical, designed so that the student will acquire the requisite knowledge and skills.

Reinstatement - reissuance of an expired nursing assistant certification.

Skills laboratory - faculty guided activities planned for students in a school/campus laboratory that simulates the activities provided by the CNA. The activities include demonstrations and return demonstrations using equipment and supplies that are used for the purpose of attaining required psychomotor skills.

CHAPTER 97 PATIENT CARE TECHNICIAN

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9700 GENERAL PROVISIONS

- 9700.1 This chapter applies to applicants for, and holders of, a certification to practice as a patient care technician (PCT).
- 9700.2 This chapter shall apply to persons who, regardless of job title, are employed in an acute care service agency or facility for the purpose of providing PCT activities as specified in this chapter
- 9700.3 Chapters 40 (Health Occupations: General Rules) and 41 (Health Occupations Administrative Procedures) of this title apply to holders of a certification to practice as a PCT.

9701 PATIENT CARE TECHNICIAN CERTIFICATION

- 9701.1 No person shall practice as a PCT in the District of Columbia without first being certified by the Board of Nursing (Board).

9702 TERM OF CERTIFICATION

- 9702.1 Subject to § 9701.1, a certification issued pursuant to this chapter shall expire at 11:59 p.m. on October 31 of each odd-numbered year.

9702.2 The Director of the Department of Health may modify the renewal system pursuant to § 4006.3 of Chapter 40 of this title and may modify the date on which a certification expires.

9703 CRIMINAL BACKGROUND CHECK

9703.1 A person applying for certification as a PCT shall undergo a criminal background check (CBC) prior to issuance of the certification.

9703.2 After issuance of an initial certification, the applicant shall undergo an additional CBC as determined by the DOH.

9703.3 The Board of Nursing shall review the results of a person's CBC if, within the seven (7) years preceding the CBC, the person has been arrested or convicted in the District of Columbia, or in any state or territory of the United States where the person has worked or resided, for any of the following offenses or their equivalent:

- (a) Murder, attempted murder, or manslaughter;
- (b) Arson;
- (c) Assault, battery, assault and battery, assault with a dangerous weapon, mayhem or threats to do bodily harm;
- (d) Burglary;
- (e) Robbery;
- (f) Kidnapping;
- (g) Theft, fraud, forgery, extortion or blackmail;
- (h) Illegal use or possession of a firearm;
- (i) Trespass or injury to property;
- (j) Rape, sexual assault, sexual battery, or sexual abuse;
- (k) Child abuse or cruelty to children;
- (l) Adult abuse, neglect or exploitation; or
- (m) Unlawful distribution or possession with intent to distribute a controlled substance.

9704 APPLICATION FOR CERTIFICATION

9704.1 An applicant for certification as a PCT shall:

- (a) Be at least eighteen (18) years of age;
- (b) Meet the requirements of § 9703;
- (c) Submit evidence of successfully passing a PCT examination offered by a PCT certification organization recognized by the National Commission for Certifying Agencies; or
- (d) Provide proof of completion of a practical nursing (LPN) or registered nursing (RN) “Fundamentals of Nursing” course and acute care clinical which include skills specified in § 9715.1; or
- (e) Submit a Commission on Graduates of Foreign Nursing Schools certificate, indicating equivalent education as an RN or LPN for nurses educated outside the United States; or
- (f) Submit proof of practice for at least one thousand (1,000) hours within the last thirty-six (36) months as a:
 - (1) Navy or Air Force basic medical technician corpsman; or
 - (2) Air Force independent duty medical technician; or
 - (3) Army health care specialist; or
 - (4) Emergency medical technician; or
 - (5) Paramedic;
- (g) Submit a completed application to the Board;
- (h) Submit any other documents that may be required by the Board; and
- (i) Pay all required fees.

9704.2 An application that remains incomplete for ninety (90) days or more from the date of submission shall be considered abandoned and closed by the Board. The applicant shall thereafter be required to reapply, comply with the current requirements for certification, and pay the required fees.

9705 CERTIFICATION BY EXAMINATION

- 9705.1 To qualify for PCT certification by examination, an applicant shall:
- (a) Have passed the National Nurse Aide Assessment Program examination or other certification program recognized by the Centers for Medicare & Medicaid Services (CMS) and the Board, and
 - (b) Have successfully completed a PCT program within the past twenty-four (24) months, approved by the Board or by a nursing Board in the United States with standards determined by the Board to be equivalent to the standards in the District of Columbia.
- 9705.2 The Board shall waive the examination requirements for any person currently practicing as a PCT provided that the applicant:
- (a) Demonstrates, to the satisfaction of the Board, that he or she has been performing the functions of a PCT on a full-time or substantially full-time (a minimum of five hundred (500) hours per year) basis for the past twenty four (24) months;
 - (b) Submits documentation from a supervising nurse, indicating the applicant's continued competence to provide care;
 - (c) Submits documentation from an employer certifying the applicant's ability to perform skills as listed in § 9715; and
 - (d) Submits an application by a date specified by the Board.

9706 CERTIFICATION BY ENDORSEMENT

- 9706.1 An applicant for endorsement as a PCT shall provide proof of the following:
- (a) Current state certification as a PCT;
 - (b) Verification from a supervising RN or LPN or employer certifying the applicant's ability to perform skills listed in § 9715; and
 - (c) Completion of the requirements as listed in § 9704, Application for Certification.

9707 RENEWAL OF CERTIFICATION

- 9707.1 An applicant for renewal shall:
- (a) Provide verification of completion of twelve (12) hours per year (twenty four (24) in total) of in-service training or continuing education which shall include a minimum of three (3) hours of HIV/AIDS, two (2) hours

of continuing education in cultural competency or specialized clinical training on clients who identify as LGBTQ, and any additional Board mandated subject matter;

- (b) Submit evidence of performance of nursing related services for compensation during the prior twenty four (24) months; and
- (c) Complete a CBC as required.

9707.2 PCTs who have another active District of Columbia certification as nursing assistive personnel (NAP) may apply continuing education hours to NAP renewal requirements.

9708 INACTIVE STATUS; REACTIVATION OF CERTIFICATION

9708.1 A PCT with an active certification may request to be placed on inactive status.

9708.2 While on inactive status, the PCT shall not be subject to the renewal fee and shall not practice, attempt to practice, or offer to practice as a PCT in the District of Columbia.

9708.3 To reactivate an inactive status of § 9704, Renewal of Certification.

9709 REINSTATEMENT OF EXPIRED CERTIFICATION

9709.1 If a PCT fails to renew his or her PCT certification, the Board shall reinstate the certification if the applicant:

- (a) Applies to the Board for reinstatement of the certification within five (5) years after the certification expires;
- (b) Provides evidence of having completed twenty four (24) hours of in-service training or continuing education within the past two (2) years prior to submission of an application;
- (c) Provides evidence of current PCT certification; and
- (d) Meets any other Board requirements.

9709.2 If a PCT fails to apply for reinstatement within five (5) years after his or her certification expires, the applicant shall meet the requirements for certification pursuant to § 9704, Renewal of Certification.

9710 [RESERVED]

9711 [RESERVED]

9712 [RESERVED]

9713 ASSIGNMENT AND DELEGATION OF NURSING CARE TASKS

9713.1 A registered nurse (RN) or licensed practical nurse (LPN) or licensed health care professional may assign or delegate tasks to PCTs that are among the authorized tasks listed in § 9715.

9713.2 PCTs shall not practice independently but shall work under the supervision of an RN, LPN or other licensed health care professional.

9713.3 The delegation or assignment of tasks shall comply with the standards for delegation listed in 17 DCMR § 5415 (registered nurse) and assignment listed in 17 DCMR § 5515 (licensed practical nurse). Nursing care tasks that may be delegated or assigned shall be determined by:

- (a) The knowledge and skills of the PCT;
- (b) Verification of the clinical competence of the PCT by the employing agency;
- (c) The stability of the client's condition, including factors such as predictability, absence of risk of complication, and rate of change in health status; and
- (d) The variables in each health care setting which include, but are not limited to:
 - (1) The accessible resources and established policies, procedures, practices, and channels of communication that lend support to the type of nursing tasks being delegated;
 - (2) The complexity and frequency of care needed by a given client population; and
 - (3) The accessibility of an RN or LPN.

9713.4 Nursing tasks that inherently involve on-going assessment, interpretation, or decision making that cannot be logically separated from one (1) or more procedures shall not be delegated to the PCT.

9713.5 Each PCT shall be trained to address the specific health care needs of his or her assigned population.

9714 [RESERVED]

9715 PATIENT CARE TECHNICIAN TASKS

9715.1 Under the supervision of an RN, LPN or licensed health professional, a PCT may perform the following tasks in addition to the tasks specified in § 9615:

- (a) Monitoring the administration of oxygen equipment by observing settings, tubing and equipment;
- (b) Inserting a peripheral intravenous catheter;
- (c) Discontinuing a peripheral IV catheter;
- (d) Elimination procedures, including enemas, fleets, and soap suds enemas;
- (e) Administering an electrocardiogram;
- (f) Fingertstick blood glucose testing;
- (g) Specimen collection;
- (h) Incentive spirometry;
- (i) Phlebotomy;
- (j) Pulse oximetry;
- (k) Inserting and discontinuing urinary catheters;
- (l) Applying elastic stockings; and
- (m) Applying and removing sequential compression devices.

9716 [RESERVED]**9717 DISCIPLINE**

9717.1 After a hearing, pursuant to D.C. Official Code § 3-120.14(a) (2016 Repl.), the Board may revoke, suspend, or deny registration of any PCT who has been convicted during a period of registration, of any of the crimes listed in § 9703.4 or any act specified in D.C. Official Code § 3-1205.14(a)(4)(A)-(C) (2016 Repl.).

9717.2 In addition to any other disciplinary action it may take, the Board may impose a civil penalty of not more than five thousand dollars (\$5,000) per violation as provided by D.C. Official Code § 3-1205.14(c)(5) (2016 Repl.), or file a letter of

concern if the Board believes there is insufficient evidence to support direct action against a PCT.

9717.3 Grounds for denial, suspension, revocation or other discipline of a PCT include inability to function with reasonable skill and safety for the following reasons and for any additional acts as specified in D.C. Official Code § 3-1205.14 (2016 Repl.):

- (a) Substance abuse or other chemical dependency;
- (b) Client or patient abandonment;
- (c) Fraud or deceit, which may include but is not limited to:
 - (1) Filing false credentials;
 - (2) Falsely representing facts on an application for initial certification reinstatement or renewal; or
 - (3) Giving or receiving assistance in taking the competency evaluation.
- (d) Client or patient neglect, abuse or misappropriation of funds;
- (e) Boundary violations;
- (f) Unsafe client care;
- (g) Performing acts beyond the PCT range of functions or beyond those tasks delegated;
- (h) Misappropriation or misuse of property;
- (i) A criminal conviction;
- (j) Failing to conform to acceptable standards of practice as a PCT;
- (k) Putting clients or patients at risk of harm; or
- (l) Violating the privacy or failing to maintain the confidentiality of client information.

9717.4 PCTs who are unable to perform their duties due to drug or alcohol dependency or mental illness may utilize the services offered under the Nurse's Rehabilitation Program pursuant to D.C. Official Code §§ 3-1251.01, *et seq.* (2016 Repl.).

9717.5 The Board may refer for criminal prosecution any violation of the Health Occupations Revision Act (“Act”), D.C. Official Code §§ 3-1201.01, *et seq.* (2016 Repl.) that it deems appropriate.

9718 [RESERVED]

9719 [RESERVED]

9720 STANDARDS FOR TRAINING PROGRAMS

9720.1 No institution shall provide PCT training in the District of Columbia unless its training program has been approved by the Board.

9720.2 The following types of institutions may apply for approval to provide PCT training:

- (a) Private, degree-granting educational institutions operating or incorporated in the District of Columbia which are licensed by the Higher Education Licensure Commission (HELIC) pursuant to the Educational Institution Licensure Act of 1976 (D.C. Law 1-104; D.C. Official Code §§ 38-1301, *et seq.* (2012 Repl.));
- (b) Private, non-degree, post-secondary schools operating in the District of Columbia which are licensed by the HELIC;
- (c) District of Columbia public universities or colleges;
- (d) Hospitals; and
- (e) Nursing facilities licensed and operating in the District of Columbia that have received no adverse actions during the preceding two (2) years.

9720.3 The Board shall consider any one of the following as an adverse action which preclude a facility from providing training:

- (a) Termination, restriction, or revocation of a facility's participation in the Medicaid or Medicare program;
- (b) Provisional or restricted licensure of the facility, provided it is not a new facility; or
- (c) A facility is given a provider agreement of less than one (1) year.

9721 SUPERVISED PRACTICE OF TRAINEES

9721.1 A PCT trainee may practice only in accordance with the Act and this chapter.

- 9721.2 A trainee who is fulfilling educational requirements of this chapter may engage in supervised practice without a District of Columbia certification.
- 9721.3 All supervised practice of a trainee shall take place under the general or immediate supervision of an RN or LPN.
- 9721.4 A trainee shall identify himself or herself as a trainee before practicing.
- 9721.5 A trainee shall not receive compensation of any nature, directly or indirectly, from a client or client's family member.
- 9721.6 The nurse supervising the trainee shall be responsible for all practice by a trainee during the period of supervision and may be subject to disciplinary action for trainee violations of the Act or this chapter.
- 9721.7 The Board may deny an application for certification by, or take other disciplinary action against, a trainee who is found to have violated the Act or this chapter. The Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the trainee in accordance with the hearing provision of D.C. Official Code § 3-1205.14(a) (2012 Repl.).
- 9722 [RESERVED]**
- 9723 PROGRAM APPROVAL PROCEDURES FOR HEALTH CARE FACILITIES**
- 9723.1 Each facility applying for approval to provide PCT training shall submit an application for approval which contains the following information:
- (a) A statement of intent to establish a training program;
 - (b) A certificate of exemption or approval by HELC, if coursework is offered to persons not employed by the facility;
 - (c) A list of qualified instructors with resumes attached; and
 - (d) A description of the trainee population and tentative curriculum implementation schedule.
- 9723.2 A training program shall not admit trainees to the program before the program has been approved by the Board.
- 9723.3 The Board shall withdraw approval of training if the facility loses its licensure status.

9724 TRAINING PROGRAM APPROVAL PROCEDURES

9724.1 Each institution applying for a certificate of approval to provide PCT training shall do the following:

- (a) Submit to the Board of Nursing (Board), at least one hundred eighty (180) days in advance of the scheduled starting date, a statement of intent to establish a PCT training program; and
- (b) Submit to the Board an application for a certificate of approval which contains the following information:
 - (1) A statement of need for the training program in the District of Columbia;
 - (2) A description of the proposed program's potential effect on existing PCT training programs in the area;
 - (3) The organizational structure of the institution showing the relationship of the proposed training program within the organization;
 - (4) Evidence of financial resources adequate for planning, implementation, and continuation of the program;
 - (5) Licensure status of the proposed training facility;
 - (6) The qualification of the proposed instructors;
 - (7) The number of fulltime equivalent budgeted instructor positions;
 - (8) Evidence of the availability of adequate clinical facilities for the training program;
 - (9) A description of the anticipated trainee population including admission and graduation criteria; a copy of the entrance exam and health requirements.
 - (10) A tentative time schedule for planning and initiating the program;
 - (11) Fee schedules; and
- (c) Submit to the Board the one thousand dollar (\$1000) application fee.

- 9724.2 Schools currently non-compliant with the Board's regulatory requirements are not eligible to submit an application to establish an additional program.
- 9724.3 After reviewing the application, based on the applicant's compliance with § 9727, a decision shall be made to:
- (a) Approve the application;
 - (b) Defer approval if additional information is needed; or
 - (c) Deny approval of the application.
- 9724.4 If an application approval has been granted, a site visit may be conducted.
- 9724.5 After reviewing the site visit report and compliance with § 9732, the Board shall vote to approve, deny, or defer program approval for resource, facility, or service concerns.
- 9724.6 The nurse coordinator for each facility or institution approved to provide training shall attend a Board sponsored orientation.
- 9724.7 A training program shall not admit trainees to the program before the program has been approved by the Board.
- 9724.8 If the application is denied, the applicant may not resubmit an application until one (1) year has passed from the last submission.

9725 PERIODIC REVIEW OF APPROVED PROGRAMS

- 9725.1 Programs approved by the Board to train PCTs shall submit to the Board an annual report and five hundred dollar (\$500) fee in accordance with procedures established by the Board.
- 9725.2 The Board shall re-evaluate PCT training programs once a year.
- 9725.3 The Board may make unannounced visits to review and assess each PCT training program to ensure that the program is in compliance with §§ 9727, 9728, 9731, and 9732.
- 9725.4 The Board shall assess each training program on the basis of visits to the facility, the progress of the training program, and any other information deemed appropriate by the Board.
- 9725.5 The program shall meet the seventy-five percent (75%) pass rate on the District's competency evaluation each year.

- 9725.6 The training program deficiencies sufficient to warrant withdrawal of approval shall include, but are not limited to the following:
- (a) Failure to effectively utilize the District's approved curriculum for the training program;
 - (b) Failure to maintain an adequate number of instructors with required qualifications;
 - (c) Failure to meet the seventy-five percent (75%) pass rate on the District of Columbia's approved competency evaluation for a period of two (2) consecutive years;
 - (d) Failure of trainees to demonstrate minimal competencies upon employment;
 - (e) Failure to adhere to training program's stated objectives, and policies;
 - (f) Failure to maintain adequate resources, facilities, and services required to meet training objectives; and
 - (g) Failure to correct other deficiencies outlined by the Board.
- 9725.7 If the training program does not meet the requirements for continued approval, the Board may grant conditional approval, not to exceed to one (1) year, pending correction of the deficiencies.
- 9725.8 The Board may restrict admissions of trainees to programs in conditional status.
- 9725.9 The Board shall withdraw approval of a training program if:
- (a) It determines that the program is not in compliance with the regulatory requirements set forth in this chapter;
 - (b) The education institution loses its licensure; or
 - (c) The program has failed to correct deficiencies within one (1) year.
- 9725.10 The Board may consider reinstatement or approval of training upon submission of satisfactory evidence that the program meets the standards set forth in this chapter.
- 9725.11 The Board may investigate complaints made against a program and may conduct hearings in connection with such complaints.

- 9725.12 Any Board action for suspension or withdrawal of a training program's approval shall take place only upon notice to the program and the opportunity for a hearing in accordance with D.C. Official Code § 3-1205.14 (2012 Repl.).
- 9726 [RESERVED]**
- 9727 PATIENT CARE TECHNICIAN TRAINING PROGRAM REQUIREMENTS**
- 9727.1 Training programs shall use Board approved PCT model curriculum as it may be amended from time to time.
- 9727.2 Each training program shall have a sufficient number of qualified instructors to meet the purposes and objectives of the program.
- 9727.3 The training program shall be coordinated by an RN or LPN with:
- (a) A current, unencumbered District of Columbia license; and
 - (b) At least two (2) years of full-time or full-time equivalent experience as an RN or LPN with clinical experience in the clinical practice setting he or she is coordinating.
- 9727.4 The PCT program coordinator shall be a qualified RN with institutional authority and administrative responsibility for the program.
- 9727.5 The program coordinator's responsibilities shall include, but not be limited to:
- (a) Ensuring that the curriculum is coordinated and implemented in accordance with the chapter;
 - (b) Establishing the responsibilities of the instructors;
 - (c) Ensuring that each instructor meets the qualifications as specified in this chapter;
 - (d) Ensuring that each student is properly supervised during the student's clinical experience;
 - (e) Ensuring that each clinical preceptor evaluates the student's performance and provides the evaluation results to clinical instructor.
 - (f) Reporting annually, and responding upon request, to the Board.
- 9727.6 The clinical preceptor shall have the following minimum qualifications:

- (a) Be currently licensed or registered in good standing, in the jurisdiction in which he or she is providing the preceptorship; and
- (b) Have a minimum of two (2) years of experience as an RN or LPN providing direct patient care, during the five (5) years immediately preceding the date of the written agreement.

9727.7 The ratio of preceptor to trainees in a clinical setting shall not exceed one (1) preceptor to two (2) trainees.

9727.8 Each instructor shall be, where applicable, licensed, registered, or certified in his or her profession in the District of Columbia.

9727.9 The ratio of instructors to trainees in clinical areas involving direct care of clients shall be based upon client acuity level, skill level of the trainee, and the clinical setting.

9727.10 The ratio of instructor to trainees in a clinical setting shall not exceed one (1) instructor to eight (8) trainees.

9727.11 Each training program shall have a record or attestation that trainees received information on the policies governing admission, retention, dismissal, and the course requirements of the training program, in writing.

9727.12 Each training program shall have records of vaccinations of applicants for communicable diseases prior to admission.

9728 MINIMUM QUALIFICATIONS FOR PATIENT CARE TECHNICIAN TRAINEES

9728.1 Each PCT trainee shall be a high school graduate or possess a general education diploma.

9728.2 Each trainee shall have successfully passed a National Nurse Aide Assessment Program examination or other certification program recognized by the Centers for Medicare & Medicaid Services and the Board.

9728.3 Each trainee shall be required to provide evidence of vaccinations or immunity to communicable diseases prior to admission.

9728.4 Each trainee shall attest in writing to receiving information on:

- (a) The policies governing admission, retention, dismissal, and the course requirements of the training program, in writing; and
- (b) Certification requirements including CBC and examination.

9729 [RESERVED]

9730 CLOSING OF EDUCATION AND TRAINING PROGRAMS

9730.1 Each PCT program that voluntarily closes shall:

- (a) Notify the Board, as early as possible, in writing, of the intended closing, stating the reason(s) and planned date of the intended closing;
- (b) Continue the training program until the committed class scheduled for currently enrolled trainees is completed; and
- (c) Notify the Board of the final closing date at least thirty (30) days before the final closing.

9730.2 Before the Board may withdraw approval of a program the Board shall:

- (a) Issue a notice of intended action to the program notifying the program that:
 - (1) The Board intends to withdraw approval of the program and the reasons for the action; and
 - (2) The program has a right to a hearing.
- (b) Send notice to the HELC of the Board’s intention to withdraw program approval.

9730.3 If the Board denies or withdraws approval of a training program, the institution shall:

- (a) Close the program on the date provided by the Board; and
- (b) Comply with the requirements of all applicable rules and notify the Board that the requirements have been fulfilled.

9731 RECORDS RETENTION

9731.1 Each PCT training program shall maintain an accurate and appropriate system of record keeping.

9731.2 Each training program shall ensure that administrative and personnel records are protected against loss, destruction, and unauthorized review.

- 9731.3 A record for each trainee shall be maintained by the facility and shall include the trainee's evaluation, health information, and items stipulated in § 9728.
- 9731.4 Each instructor's personnel records shall be maintained by the facility and shall include application data, qualifications, and a position description, and shall be available for review by the Board.
- 9731.5 All records shall be maintained by the training program for a minimum of seven (7) years.

9732 RESOURCES, FACILITIES, AND SERVICES

- 9732.1 Each PCT training program shall maintain resources, facilities, and services which are adequate to accommodate the training program. The resources, facilities, and services shall include, but are not limited to:
- (a) Adequate temperature controls in each training facility;
 - (b) Clean and safe conditions of the facility's premises;
 - (c) Adequate space for private faculty-student conferencing;
 - (d) Adequate lighting in each facility; and
 - (e) Sufficient and adequate equipment for the program's needs, including audio-visual equipment and equipment needed for simulating client care.
- 9732.2 Each classroom, conference room, skills laboratory, and office shall be adequate to meet the needs of the training program.
- 9732.3 Each cooperative agreement between a training program and agency healthcare facility shall be in writing. The training program shall maintain a copy of the agreement in its records.

9799 DEFINITIONS

- 9799.1 When used in this chapter, the following terms shall have the meanings ascribed:

Abuse - the infliction of physical or mental harm, injury, death, or financial exploitation of a client.

Applicant - a person applying for certification as a patient care technician.

Board - the Board of Nursing as established by § 204 of the Act.

Clinical - faculty planned and guided learning activities designed to assist in meeting course objectives and to apply nursing knowledge and skills in the direct care of clients, including clinical conferences and planned learning activities in acute care facilities, and other community resources.

Conditional approval - the approval status that is granted for a time period specified by the Board to an home health aide training program to correct deficiencies when the training program has failed to meet or maintain the requirements and standards of this chapter.

Continuing education - systematic learning experiences designed to augment the knowledge, skills, and attitudes of the patient care technician.

Criminal background check - a report of a person's criminal history by the appropriate state and federal authorities, or approved vendor, to determine whether the person has been convicted of a crime in the District of Columbia or in any state or territory of the United States where such person has worked or resided.

Delegation - the transference from the RN or LPN to another individual within the scope of his or her practice, of the authority to act on behalf of the RN or LPN in the performance of a nursing intervention, while the RN or LPN retains accountability and responsibility for the act.

Director - the Director of the Department of Health, or his or her designee.

District - the District of Columbia.

Emergency medical technician - a person who is trained to give emergency medical care at the scene of an accident or in an ambulance.

Endorsement - the process of issuing a certification to an applicant who is registered by a state Board and recognized by the Board as a qualified professional according to standards that were the substantial equivalent at the time of the certification to the standards for that profession set forth in this chapter and who has continually remained in good standing with the Board from the date of certification until the date of certification in the District.

Fingerstick - a sticking of the finger to get a blood sample to use in a glucometer to measure the amount of glucose in blood.

Health care facility - an acute care facility or agency that provides long-term care services such as an assisted living residence, group home for persons with physical and intellectual disabilities, and skilled home care agency.

Higher Education Licensure Commission a Mayoral appointed regulatory, consumer protection authority responsible for public protection with regard to legitimate quality education in the District of Columbia.

Immediate supervision - supervision in which the supervisor is on the premises and within vocal communication with the person being supervised, either directly or by communication device.

Misappropriation - the application of another's property or money dishonestly to one's own use.

Neglect - any act or omission by a patient care technician which causes or is likely to cause or contribute to, or which has caused or is likely to have caused or contributed to the injury, death, or financial exploitation of a consumer.

Nursing assistive personnel - an individual who has received appropriate training or instruction to function in a complementary or assistant role to an RN or LPN, in providing direct patient care or in carrying out delegated nursing tasks.

Paramedic - A specially trained medical technician licensed to provide a wide range of emergency services before or during transportation to a hospital.

Pass rate - means the percentage of candidates who receive a passing score on the competency evaluation out of the total exams administered for the review period.

Patient care technician - nursing assistive personnel with specialized knowledge and training to provide patient care beyond the role of the certified nursing assistant in the acute care setting.

Program - the planned series of instruction, didactic and clinical, designed so that the student will acquire the requisite knowledge and skills.

Reinstatement - reissuance of an expired patient care technician certification.

Skills laboratory - faculty guided activities planned for students in a school/campus laboratory that simulates the activities provided by the CNA. The activities include demonstrations and return demonstrations using equipment and supplies that are used for the purpose of attaining required psychomotor skills.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in

the *D.C. Register*. Comments should be sent to the Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 5th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained from DOH at the same address during the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays. In addition, comments may be forwarded via e-mail to Van.Brathwaite@dc.gov.

OFFICE OF LOTTERY AND CHARITABLE GAMES

NOTICE OF PROPOSED RULEMAKING

The Interim Executive Director of the Office of Lottery and Charitable Games, pursuant to the authority set forth in Section 424a of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790, Pub. L. 93-198; D.C. Official Code § 1-204.24(a) (2016 Repl.)), as amended by the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (Pub. L. No. 109-356, § 201, 120 Stat. 2019; D.C. Official Code §§ 1-204.24a(c)(6) (2016 Repl.)); Section 4 of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code §§ 3-1306(a) and 3-1321 (2016 Repl.)) and Office of the Chief Financial Officer Financial Management Control Order No. 15-11, issued April 14, 2015 (appointing Tracey Cohen Interim Executive Director), hereby gives notice of the intent to amend Chapters 5 (General Provisions), 9 (Description of On-Line Games) and 99 (Definitions) of Title 30 (Lottery and Charitable Games) of the District of Columbia Municipal Regulations (DCMR).

The purposes of the proposed amendments are to implement the Agency’s new game called DC 2.

The Office of Lottery and Charitable Games hereby gives notice of its intent to take final rulemaking action to adopt these regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 5, GENERAL PROVISIONS, of Title 30 DCMR, LOTTERY AND CHARITABLE GAMES, is amended as follows:

Section 503, CANCELLED TICKETS, Subsections 503.1 and 503.4, are amended by substituting the following:

503.1 A ticket which is printed in error for the DC 2, DC 3, DC 4, DC 5 game(s) may be cancelled only on the date purchased and prior to the drawing break. The tickets shall be voided only by the issuing agent and the terminal that printed the ticket, and the player may request a refund or a replacement ticket. If for any reason the terminal that issued the ticket is inoperable prior to the drawing break, the player’s sole recourse shall be a refund of the ticket price.

...

503.4 A ticket for POWERBALL®, MEGA MILLIONS®, LUCKY FOR LIFE® shall not be voided or cancelled.

Chapter 9, DESCRIPTION OF ON-LINE GAMES, is amended as follows:

Amend Sections 900, DESCRIPTION OF THE DC DAILY 6TM GAME, and 901, DC DAILY 6TM PRIZE STRUCTURE AND PROBABILITY OF WINNING, by substituting the following:

900 DESCRIPTION OF THE DC 2 GAME

900.1 The Agency may offer a two (2) digit daily numbers game using a fixed payout known as the DC 2 Game.

900.2 DC 2 Game is a daily two (2) digit game with midday and evening drawings. Players may wager fifty cents (50¢) or one dollar (\$1) for two (2) digits ranging from 0 to 9 on any of the following bet types:

- (a) Straight: A wager whereby a winning result is achieved only when the two-digit number specified by the player matches in exact order with the official winning number drawn by the Agency for that drawing event;

For example, if the winning number is “12” then only the bets placed on “12” in that exact order shall be winners.

- (b) Two-Way Box: A wager whereby a winning result is achieved when any combination of two (2) different digits specified by the player matches the official winning number drawn by the Agency for that drawing event. This is the equivalent of two (2) wagers for a single-unit ticket cost;

For example, if the winning number is “12” then box bets placed on “12” or “21” shall be winners.

- (c) Straight/Two-Way Box: A wager whereby the player can place a straight bet and a two-way box bet for the same number on a single ticket. The player can win on both the straight and box bets when the two digits specified by the player match in exact order the official winning number drawn by the Agency for that drawing event. The player can win on the box portion when any other combination of the two (2) digits selected by the player matches the winning number drawn by the Agency for that drawing event. Wagers are limited to fifty cents (50¢) on the straight portion and fifty cents (50¢) on the box portion for a total of one dollar (\$1) per ticket;

For example, if the winning number is “12” then only bets placed on “12” in that exact order will be winners on both portions of the ticket. However, bets placed on “21” will be winners in the box portion only.

- (d) Two-Way Combination: A wager whereby a winning result is achieved when any combination of two (2) digits (with any two (2) different digits)

specified by the player matches the official winning number drawn by the Agency for that drawing event. This is the equivalent of two (2) straight wagers on a single ticket at two (2) times the base cost;

For example, if the winning number is “12” then a combination bet placed on “12” (i.e. “21”) will be a winner of a straight bet.

- (e) Front Number: A wager whereby a winning result is achieved when the first digit specified by the player matches exactly with the first digit of the official winning number drawn by the Agency for that drawing event. This is the equivalent of ten (10) wagers for a single-unit ticket cost;

For example, if the winning number is “12,,” then only bets placed on “1X” will be winners.

- (f) Back Number: A wager whereby a winning result is achieved when the last digit specified by the player matches exactly with the last digit of the official winning number drawn by the Agency for that drawing event. This is the equivalent of ten (10) wagers for a single-unit ticket cost;

For example, if the winning number is “12,,” then only bets placed on “X2” will be winners.

900.3 The price of a DC 2 Game ticket shall be fifty cents (50¢) or one dollar (\$1) per board or any other price designated by the Executive Director from a price schedule adopted by the Agency.

900.4 If a single ticket contains more than one (1) winning play on separate game boards, the prize amounts shall be added together and shall be paid in accordance with the prize payment limits.

900.5 A ticket subject to the validations requirements of this title shall be the only proof of a wager.

900.6 DC 2 exchange tickets are valid beginning with the next draw through the last draw on the original DC 2 Ticket.

901 DC 2 PRIZE STRUCTURE AND PROBABILITY

901.1 The DC 2 game prize structure and probability based on fifty cents (50¢) and one dollar (\$1) bets shall be as follows:

DC 2 PRIZES AND ODDS

| Bet Types | Example | Match | 50¢ Bet Pays | \$1.00 Bet Pays | Odds |
|----------------------|---------|--------------|---------------------------|----------------------------------------------------------|-------|
| Straight | 12 | 12 | \$25 | \$50 | 1:100 |
| Two-Way Box | 12 | 12,21 | \$12.50 | \$25 | 1:50 |
| Straight/Two-Way Box | 12 | 12, 21 | n/a | Straight = \$25 Box = \$12.50 Straight Box=\$37.50 | 1:50 |
| Two-Way Combination | 12 | 12, 21 | \$25 (Min. Bet \$1.00) | \$50 (Min. Bet \$2.00) | 1:50 |
| Front Number | 1X | 1+Any Number | \$2.50 | \$5 | 1:10 |
| Back Number | X2 | Any Number+2 | \$2.50 | \$5 | 1:10 |

901.2 Overall odds of winning and prizes are determined by the selected bet type and amount wagered for each drawing.

901.3 The Executive Director may adopt other prize structures that shall be effective upon the issuance of instructions to the public.

Chapter 99, DEFINITIONS, is amended as follows:

Section 9900, DEFINITIONS, Subsection 9900.1, is amended by adding the following definition:

Daily Number Game(s) – a traditional numbers game or variation thereon which is drawn daily, including but not limited to, two digit, three digit, four digit and five digit games operated and conducted by the Agency pursuant to the Act.

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 Antar Johnson, Senior Counsel, Office of Lottery and Charitable Games, 2235 Shannon Place S.E., Washington, D.C. 20020, or e-mailed to antar.johnson@dc.gov, or filed online at www.dcregs.gov. Additional copies of this proposed rule may be obtained at the address stated above.

DISTRICT OF COLUMBIA PUBLIC SCHOOLS**NOTICE OF SECOND PROPOSED RULEMAKING**

The Chancellor of the District of Columbia Public Schools (DCPS), pursuant to Section 103 of the District of Columbia Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-172(c) (2012 Repl.)), and Mayor's Order 2007-186, dated August 10, 2007, hereby gives notice of the intent to amend Chapter 20 (Admission of Students) of Title 5 (Education), Subtitle E (Original Title 5), of the District of Columbia Municipal Regulations (DCMR).

The rulemaking will delete Section 2002 of Chapter 20 and replace it with a new Section 2002. The purpose of the proposed rulemaking is to ensure consistent implementation of procedures instituted by DCPS and the Office of the Deputy Mayor for Education regarding student enrollment, attendance zones, and the implementation of the My School DC Lottery.

Previous emergency and proposed rules were adopted on December 8, 2014 and took effect at that time, published at 62 DCR 2821 (March 6, 2015). The rules expired on April 4, 2015 and no Notice of Final Rulemaking was published.

This proposed rulemaking will be submitted to the Council for a forty-five (45) day period of review. The Chancellor of DCPS also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days from the publication of this notice in the *D.C. Register*, and after approval of the rulemaking by the Council of the District of Columbia, as specified in Section 105 (c)(5) of the Act (D.C. Official Code § 38-172 (c)(2) (2012 Repl.)).

Chapter 20, ADMISSION OF STUDENTS, of Title 5-E DCMR, ORIGINAL TITLE 5, is amended as follows:

Section 2002, ADMISSION AND REGISTRATION PROCEDURES, is deleted and replaced with a new Section 2002 to read as follows:

2002 ADMISSION AND REGISTRATION PROCEDURES

2002.1 Application for admission to the D.C. Public Schools shall be made by registering at the school the student is eligible for that is located in the attendance zone within which the applicant resides before October 5th of each year, or by application in the out-of-boundary lottery process pursuant to § 2106. After October 5th of each year, a student maintains the right to attend in-boundary schools for Kindergarten through 12th grade but must register for mid-year enrollment at his or her in-boundary school by using the My School DC common lottery program.

2002.2 Application for admission to the D.C. Public Schools by students who reside outside of the District of Columbia shall be made to the common lottery program,

My School DC, and are subject to the residency regulations and tuition requirements established by the Office of the State Superintendent for Education.

- 2002.3 Residence attendance zone restrictions shall not apply to the following:
- (a) Career development centers;
 - (b) Special education schools or programs;
 - (c) Adult education day and evening schools; or
 - (d) Schools and programs as defined in §§ 2106.8-2106.10.
- 2002.4 If admission to a particular school or program is not based upon residence in a particular attendance zone, initial registration may be required at the appropriate attendance zone school, as required in § 2002.1, or at another place designated by the Chancellor of Schools.
- 2002.5 The principal or other person in charge of registration for each school or program shall be responsible for the receipt of all required documents for enrollment, the conduct of registration procedures, and the certification that all lottery application requirements, admission requirements, and prerequisites have been properly met by the student.
- 2002.6 Prior to the admission of a student the adult student, or the student's parent or guardian shall be required to provide documentary proof of the date of birth of each registering student. Proof of age may include, but is not necessarily limited to, any one (1) of the following:
- (a) An original or certified true copy of the student's official birth certificate;
 - (b) A valid, unexpired passport which gives the student's date of birth;
 - (c) A sworn (notarized) affidavit of the student's correct date of birth. Affidavit forms shall be available from each principal or other person responsible for admission and registration procedures;
 - (d) An official transcript from the last school attended which includes the student's date of birth; or
 - (e) An original or certified true copy of the student's baptismal certificate which includes the student's date of birth.
- 2002.7 A minor student must be accompanied at registration by a parent or guardian.

- 2002.8 The parent or guardian shall provide the following information for each registering minor student:
- (a) Full name of the student;
 - (b) Full name, home address, and work address of each parent, guardian, or other person having custody or control of the minor student for the purpose of admission;
 - (c) The home and work telephone numbers of each parent, guardian, or other responsible adult or, in each case, the telephone number through which each person may be contacted at home and at work;
 - (d) The name and telephone number of a person or persons who should be contacted in case of an emergency;
 - (e) The name, address, and telephone number of the student's physician, clinic, or other person or agency where the student's medical records are located;
 - (f) The date of registration; and
 - (g) The manner or type of admission.
- 2002.9 An adult student shall not be required to provide information about the adult student's parent or guardian, but shall provide the appropriate items of information about him or herself.
- 2002.10 The principal or other person responsible for admission or enrollment shall adhere to the following:
- (a) The principal or other person responsible for admission and enrollment procedures shall follow the requirements set forth in Title 38, Chapter 3 of the District of Columbia Official Code, and Chapter 50 of Title 5-A DCMR, with respect to verification of District of Columbia residency for all enrolled students.
 - (b) For students enrolled through the out-of-boundary lottery process, the principal or other person responsible for admission and enrollment procedures shall require the parent, guardian, or other custodian to provide a copy of the My School DC Enrollment Form.
 - (c) For students enrolled mid-year after October 5th of the current year, the principal or other person responsible for admission and enrollment shall require the parent, guardian or other custodian to register through the My

School DC program at any DCPS school, including the student's in-boundary school.

- 2002.11 District residency shall be determined pursuant to the District of Columbia Nonresident Tuition Act of 1960, effective September 8, 1960 (74 Stat. 853; D.C. Official Code §§ 38-302 *et seq.*).
- 2002.12 Any person who supplies false information to the D.C. Public Schools in connection with student residency verification may be subject to penalties in accordance with the provisions of D.C. Official Code § 38-312.
- 2002.13 All residency verification procedures shall be implemented in accordance with Chapter 50 of Title 5-A DCMR.
- 2002.14 The principal or other person responsible for admission and registration procedures shall keep a record of the removal of any student from the rolls of the school or program and any subsequent readmission of the student.
- 2002.15 All records and information received and maintained pursuant to this section shall be subject to the requirements and restrictions set forth in Title 5-E DCMR Chapter 26.
- 2002.16 Except as provided otherwise in this section, the entrance-level placement of each student shall be individually determined by the principal or other person in charge of the school or program.
- 2002.17 Entrance-level placements for students with disabilities shall be determined by referral of the student for assessment and evaluation pursuant to the provisions of Title 5-E DCMR Chapter 30.
- 2002.18 Bilingual and non-English speaking students shall be referred for placement determination to the Office of Bilingual Education, and the appropriate placement determination shall be transmitted to the principal or other person in charge of the school or program.
- 2002.19 Entrance-level placement determinations may be challenged under the rules and procedures set forth in Title 5-B DCMR Chapter 24, except for challenges to proposed placements for handicapped students, which shall be made pursuant to the rules and procedures set forth in Title 5-E DCMR Chapter 30.
- 2002.20 A local school administrator shall not exclude from admission or attendance any compulsory school-aged minor who resides in his or her school's attendance zone, gained a right to attend the school through the My School DC common lottery program, or who has been placed in his or her school by the Division of Special Education or the Division of Bilingual Education, unless the minor has been involuntarily transferred. This includes, but is not limited to, the following:

- (a) All minors who will be five (5) years of age on or before September 30th in the current school year and have not yet reached the age of eighteen (18) years;
- (b) Teen-aged parents who have responsibility for the care of their children;
- (c) Adjudicated or previously incarcerated youth who return to school voluntarily or by legal mandate;
- (d) Minors awaiting special education evaluation for appropriate placement;
- (e) Compulsory school-aged minors residing temporarily in a shelter, halfway house or similar facility or having no fixed address. The minor may elect to continue enrollment in the local school serving his or her last permanent domicile;
- (f) Students attending the by-right alternative to their dual-language zoned school.

2002.21 Administrators shall place the eligible students in appropriate educational programs compatible with their last grade completed pending evaluative studies or alternative placement when necessary.

Comments on this rulemaking should be submitted, in writing, to Eboni J. Govan, DCPS, 1200 First Street, N.E., 10th Floor, Washington, D.C., 20002, or dcpsregs@dc.gov, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Additional copies of this rule are available from the above address or the DCPS website, www.dcps.dc.gov.

DISTRICT OF COLUMBIA OFFICE OF PUBLIC-PRIVATE PARTNERSHIPS

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Executive Director of the District of Columbia Office of Public-Private Partnerships (OP3), pursuant to the authority set forth the Public-Private Partnership Act of 2014, approved March 11, 2015 (D.C. Law 20-228, D.C. Official Code §§ 2-271.01 *et seq.* (2016 Repl.)) (“P3 Act”) and the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code §§ 2-501 *et seq.* (2016 Repl.)), hereby gives notice of the adoption, on an emergency basis, of amendments to Chapter 48 (Public-Private Partnerships) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (DCMR).

This emergency and proposed rulemaking makes several changes to OP3’s procurement process, including:

- **Qualification Phase for Unsolicited Process:** Amendments to Section 4807 would allow OP3 to include a qualification phase as part of the request for alternative proposals procurement process. This would encourage more bidders, including small and local businesses, to participate by lowering barriers to entry for particularly large or complex projects. OP3 anticipates that higher competition will result in higher quality proposals and more competitive pricing that will benefit the District.
- **Alternative Technical Concepts:** New Section 4813 would give OP3 the ability to allow alternative technical concepts, which are deviations proposed by bidders from the District’s procurement requirements. The allowance of alternative technical concepts encourages innovative solutions to District project goals that can ultimately cost less and deliver equal or better outcomes than if a bidder met the original requirements of a procurement. The emergency and proposed rules include procedures for the submission and review of alternative technical concepts.
- Other changes in Sections 4808, 4810 and 4812 were made to clarify and simplify and make technical changes to the regulations.

This emergency rulemaking is necessary to protect the health, safety, and welfare of the District of Columbia. Without these rule changes, OP3 cannot proceed on several procurements for critical infrastructure assets that are in serious need of replacement or renovation.

The emergency rulemaking was adopted on January 5, 2018 and became effective on that date. Pursuant to Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl. & 2017 Supp.)), the emergency rules shall remain in effect for not longer than one hundred and twenty (120) days from the date of adoption, expiring on May 5, 2018, unless earlier superseded by publication of a Notice of Final Rulemaking.

The Executive Director of OP3 also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Chapter 48, PUBLIC-PRIVATE PARTNERSHIPS, in Title 27 DCMR, CONTRACTS AND PROCUREMENT, is amended as follows:

Section 4807, UNSOLICITED PROPOSALS: REQUEST FOR ALTERNATIVE PROPOSALS AND COMPREHENSIVE EVALUATION, is amended to read as follows:

4807 UNSOLICITED PROPOSALS: REQUEST FOR ALTERNATIVE PROPOSALS AND COMPREHENSIVE EVALUATION

4807.1 Comprehensive Evaluation of Unsolicited Proposal: If the result of the preliminary evaluation is favorable, the unsolicited proposal will enter the comprehensive evaluation phase.

4807.2 Unsolicited Proposal Clarification: During the comprehensive evaluation phase the D.C. OP3 may communicate with the proposer (hereinafter referred to as the “Original Unsolicited Proposer”) for clarification of the proposal. This process will not be an opportunity for changes to be made to the unsolicited proposal; only for clarification of proposal aspects to allow an evaluation by the D.C. OP3.

4807.3 Notification of the Unsolicited Proposer: The D.C. OP3 will notify the Original Unsolicited Proposer that the unsolicited proposal has been deemed favorable. The D.C. OP3 will also notify the proposer of the alternative proposals process outlined in § 4807.4 and of the proposer’s ability to submit a modified proposal as part of the process outlined in § 4807.7.

4807.4 Public Notice and Alternative Proposal Process:

- (a) The D.C. OP3 will publish the executive summary of the Original Unsolicited Proposer’s proposal and any non-proprietary aspects of the unsolicited proposal on the D.C. OP3 website. The D.C. OP3 will also publish notice in the *D.C. Register* and in any other publication or on any website that the D.C. OP3 deems appropriate.
- (b) As part of its publication of the unsolicited proposal, the D.C. OP3 will also publish a request for alternative proposals (“RFAP”) soliciting other private parties to submit alternative proposals. The timeline of the RFAP process, the requirements that alternative proposals must satisfy the criteria by which proposals will be evaluated, and other relevant guidance for proposers, will be included in the RFAP.
- (c) An RFAP may include a qualification phase through the issuance of an RFAP-Q when the D.C. OP3, in consultation with the Owner Agency(ies), determines that a qualification phase is in the best interests of the District. The qualification phase will determine which prospective alternative proposers will be authorized to submit responses to the RFAP, based on

the prospective alternative proposers' qualifications to complete the project contemplated by the RFAP-Q.

- (d) If a qualification phase is utilized:
- (1) The D.C. OP3 will invite prospective alternative proposers to respond in writing with a Statement of Qualifications ("SOQ") to complete the project. As part of the RFAP-Q, the D.C. OP3 will provide, at a minimum: a description of the proposed project; a description of the information and documents that must be included as part of an SOQ; the criteria to be used to evaluate each prospective alternative proposer; and a high-level description of the procurement process, including an indicative schedule.
 - (2) The D.C. OP3 and the Owner Agency(ies) may communicate with those prospective alternative proposers that submit an SOQ or require them to give one or more oral presentations to clarify their responses and answer questions that will aid in the understanding and evaluation of the responses.
 - (3) The D.C. OP3 may establish an evaluation committee to conduct the evaluation, or assist D.C. OP3 in its evaluation, of the responses to the RFAP-Q. The evaluation committee may establish subcommittees, which may include members who are not members of the committee, and engage advisors to provide advisory input in the evaluation process as the evaluation committee deems appropriate.
 - (4) For each prospective alternative proposer that submits an SOQ, the D.C. OP3 will determine if the prospective alternative proposer possesses qualifications appropriate for the P3 project, according to evaluation criteria established under Subsection 4807.4(d)(1). The D.C. OP3 reserves the right to issue an RFAP to a short list of the prospective alternative proposers that were deemed to possess the qualifications appropriate for the P3 project, rather than issuing the RFAP to all prospective alternative proposers that were deemed to possess the qualifications appropriate for the P3 project.
 - (5) Each prospective alternative proposer that submits an SOQ will be required to pay the preliminary evaluation fee described in § 4806.3.
 - (6) The Original Unsolicited Proposer must provide a response to the RFAP-Q in order for its unsolicited proposal (or an amended proposal authorized by § 4807.7) to be considered as part of the RFAP process. Regardless of the other evaluation criteria set forth

in the RFAP-Q, the Original Unsolicited Proposer shall be deemed qualified if it meets the minimum requirements criteria set forth in the RFAP-Q, and there are no materially adverse changes to the key personnel, team members, financial condition, or other qualifications elements of its unsolicited proposal. If any qualifications elements of the Original Unsolicited Proposal change prior to the issuance of the RFAP-Q, the Original Unsolicited Proposer must provide notice of such change(s) in writing to D.C. OP3 according to the procedures described in the RFAP-Q. The D.C. OP3 shall determine whether (a) the change(s) to the Original Unsolicited Proposer's qualifications are material and (b) the proposed change(s) results in qualifications that are equal to or better than the qualifications of the Original Unsolicited Proposal. If the D.C. OP3 determines that the change(s) is materially adverse, the Original Unsolicited Proposer must submit an SOQ, which shall be evaluated according to the criteria of the RFAP-Q. The Original Unsolicited Proposer will not be required to pay an additional preliminary evaluation fee with its response to the RFAP-Q, even if it makes a material change to a qualification element of its unsolicited proposal.

4807.5 **Schedule:** The D.C. OP3 will allow alternative proposals to be submitted in response to the RFAP for at least thirty (30) days after the notice is published in the D.C. Register. In most cases, the response period will be longer than thirty (30) days in order to increase the competitive environment for the project. The response period will be expressly stated in the RFAP.

4807.6 **Requirements of Alternative Proposals:** All responses to the RFAP must meet all the requirements of an original unsolicited proposal as stated in § 4806. The requirements include the completion of the unsolicited proposal form and any other requirements included in the public notice and RFAP issued under § 4807.4.

Each alternative proposer will be required to pay the comprehensive evaluation fee described in § 4807.13.

4807.7 **Amended Submittals by the Original Unsolicited Proposer:** The Original Unsolicited Proposer must submit a response to the RFAP in order for its proposal to be considered as part of the RFAP process. The Original Unsolicited Proposer may submit its unsolicited proposal or an amended proposal based upon the RFAP. The amended proposal may only update the original proposal to the extent necessary to be responsive to additional or modified requirements or clarifications about the project that D.C. OP3 has requested in the RFAP or to respond to project-specific scoring criteria; the amended proposal may not constitute a completely new proposal.

- 4807.8 **Comprehensive Evaluation:** After the end of the RFAP response period, the D.C. OP3 will evaluate the original unsolicited proposal, or amended original unsolicited proposal if one is submitted, and any alternative proposals.
- 4807.9 **Comprehensive Evaluation Criteria:** The D.C. OP3 will evaluate the original unsolicited proposal, or amended original unsolicited proposal if one is submitted, and any alternative proposals under the same criteria outlined in the RFAP, including the general criteria stated in § 4807.15.
- 4807.10 **Comprehensive Evaluation Period:** The D.C. OP3 will establish a time period for the comprehensive evaluation of the original unsolicited proposal, or amended original unsolicited proposal if one is submitted, and any alternative proposals. The time period will be shared with all proposers no more than ten (10) business days after the end of the RFAP response period. The D.C. OP3 may, at any time, revise the time period for review, as needed.
- 4807.11 **Proposer Presentations:** The D.C. OP3 and Owner Agency(ies) may communicate with proposers or require them to give one or more oral presentations to clarify their proposal and answer questions that will aid in the understanding and evaluation of the proposal.
- 4807.12 **Evaluation Committees:** The D.C. OP3 will evaluate all responses to an RFAP that are deemed to be responsive, meet the minimum requirements of the RFAP, and that are pre-qualified under § 4807.4, if applicable. The evaluation of proposals will be based on the criteria stated in the RFAP, including the general criteria stated in § 4807.15.

For most RFAPs, the evaluation of responses to an RFAP will be divided between two committees matching the two required packets outlined in the Guidelines. The two review committees will consist of:

- (a) **Technical Review Committee:** The technical review committee will review all technical aspects of the proposal, including proposed project scope, innovative use of technology, engineering and design, and operation and maintenance of the project. Members of this committee will, in most cases, include technical staff from the Owner Agency and technical staff from associated District agencies.
- (b) **Financial Review Committee:** The financial review committee will review all financial aspects of each proposal including financing to be provided by the private partner, federal sources, and external sources and any fiscal obligations of the District to the project as proposed. Members of this committee will, in most cases, include financial staff from the Owner Agency, financial staff from associated District agencies, a representative from the Office of the Chief Financial Officer, and a representative from the Mayor's Office of Budget and Finance.

In some instances where the D.C. OP3 deems it appropriate, a single committee will review both technical and financial aspects of each proposal. This will be stated in the RFAP and separate packets for technical and financial aspects of proposals will not be required.

Employees of the D.C. OP3 and the Owner Agency(ies) may serve on both committees. The evaluation committee may establish subcommittees with members who are not members of the committee and engage advisors to provide input in the evaluation process as they deem appropriate.

4807.13 **Comprehensive Evaluation Review Costs:** The Original Unsolicited Proposer and any alternative proposers will be required to pay a comprehensive evaluation fee with their response to an RFAP. The fee will be set by the D.C. OP3 based on all direct costs reasonably anticipated by the D.C. OP3 for the comprehensive evaluation. The amount of the fee will be set forth in the RFAP. The Original Unsolicited Proposer must submit the fee to the D.C. OP3 by the end of the RFAP period (or with the submission of its amended proposal, if it submits an amended proposal). No unsolicited proposal or alternative proposal will be reviewed without payment of the Comprehensive Evaluation Review fee.

The comprehensive evaluation fees will be used to cover the costs of the comprehensive evaluation. If the fees paid to the D.C. OP3 exceed the D.C. OP3's total cost for the unsolicited review process, the D.C. OP3 will reimburse the remaining funds equally to all proposers at the end of the review period.

If an unsolicited proposer or alternative proposer does not wish to pay the comprehensive evaluation fee, it may withdraw its proposal without penalty.

4807.14 **Use of Unsolicited and Alternative Proposals:** Each unsolicited proposal and alternative proposal shall become the property of the District, and the D.C. OP3 and the District may use any information or concepts within such proposals for whatever purpose it deems appropriate.

4807.15 **Selection of a Preferred Bidder:** Based on the results of the evaluation committees, the D.C. OP3 will declare the proposer with the highest overall score the Preferred Bidder. The D.C. OP3 may also select a secondary bidder to be engaged in the event that an agreement is not reached between the District government and the Preferred Bidder. Unsolicited and alternative proposals will be reviewed under the criteria as stated in the RFAP, which may include:

- (a) Cost;
- (b) Delivery time;
- (c) Financial commitment required of public entities;

- (d) Capabilities, related experience, facilities, or techniques of the proposer or unique combinations of these qualities that are integral factors for achieving the proposal objectives;
- (e) Value-for-money and public sector comparator analysis of the proposal;
- (f) Innovative methods, approaches, or concepts demonstrated by the proposal;
- (g) Scientific, technical or socioeconomic merits of the proposal;
- (h) Potential contribution of the proposal to the mission of the District, including how the proposal benefits the public;
- (i) The proposal must not duplicate an existing infrastructure project or services in a competitive way nor closely resemble a pending competitive proposal for a P3 or other procurement; and
- (j) Other factors as the D.C. OP3 deems appropriate to obtain the best value for the District.

4807.16 **OCFO Certification:** Prior to commencement of negotiations with the Preferred Bidder, the Chief Financial Officer of the District of Columbia must also certify:

- (a) The availability of any funds, debts, or assets that the District will contribute to the project;
- (b) That no provision of the proposal would violate the District Anti-Deficiency Act of 2002; and
- (c) That the project is not likely to have a significant adverse impact on the District’s bond ratings.

4807.17 **OAG Certification:** Prior to commencement of negotiations with the Preferred Bidder, the Attorney General of the District of Columbia must certify that:

- (a) Proper indemnifications, including project insurance and bonding are included in the proposal; and
- (b) There are no interstate compact issues if the project involves multiple jurisdictions.

4807.18 **Notice of Selection of Preferred and Secondary Bidders:** When a Preferred Bidder has been selected, the point of contact provided on the proposal will be notified by the D.C. OP3. If it has been determined that a secondary bidder will

also be selected, that secondary bidder will also be notified. The D.C. OP3 will provide public notice of this selection and its intent to commence negotiations. Negotiations will only begin with the secondary bidder if negotiations have been terminated with the Preferred Bidder.

4807.19 **Communication during the Procurement Process:** While the D.C. OP3 encourages communication during the procurement process, the point of contact listed in the procurement documents will serve as the sole official coordinator of communication with the party making the inquiry. All official communication must be written. Communication during the procurement process that violates the communication policies set out in the procurement documents may result in penalties, including disqualification of a proposer.

4807.20 **Confidential Information Included as Part of an Unsolicited or Alternative Proposal:** The D.C. OP3 and Owner Agency understand the need for some information provided by private entities to remain confidential. In order to protect confidential or proprietary information, the proposer must identify those portions of its proposal, or other submitted materials, that it considers to be confidential or proprietary. For the confidential or proprietary information of a proposer to be exempt from public disclosure, the proposer must do all of the following when the proposal is submitted to the D.C. OP3:

- (a) Invoke exclusion on submission of the information or other materials for which protection is sought;
- (b) Identify, with conspicuous labeling, the data or other materials for which protection is sought;
- (c) State the reasons why protection is necessary; and
- (d) Fully comply with any applicable District law with respect to information that the proposer contends should be exempt from disclosure.

The D.C. OP3 will review information that a proposer designates as confidential or proprietary to determine if that designation is proper. Where the proposer cannot justify the protection of information, D.C. OP3 may ask the proposer to revise its proposal accordingly. If an agreement cannot be reached between the proposer and the D.C. OP3 regarding the designation of information as confidential or proprietary, the proposer may withdraw its proposal from the procurement and all unused fees paid by the proposer will be returned to the proposer. If an unsolicited proposal is rejected under Subsections 4806.2 and 4806.4 or is withdrawn by the proposer prior to the comprehensive evaluation period, the D.C. OP3 will return all copies of the unsolicited proposal to the proposer, and such proposals shall be confidential to the extent allowed by the Freedom of Information Act, including statutory exclusions that protect proprietary information, among other things.

The D.C. OP3 and Owner Agency will not release or disclose any part of the proposal other than the executive summary and information required to be disclosed under §§ 109(b) and 114(a) of the P3 Act (D.C. Official Code §§ 2-273.04(b) and 2-273.09(a)) before the award of the P3 agreement, and at the conclusion of any protest, appeal, or other challenge to the award, absent an administrative or judicial order requiring such a disclosure. After the final award of the P3 agreement, the Freedom of Information Act shall apply to the proposal except for statutory exclusions such as proprietary information.

4807.21 **Termination of the Process:** The D.C. OP3 may terminate the unsolicited proposal procurement process at any time. In the event of such a termination, the D.C. OP3 will return the unused funds paid by unsolicited or alternative proposers for the comprehensive evaluation process equally to all proposers.

Section 4808, PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS, is amended as follows:

Paragraph 4808.13 is amended by striking the phrase “§ 4804.10” and inserting “§ 4804.11” in its place.

Section 4810, RESERVED RIGHTS, is amended as follows:

Paragraph 4810.1(g) is amended by striking the phrase “Guidelines” and inserting “rules and the Guidelines” in its place.

Section 4812, RULES TO ENSURE ETHICAL CONDUCT, is amended as follows:

Paragraph 4812.5(a) is amended by striking the phrase “guidelines” and inserting “rules” in its place.

Paragraph 4812.5(b) is amended by striking the phrase “guidelines” and inserting “rules” in its place.

Paragraph 4812.5(c) is amended by striking the phrase “guidelines” and inserting “rules” in its place.

A new Section 4813, ALTERNATIVE TECHNICAL CONCEPTS, is added to read as follows:

4813 ALTERNATIVE TECHNICAL CONCEPTS

4813.1 The District in its sole discretion may allow proposers to propose one or more alternative technical concepts in response to an RFP or RFAP.

- 4813.2 The allowance of alternative technical concepts and the full details of the content, submission, evaluation criteria, review process, and approval of alternative technical concepts, procedures for confidential meetings and communications (if used), methods for evaluating alternative technical concepts, and any other requirements and procedures of the alternative technical concept process will be stated in an RFP or RFAP.
- 4813.3 In general, approval of an alternative technical concept will only be granted if the District finds that the alternative technical concept will result in performance, safety, durability, quality, and utility of the end product that is equal to or better than the performance, safety, durability, quality, and utility of the end product that would result from full compliance with the requirements of the RFP or RFAP without causing any substantial delay to the schedule of, substantial additional cost to, or substantial reduction to the scope of the project or addition of a separate project.
- 4813.4 A proposer's financial proposal shall reflect any approved alternative technical concepts that are included in the proposer's technical proposal.
- 4813.5 Approval of an alternative technical concept does not imply that a proposal with an approved alternative technical concept will receive a favorable review. All proposals submitted in response to the RFP or RFAP shall be evaluated against the same evaluation factors, regardless of whether or not an approved alternative technical concept is included.
- 4813.6 A proposer may incorporate one or more approved alternative technical concepts into its technical and financial proposal.
- 4813.7 An approved alternative technical concept that is incorporated into a proposer's proposal will become part of the contract upon award of the contract unless the parties agree otherwise.
- 4813.8 To the extent authorized by law, and except as provided in this subsection, an alternative technical concept properly submitted by a proposer and all subsequent communications regarding the proposer's alternative technical concept will be considered confidential prior to the award of the contract. Exceptions to the confidentiality protection may be set forth in the RFP or RFAP.

Section 4899, DEFINITIONS, is amended as follows:

Subsection 4899.1 is amended as follows:

The opening phrase is amended by striking the phrase "guidelines" and inserting "rules" in its place.

A new subparagraph (a-1) is added to read as follows:

- (a-1) “**Alternative technical concept**” means a proposed technical, financial, or other change or variance from a requirement contained in an RFP or RFAP that a proposer proposes to the District pursuant to § 4813.

All persons desiring to comment on these proposed regulations should submit written comments to Judah Gluckman, Deputy Director and Counsel, Office of Public-Private Partnerships, 1350 Pennsylvania Ave, N.W., Suite C-06, Washington, D.C. 20004, or by e-mail to judah.gluckman@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules may be obtained from the address listed above.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2018-001
January 9, 2018

SUBJECT: Appointment - Vice Chair, Advisory Board on Veterans Affairs for the District of Columbia


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) 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(2) (2016 Repl.), and pursuant to the Mayor's Order 2001-92, dated June 22, 2001, as amended by Mayor's Order 2002-142, dated August 19, 2002, it is hereby **ORDERED** that:

1. **JOEL SPANGENBERG** is designated as Vice-Chair of the Advisory Board on Veterans Affairs for the District of Columbia, replacing Victoria Pridemore, to serve in that capacity at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2018-002

January 9, 2018

SUBJECT: Establishment - Advisory Group on Community Use of Public Space**ORIGINATING AGENCY:** Executive Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to sections 422(3) and (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(3), (11) (2016 Repl.), it is hereby **ORDERED** that:

I. ESTABLISHMENT

There is established within the executive branch of the Government of the District of Columbia the Advisory Group on Community Use of Public Space ("**Advisory Group**").

II. PURPOSE AND DUTIES

- A. The purpose of the Advisory Group is to provide to the Deputy Mayor for Education advice and recommendations regarding District policies and procedures related to community use of public spaces, including fields, gyms, classrooms, meeting rooms, and other District facilities.
- B. Such advice and recommendations may include:
 1. Ways by which District agencies may improve community access to public space;
 2. Ways by which the process for locating, reserving, renting, paying for, and using public space may be made more effective and efficient, including through the use of a web-based rental process; and
 3. Ways to incorporate feedback from community users of public space.
- C. The Advisory Group shall consider any matter related to the community use of public space referred to it by the Deputy Mayor for Education.
- D. In carrying out its responsibilities, the Advisory Group shall ensure that it engages in outreach to the full range of users of public space.

III. COMPOSITION

- A. The Advisory Group shall be comprised of the following nine (9) members, appointed by the Mayor, including:
1. Eight (8) public members, who are District of Columbia residents representing the following areas:
 - a. Two (2) members who are school facility and field users;
 - b. Two (2) members who are recreational facility users;
 - c. Two (2) members who are athletic field users, including league and individual users, and
 - d. Two (2) members with interest in community use of public space including the use of library space and space for civic, educational, social, or recreational purposes.
 2. A designee from the Office of the Deputy Mayor for Education, who shall also serve as Chair of the Advisory Group.
- B. Advisory Group members shall serve without compensation.

IV. TERMS

- A. Public members of the Advisory Group shall serve at the pleasure of the Mayor, for terms that terminate upon the sunset of the Advisory Group.
- B. The Advisory Group shall meet at least once quarterly, and at other times as called by the chairperson.
- C. The anniversary date for all appointments shall be December 1.
- D. All meetings will be conducted in compliance with the District of Columbia Open Meetings Act.

V. LIMITATION

No action taken by the Advisory Group shall impact the authority of District agencies or agency officers or employees to make determinations about access to or use of public space.

VI. ADMINISTRATION


The Office of the Deputy Mayor for Education shall provide administrative support to the Advisory Group.

VII. SUNSET


The Advisory Group shall sunset December 31, 2019.

VIII. EFFECTIVE DATE

This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2018-003
January 9, 2018

SUBJECT: Appointments — Commission for Women


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) 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(2) (2016 Repl.), and in accordance with section 3 of the District of Columbia Commission for Women Act of 1978, effective September 22, 1978, D.C. Law 2-109; D.C. Official Code § 3-702 (2016 Repl.), it is hereby **ORDERED** that:

1. **RACHEL MARTINEZ** is appointed as a public member of the Commission for Women ("**Commission**"), replacing Margaret A. Hasckaylo, to fill the remainder of an unexpired term to end April 20, 2018.
2. **ABIGAIL TRUHART** is appointed as a public member of the Commission, replacing Ritu Upadhyay, to fill the remainder of an unexpired term to end April 20, 2018.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 
 LAUREN C. VAUGHAN
 SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2018-004
January 9, 2018

SUBJECT: Appointment – Commission on African-American Affairs


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) 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(2) (2016 Repl.), and in accordance with the Commission on African-American Affairs Establishment Act of 2012, effective March 14, 2012, D.C. Law 19-106; D.C. Official Code §§ 3-1441 and 3-1442 (2016 Repl.), it is hereby **ORDERED** that:

1. **GREGORY JACKSON** is appointed as the designee of the Director of the Department of Parks and Recreation for the Commission on African-American Affairs, to serve a term at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

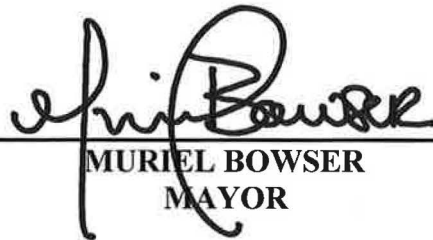
Mayor’s Order 2018-005
January 9, 2018

SUBJECT: Appointments — Condominium Association Advisory Council

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) 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(2) (2016 Repl.), and Sec. 308(a) of The Condominium Owner Bill of Rights and Responsibilities Amendment Act of 2016, effective April 7, 2017, D.C. Law 21-241; D.C. Official Code § 42-1903.08a (64 DCR 1602), it is hereby **ORDERED** that:

1. The following individuals are appointed to the Condominium Association Advisory Council for a term to end May 5, 2020:
 - a. **LANET SCOTT** as a representative from the community association management industry with at least seven (7) years of experience in the profession.
 - b. **LISA WISE** as a representative from the mortgage industry with at least five (5) years of experience in the profession.
 - c. **SHAUN SNYDER** as a community representative.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST:



LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2018-006
January 9, 2018

SUBJECT: Appointment — District of Columbia Developmental Disabilities Fatality Review Committee

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) 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(2) (2016 Repl.), and pursuant to Mayor's Order 2009-225, dated December 22, 2009, as amended by Mayor's Order 2013-154, dated August 26, 2013, it is hereby **ORDERED** that:

1. **DR. JENNIFER CRUMLISH** is appointed as a public member of the District of Columbia Developmental Disabilities Fatality Review Committee, as a psychologist who is licensed to practice in the District with experience in the evaluation and treatment of persons with an intellectual disability or developmental disability, filling a vacant seat, for a term to end March 7, 2020.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2018-007
January 9, 2018

SUBJECT: Appointment — Food Policy Council


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) 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(2) (2016 Repl.), and pursuant to section 4 of the Food Policy Council and Director Establishment Act of 2014, effective March 10, 2015, D.C. Law 20-191; D.C. Official Code § 48-313 (2017 Supp.), it is hereby **ORDERED** that:

1. **MARIE WHITTAKER** is appointed as an *ex officio* nonvoting member as the Office of the Deputy Mayor for Planning and Economic Development designee for the Food Policy Council, replacing Pia Brown, to serve a term at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 
 LAUREN C. VAUGHAN
 SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2018-008
January 9, 2018

SUBJECT: Appointment — District of Columbia Higher Education Licensure Commission

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) 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(2) (2016 Repl.), and in accordance with section 4 of the Education Licensure Commission Act of 1976, effective April 6, 1977, D.C. Law 1-104; D.C. Official Code § 38-1304 (2012 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. **ANITA SHELTON** is appointed as a member of the District of Columbia Higher Education Licensure Commission, replacing Cheryl Steplight, for the remainder of an unexpired term to end August 15, 2019.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2018-009
January 9, 2018

SUBJECT: Appointments — Multimodal Accessibility Advisory Council

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) 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(2) (2016 Repl.), and in accordance with section 304 of the Transportation Reorganization Amendment Act of 2016, effective June 22, 2016, D.C. Law 21-124; D.C. Official Code § 50-2361.31 (2017 Supp.), it is hereby **ORDERED** that:

1. The following members are appointed as community representatives to the Multimodal Accessibility Advisory Council for a term to end December 16, 2018:
 - a. **ROBB DOOLING**
 - b. **HELEN URQUHART**


2. The following members are appointed as community representatives to the Multimodal Accessibility Advisory Council for a term to end December 16, 2019:
 - a. **KRISTIN DUQUETTE**
 - b. **PHILIP SKLOVER**

3. The following members are appointed as community representatives to the Multimodal Accessibility Advisory Council for a term to end December 16, 2020:
 - a. **JENNIFER McLAUGHLIN**
 - b. **CLARENCE MOORE**

4. EFFECTIVE DATE: This order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2018-010
January 10, 2018

SUBJECT: Delegation of Authority – Director of the Department of Employment Services and Chief Procurement Officer, under the First Source Employment Agreement Act of 1984 and the First Source Compliance Act of 2008

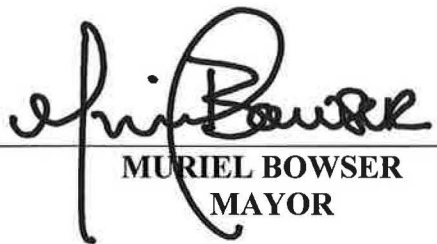
ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.), and in accordance with the First Source Employment Agreement Act of 1984, effective June 29, 1984, D.C. Law 5-93; D.C. Official Code § 2-219.01 *et seq.* (2016 Repl.) (“**First Source Act**”), and the First Source Compliance Act of 2008, effective August 16, 2008, D.C. Law 17-219; D.C. Official Code § 2-219.31 *et seq.* (2016 Repl.) (“**First Source Compliance Act**”), it is hereby **ORDERED** that:

1. The Director of the Department of Employment Services (“**DOES Director**”) is delegated the authority of the Mayor under the First Source Act, except for the authority under section 4a(b) (D.C. Official Code § 2-219.03a(b)), and the authority delegated to the Chief Procurement Officer under paragraph 3 of this Order. The authority delegated to the DOES Director under this paragraph includes the authority to:
 - a. Maintain the First Source Register and contact various entities and organizations for names of unemployed District residents under section 3 of the First Source Act (D.C. Official Code § 2.219.02);
 - b. Require that beneficiaries awarded a project or contract with government assistance enter into any agreement with the District of Columbia government required under section 4 of the First Source Act (D.C. Official Code § 2-219.03);
 - c. Grant or deny waiver requests under section 4(e)(3)(A) and (B) of the First Source Act (D.C. Official Code § 2-219.03(e)(3)(A) and (B));
 - d. At least once every three (3) years, conduct a new review of the hiring and reporting requirements set forth in section 4(e)(1A) of the First Source Act (D.C. Official Code § 2-219.03(e)(1A)) and make any required findings in a report to the Council, pursuant to section 4(e)(1A)(I) of the First Source Act (D.C. Official Code § 2-219.03(e)(1A)(I));
 - e. Require all beneficiaries of government-assisted projects or covered contracts that are not awarded through the contracting process to develop and submit to DOES

- an employment plan, and approve any amendments to that employment plan pursuant to section 4(e)(1A)(F)(iii) and (iv) of the First Source Act (D.C. Official Code § 2.219.03(e)(1A)(F)(iii) and (iv) and section 4(e)(1C)(iii) and (iv) of the First Source Act (D.C. Official Code § 2-219.03(e)(1C)(iii) and (iv));
- f. Impose fines and penalties under section 4(e)(4)(A) and (B) of the First Source Act (D.C. Official Code § 2.219.03(e)(4)(A) and (B));
 - g. Deem a person or entity ineligible for consideration for government assisted-projects under section 4(e)(4)(C) of the First Source Act (D.C. Official Code § 2.219.03(e)(4)(C));
 - h. Enter into special hiring agreements under section 4a of the First Source Act (D.C. Official Code § 2-219.03a);
 - i. Submit the semiannual report under section 5 of the First Source Act (D.C. Official Code § 2-219.04);
 - j. Establish a workforce intermediary pilot program and Workforce Intermediary Task Force under section 5b of the First Source Act (D.C. Official Code § 2-219.04b);
 - k. Issue rules to implement the First Source Act, under section 6 and section 4(e)(1B), and (1C)(F) of the Act (D.C. Official Code §§ 2-219.05 and 2.219.03(e)(1B) and (1C)(F)).
2. The DOES Director is delegated the authority of the Mayor under section 1021(a)(3) of the First Source Compliance Act (D.C. Official Code § 2-219.34(a)(3)).
 3. The Director of DOES may further delegate any of his or her authority under this Order, except the authority to issues rules, to subordinates under his or her jurisdiction.
 4. The Chief Procurement Officer of the Office of Contracting and Procurement (“CPO”) is delegated the authority of the Mayor under the First Source Act to:
 - a. Transmit each employment agreement to the Department of Employment Services under section 4(c) of the First Source Act (D.C. Official Code § 2-219.03(c));
 - b. Evaluate and score bid proposals under section 4(e)(1A)(F)(i) of the First Source Act (D.C. Official Code § 219.03(e)(1A)(F)(i)); and
 - c. Debar a person or entity under section 4(e)(4)(C) of the First Source Act (D.C. Official Code § 2.219.03(e)(4)(C)).
 5. The CPO may further delegate any of his or her authority under this Order to subordinates under his or her jurisdiction.

- 6. Mayor's Order 86-66, dated April 22, 1986, and Mayor's Order 2011-47, dated February 23, 2011, are rescinded.
- 7. This Order supersedes any previous Mayor's Orders to the extent of any inconsistency therein.
- 8. Any actions taken by the DOES Director since October 1, 2014 to impose any fines or penalties pursuant to section 4(e)(4)(A) and (B) of the First Source Act (D.C. Official Code § 2.219.03(e)(4)(A) and (B)) are hereby confirmed and ratified retroactively as actions of the Mayor of the District of Columbia as of the date the actions were taken by the Director of DOES.
- 9. **EFFECTIVE DATE**: This Order shall be effective *nunc pro tunc* to October 1, 2014.


MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2018-011
January 10, 2018

SUBJECT: Local Business Utilization Program


ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, Pub. L. 93-198, 87 Stat. 790, D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.), and in furtherance of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005, D.C. Law 16-33, D.C. Official Code §§ 2-218.01 *et. seq.* (2016 Repl.), it is hereby **ORDERED** that:

1. In accordance with the District of Columbia's commitment to expanding economic opportunity for the District's certified business enterprises ("**CBEs**"), including small business enterprises ("**SBEs**") and small resident-owned businesses ("**ROBs**"), in District contracting, there is established under the Deputy Mayor for Greater Economic Opportunity ("**DMGEO**") a local business utilization program ("**LBU Program**") designed to work with mission agencies and the Office of Contracting and Procurement to expand contracting opportunities for SBEs and ROBs and ensure compliance with existing laws, regulations, and policies with respect to CBE contracting participation, particularly for SBEs and ROBs. The commitment to expanding opportunities for CBEs and, in particular SBEs and ROBs, is to assist these businesses in overcoming some of the economic challenges of operating a business in the District of Columbia in an effort to allow these businesses to compete fairly with businesses based outside the District of Columbia that do not face such challenges. The expansion of opportunities for and business conducted by CBEs, in particular SBEs and ROBs, is important to the District of Columbia because it supports a robust and diverse economy and because revenues generated by these businesses and their employees are more likely to contribute to the expansion of the District of Columbia's tax base. To achieve these goals, DMGEO will assign an LBU Program team to certain mission agencies to: (a) identify solicitations that should be set aside for SBEs and ROBs; (b) identify increased SBE and ROB subcontracting opportunities in open market solicitations; (c) coordinate publicizing set-aside procurement opportunities; (d) assist in providing training opportunities for the SBE and ROB community; and (e) monitor agency compliance with the applicable CBE laws, regulations, and policies. Although assigned to mission agencies and functioning as an integral part of the contracting and procurement process, the LBU Program teams will report to the DMGEO.
2. Under the LBU Program, the DMGEO will lead an effort to expand contracting opportunities for SBEs and ROBs and will implement and manage the following

components of the LBU Program:

- a. Develop and implement a pilot LBU Program at the Department of General Services (“DGS”) by assigning to DGS an LBU Program team to: (a) identify solicitations that are appropriate for the set-aside market; (b) identify and publicize SBE and ROB subcontracting opportunities in open market solicitations; (c) monitor DGS’s compliance with the applicable CBE laws, regulations, and policies; and (d) develop data and gather information that will assist in expanding the LBU Program to agencies across the District government.
 - b. Engage a consultant to conduct a study to: (a) determine what additional agencies should be included in the LBU Program, including a plan for implementing an expanded LBU Program; and (b) identifying goods, services, and thresholds that are appropriate for an expanded set-aside program for SBEs and ROBs.
 - c. Work with and advise the Department of Small and Local Business Development (“DSLBD”) in implementing regulations under DSLBD’s authority under the Small and Certified Business Enterprise Development and Assistance Act of 2005, D.C. Official Code §§ 2-218.01 *et. seq.*, to establish enhanced set-aside programs for SBEs and ROBs.
 - d. Based on the DGS pilot program and study conducted under section 2.b of this Order, implement an expanded LBU Program to include such agencies at the DMGEO deems appropriate.
3. DSLBD shall conduct a rulemaking, in consultation with the DMGEO, to implement regulations pursuant to the Small and Certified Business Enterprise Development and Assistance Act of 2005, D.C. Official Code §§ 2-218.01 *et. seq.*, and other applicable authority to establish an expanded set-aside program for SBEs and ROBs.
4. **EFFECTIVE DATE:** This Order shall become effective immediately.


MURIEL BOWSER
MAYOR

ATTEST. 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

OFFICE OF ADMINISTRATIVE HEARINGS**DISTRICT OF COLUMBIA COMMISSION ON SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES****NOTICE SEEKING COMMENTS REGARDING REAPPOINTMENT OF
ADMINISTRATIVE LAW JUDGE**

The Commission on Selection and Tenure of Administrative Law Judges (“Commission”) seeks comments regarding the potential reappointment of Administrative Law Judge Bennett Rushkoff.

This is to notify members of the District of Columbia Bar and the general public, pursuant to section 3705.7 of Title 6 of the District of Columbia Municipal Regulations (“DCMR”), that the Commission has begun reviewing Administrative Law Judge Rushkoff’s qualifications for reappointment to the District of Columbia Office of Administrative Hearings. Administrative Law Judge Rushkoff has filed a statement with the Commission requesting reappointment to a six-year term upon the expiration of his two-year term on July 25, 2018.

Section 3705.21 of Title 6 of the DCMR provides:

In deciding whether to reappoint an Administrative Law Judge, the Commission shall consider all information it has received concerning the reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless they determine that the recommendation is not founded on substantial evidence. The Commission shall reappoint the Administrative Law Judge if it finds that the Administrative Law Judge has satisfactorily performed the responsibilities of his or her office and is likely to continue to do so.

In addition to the specific qualifications contained in Section 3703 of Title 6 of the DCMR (*Appointment, Reappointment, Discipline and Removal of Administrative Law Judges by the Commission on Selection and Tenure of Administrative Law Judges*), applicable to all Administrative Law Judges, Section 3703.5 of Title 6 of the DCMR states: “An Administrative Law Judge shall possess judicial temperament, judgment, expertise and analytical and other skills necessary and desirable for an Administrative Law Judge.”

The Commission hereby requests that members of the Bar and other attorneys, litigants, interested organizations, and members of the public submit any information bearing on Administrative Law Judge Rushkoff’s qualifications, which they believe will aid the Commission in deciding whether to reappoint this Administrative Law Judge. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting information shall be kept confidential unless expressly authorized by the person submitting the information.

All communications must be received by the Commission on or before February 12, 2018. All communications must be mailed or delivered in a sealed envelope marked “Confidential – ALJ Reappointments,” addressed to:

Commission on Selection and Tenure of Administrative Law Judges
Office of Administrative Hearings
District of Columbia Government
441 4th Street, N.W.
Suite 450N
Washington, D.C. 20001

The members of the Commission are:

The Honorable Yvonne Williams
Chief Administrative Law Judge Eugene A. Adams
Nadine C. Wilburn, Esq.
Joseph N. Onek, Esq.

OFFICE OF ADMINISTRATIVE HEARINGS**DISTRICT OF COLUMBIA COMMISSION ON SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES****NOTICE SEEKING COMMENTS REGARDING REAPPOINTMENT OF
ADMINISTRATIVE LAW JUDGE**

The Commission on Selection and Tenure of Administrative Law Judges (“Commission”) seeks comments regarding the potential reappointment of Administrative Law Judge M. Colleen Currie.

This is to notify members of the District of Columbia Bar and the general public, pursuant to section 3705.7 of Title 6 of the District of Columbia Municipal Regulations (“DCMR”), that the Commission has begun reviewing Administrative Law Judge Currie’s qualifications for reappointment to the District of Columbia Office of Administrative Hearings. Administrative Law Judge Currie has filed a statement with the Commission requesting reappointment to a six-year term upon the expiration of her two-year term on September 6, 2018.

Section 3705.21 of Title 6 of the DCMR provides:

In deciding whether to reappoint an Administrative Law Judge, the Commission shall consider all information it has received concerning the reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless they determine that the recommendation is not founded on substantial evidence. The Commission shall reappoint the Administrative Law Judge if it finds that the Administrative Law Judge has satisfactorily performed the responsibilities of his or her office and is likely to continue to do so.

In addition to the specific qualifications contained in Section 3703 of Title 6 of the DCMR (*Appointment, Reappointment, Discipline and Removal of Administrative Law Judges by the Commission on Selection and Tenure of Administrative Law Judges*), applicable to all Administrative Law Judges, Section 3703.5 of Title 6 of the DCMR states: “An Administrative Law Judge shall possess judicial temperament, judgment, expertise and analytical and other skills necessary and desirable for an Administrative Law Judge.”

The Commission hereby requests that members of the Bar and other attorneys, litigants, interested organizations, and members of the public submit any information bearing on Administrative Law Judge Currie’s qualifications, which they believe will aid the Commission in deciding whether to reappoint this Administrative Law Judge. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting information shall be kept confidential unless expressly authorized by the person submitting the information.

All communications must be received by the Commission on or before February 12, 2018. All communications must be mailed or delivered in a sealed envelope marked “Confidential – ALJ Reappointments,” addressed to:

Commission on Selection and Tenure of Administrative Law Judges
Office of Administrative Hearings
District of Columbia Government
441 4th Street, N.W.
Suite 450N
Washington, D.C. 20001

The members of the Commission are:

The Honorable Yvonne Williams
Chief Administrative Law Judge Eugene A. Adams
Nadine C. Wilburn, Esq.
Joseph N. Onek, Esq.

DC COMMISSION ON THE ARTS AND HUMANITIES

NOTICE OF FUNDING AVAILABILITY

FY 2019 Grant Season

The DC Commission on the Arts and Humanities (CAH) announces the availability of its general operating support grants for fiscal year 2019. General operating support grants are awarded on a competitive basis to arts, humanities, arts education and service organizations that are headquartered in the District of Columbia and whose sole function is to exhibit or present in the arts and humanities or arts education or to provide technical assistance for District artists, arts educators and humanities practitioners. Levels of funding support are determined by organizational budget range and are described in the guidelines for the program.

CAH provides grants, programs and educational activities that encourage diverse artistic expressions and learning opportunities, so that all District of Columbia residents and visitors can experience the rich culture of our city.

Organizations must be incorporated in the District, headquartered with a land address in DC and have 501(c)(3) status for at least one year prior to the application period in addition to other eligibility criteria listed in the program's guidelines. Applicants must also be registered as a District of Columbia nonprofit business in good standing with the DC Department of Consumer and Regulatory Affairs (DCRA), Corporation Division, the Office of Tax and Revenue (OTR), the Internal Revenue Service (IRS), and the Department of Employment Services (DOES).

All eligible applications are reviewed through a competitive process. CAH will publish evaluation criteria and eligibility requirements in its forthcoming grant guidelines.

The Request for Applications (RFA) will be available electronically beginning January 26, 2018 on the CAH website at <http://dcarts.dc.gov/>. Applicants may only apply online. The deadline for applications is March 2, 2018.

For more information, please contact:

Heran Sereke-Brhan
Senior Grants Officer
DC Commission on the Arts and Humanities
200 I (EYE) St. SE,
Washington, DC 20003
(202)724-5613
heran.sereke-brhan2@dc.gov

**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

January 2018

| CONTACT PERSON | BOARDS AND COMMISSIONS | DATE | TIME/ LOCATION |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------|-------------|-----------------------|
| Grace Yeboah Ofori | Board of Accountancy | 5 | 8:30am-12:00pm |
| Patrice Richardson | Board of Appraisers | 17 | 8:30am-4:00pm |
| Patrice Richardson | Board Architects and Interior Designers | 26 | 8:30am-1:00pm |
| Andrew Jackson | Board of Barber and Cosmetology | 8 | 10:00am-2:00pm |
| Sheldon Brown | Boxing and Wrestling Commission | 18 | 7:00pm-8:30pm |
| Brittani Strozier | Board of Funeral Directors | 4 | 9:30am-2:00pm |
| Avis Pearson | Board of Professional Engineering | 25 | 9:30am-1:30pm |
| Patrice Richardson | Real Estate Commission | 9 | 8:00am-4:00pm |
| Jennifer Champagne | Board of Industrial Trades | 16 | 1:00pm-4:00pm |
| | Asbestos Electrical Elevators Plumbing Refrigeration/Air Conditioning Steam and Other Operating Engineers | | |

Dates and Times are subject to change. All meetings are held at 1100 4th St., SW, Suite E-300 A-B Washington, DC 20024. For further information on this schedule, please contact the front desk at 202-442-4320.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Architecture, Interior Design and Landscape Architecture
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**January 26, 2018
9:30 AM**

1. Call to Order – 9:30 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, December 9, 2016
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – March 9, 2018 at 9:30 a.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Real Estate Appraisers
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**January 17, 2018
10:00 AM**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, December 20, 2017
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – February 21, 2018 at 10:00 a.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**DC Board of Accountancy
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**Friday, January 5, 2018
9:00 AM**

1. Call to Order – 9:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Accept Meeting Minutes,
7. Executive Session - Pursuant to § 2-575(4) (a), (9) and (13) the Board will enter executive session to receive advice from counsel, review application(s) for licensure and discuss disciplinary matters.
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – February 2, 2018 at 9:00 a.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**DC Board of Barber and Cosmetology
1100 4th Street SW, 3rd floor conference room
Washington, DC 20024**

**Meeting Agenda
Monday, January 8, 2018
10:00 a.m.**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Applications for Licensure
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn

Next Scheduled Board Meeting – February 5, 2018

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**D.C. Board of Funeral Directors
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**Thursday, January 04, 2018
1:00 PM.**

1. Call to Order – 1:00 p.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Minutes, December 7, 2017
6. Motion - Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code § 2-575(b) (4) (A); D.C. Official Code § 2-575(b) (9) (13) (14) to discuss complaints/legal matters, applications and legal counsel report.
 - A. Applications
 - B. Complaints/Investigation
7. Old Business
 - A. OAG Investigations- warning letter sent to D.C. funeral homes
 - i. BBL and FHE license status update
 - B. Funeral Bill of Rights—casket price list
 - C. Chapter 30 & 31—“*making arrangements*” definition
8. New Business
9. Adjourn
10. Next Scheduled Board Meeting –February 1, 2018 at 1:00 p.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Board of Industrial Trades
1100 4th Street, S.W., Room 300
Washington, D.C. 20024**

**AGENDA
January 16, 2018**

1. Call to Order – 1:00 p.m.
2. Minutes - Draft, December 20, 2017
3. Comments from the Public
4. Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code §2-575(b)(4)(A); D.C. Official Code 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report.
5. Recommendations
6. Old Business
7. New Business
8. Adjourn

Next Scheduled Regular Board Meeting, February 20, 2018
1100 4th Street, SW, Room 300B, Washington, DC 20024

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Professional Engineers
1100 4th Street SW, Room 380
Washington, DC 20024**

AGENDA

January 25, 2018

10:00 A.M. (Application Review by Board Members)

11:00 A.M.

- 1) Call to Order – 11:00 a.m.
- 2) Attendance
- 3) Executive Session - Pursuant to § 2-575(4) (a), (9) and (13) the Board will enter executive session – Closed to the Public
 - Deliberation over applications for licensure
 - Review complaints and investigations
- 4) Comments from the Public
- 5) Review of Minutes
- 6) Recommendations
 - Applications for Licensure
 - Legal Committee Report
- 7) Old Business
- 8) New Business
- 9) Adjourn

Next scheduled meeting – February 22, 2018

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Real Estate Commission
1100 4th Street, S.W., Room 300
Washington, D.C. 20024**

AGENDA

January 9, 2018

1. Call to Order - 9:30 a.m. (Public Session)
2. Attendance (Public Session)
3. Executive Session (Closed to the Public) pursuant to the authority of D.C. Official Code Section 2-575(b)(4)(A) to seek the advice of counsel, D.C. Official Code Section 2-575(b)(9) to discuss disciplinary matters, and D.C. Official Code Section 2-775(b)(13) to deliberate upon a decision in an adjudication action or proceeding) – 9:30 am-10:00 am
 - A. Legal Committee Recommendations
 - B. Review – Applications for Licensure
4. (Public Session) – 10:00 a.m.
5. Comments from the Public
6. Minutes - Draft, December 12, 2017
7. Recommendations
 - A. Review - Applications for Licensure
 - B. Legal Committee Report
 - C. Education Committee Report
 - D. Budget Report
 - E. 2018 Calendar
 - F. Correspondence
8. Old Business
9. Report – Property Management Task Force
10. New Business
11. Adjourn

Next Scheduled Regular Meeting, February 13, 2018
1100 4th Street, SW, Room 300B, Washington, DC 2002

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT ON DISABILITY SERVICES

NOTICE OF BI-MONTHLY PUBLIC MEETINGS

D.C. State Rehabilitation Council to Hold Bi-Monthly Public Meetings in 2018

**Department on Disability Services
Rehabilitation Services Administration
One Independence Square
250 E Street, SW
First Floor Conference Room
Washington, DC 20024**

The D.C. State Rehabilitation Council (SRC) will hold public meetings regarding the operation of the D.C. State Vocational Rehabilitation Program, as mandated by the Rehabilitation Act of 1973, as amended. The following public meetings are to be conducted from 9:30 am – 12:00 noon.

| Dates | Location |
|------------------------------|-----------------------------|
| Thursday, January 18, 2018 | First Floor Conference Room |
| Thursday, March 8, 2018 | First Floor Conference Room |
| Thursday, May 10, 2018 | First Floor Conference Room |
| Thursday, July 12, 2018 | First Floor Conference Room |
| Thursday, September 13, 2018 | First Floor Conference Room |

Individuals who wish to attend should RSVP at least seven (7) days prior to the public meeting by contacting Cheryl Bolden by calling at 202-442-8411 or by email at cheryl.bolden@dc.gov.

If you require reasonable accommodations for attendance, please call 202-442-8432 at least two (2) weeks before the public meeting to ensure appropriate accommodations.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FUNDING AVAILABILITY

FY 2018 DCA Airplane Noise Assessment

The Department of Energy and Environment (the Department) seeks eligible entities for conducting an independent assessment of the impact of aircraft noise from arriving and departing airplanes at the Ronald Reagan Washington National Airport (DCA) on District communities due to NextGen implementation and to identify potential improvements to existing noise abatement programs. The amount available for the project is approximately \$135,000.

Beginning 1/12/2018, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

Download from the Department's website, www.doe.dc.gov. Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

Email a request to aqd.improgram@dc.gov with "Request copy of RFA 2018-1810-AQD" in the subject line.

Pick up a copy in person from the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call Emily Chimiak at (202) 535-2273 and mention this RFA by name.

Write DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Emily Chimiak RE:2018-1810-AQD" on the outside of the envelope.

The deadline for application submissions is Monday, February 12, 2018 at 4:30 p.m. Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to aqd.improgram@dc.gov.

Eligibility: All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Faith-based organizations;
- Government agencies
- Universities/educational institutions; and
- Private Enterprises.

For additional information regarding this RFA, write to: aqd.improgram@dc.gov.

**DEPARTMENT OF HEALTH
HEALTH REGULATION LICENSING ADMINISTRATION**

NOTICE OF MEETING

Board of Chiropractic

January 9, 2018

On January 9, 2018 at 1:30 pm, the Board of Chiropractic will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed at 2:30 pm to consult with the attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body, or to approve settlement agreements pursuant to 2-575(b)(4)(a); Preparation, administration, or grading of scholastic, licensing, or qualifying examinations pursuant to section 2-575(b)(6); To discuss disciplinary matters pursuant section 2-575(b)(9); To plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of the law or regulations, if disclosure to the public would harm the investigation pursuant to section 2-575(b)(14).

The meeting will be open to the public at 1:30 pm to discuss various agenda items and any comments and/or concerns from the public. After which the Board will reconvene in closed session to continue its deliberations at 2:30 pm.

The meeting location is 899 North Capitol Street NE, 2nd Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Chiropractic website www.doh.dc.gov/boc and select BOC Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board of Chiropractic – Frank Meyers, JD - (202) 724-8755.

DEPARTMENT OF INSURANCE, SECURITIES, AND BANKING**DISTRICT OF COLUMBIA FINANCIAL LITERACY COUNCIL****NOTICE OF PUBLIC MEETING**

The Members of the District of Columbia Financial Literacy Council (DCFLC) will hold a meeting 3:00 PM, Thursday, January 18, 2018. The meeting will be held at the DC Department of Insurance, Securities and Banking, 1050 First Street, NE, 8th Floor Conference Room, Washington, D.C. 20002. Below is the draft agenda for this meeting. A final agenda will be posted to the Department of Insurance, Securities, and Banking's website at <http://disb.dc.gov>. Please RSVP to Idriys J. Abdullah, idriys.abdullah@dc.gov, for additional information call (202) 442-7832 or e-mail idriys.abdullah@dc.gov

DRAFT AGENDA

- I.** Call to Order
- II.** Welcoming Remarks
- III.** Minutes of the Previous Meeting
- IV.** Unfinished Business
 - DC Financial Literacy Council Bi-Monthly E-Newsletter
 - DC Financial Literacy Council Website Content Update
 - Council Financial Literacy Recommendations Report
- V.** New Business
 - April Financial Literacy Month Conference
- VI.** Executive Session
- VII.** Adjournment

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA**NOTICE OF PROPOSED TARIFF****FORMAL CASE NO. 988, IN THE MATTER OF THE DEVELOPMENT OF UNIVERSAL SERVICE STANDARDS AND A UNIVERSAL SERVICE TRUST FUND FOR THE DISTRICT OF COLUMBIA**

1. The Public Service Commission of the District of Columbia (Commission), pursuant to its authority under D.C. Official Code § 34-802 (2001), and D.C. Official Code § 34-2003 (2017 Supp.) hereby gives notice of its intent to act upon the Application of Verizon Washington, DC Inc. (Verizon DC)¹ in the above-captioned matter. Pursuant to D.C. Official Code § 2-505 (2001), the Commission will act upon the Application in not less than 30 days after the date of publication of this Notice of Proposed Tariff (NOPT) in the *D.C. Register*.

2. On December 22, 2017, Verizon DC filed an application requesting authority to amend the following tariff page:

**GENERAL REGULATIONS TARIFF P.S.C.-D.C.-NO. 201
Section 1A, 11th Revised Page 3**

3. Verizon DC identifies the proposed tariff amendment as an update to its District of Columbia Universal Service Trust Fund (DC USTF) surcharge, which is required by Chapter 28 of the Commission's Rules of Practice and Procedure. The surcharge is being updated to true up the 2016-2017 payments with the amounts actually billed to customers, and to adjust the surcharge for the 2018 assessment. Verizon DC provides confidential calculations in its Attachment 1. Verizon DC notes that its calculations in Attachment 1 are based on an implementation date of April 1, 2018. Any differential will true-up in the next DC USTF surcharge filing pursuant to 15 DCMR § 2815.4.²

4. With the approval of this Application, the monthly per line surcharge will be \$0.05 per non-Centrex line and \$0.01 per Centrex line. Verizon DC represents that this Application decreases the surcharge \$0.02 for non-Centrex lines and does not change the surcharge for Centrex lines. Verizon DC requests approval of this tariff by mid-March, so that this tariff would become effective April 1, 2018.³

5. The complete text of this Application is on file with the Commission. The proposed tariff revision is on file with the Commission and may be reviewed at the Office of the Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street,

¹ *Formal Case No. 988, In the Matter of the Development of Universal Service Standards and the Universal Service Trust Fund for the District of Columbia*, District of Columbia Universal Service Trust Fund Surcharge Compliance Filing for 2018 (Verizon DC Application), filed December 22, 2017.

² Verizon DC Application at 2.

³ Verizon DC Application at 2.

NW, Suite 800, Washington, DC 20005 between the hours of 9:00 am and 5:30 pm Monday through Friday. Copies of Verizon DC's Application may be obtained by visiting the Commission's website at www.dcpsc.org. Once at the website, open the "eDocket" tab, click on the "Search database" and input "FC 988" as the case number and "1190" as the item number. Copies of the Verizon DC Application may also be purchased, at cost, by contacting the Commission Secretary at (202) 626-5150 or psc-commissionsecretary@dc.gov.

6. All persons interested in commenting on Verizon DC's Application may submit written comments and reply comments not later than 30 and 45 days, respectively, after publication of this notice in the *D.C. Register* with Brinda Westbrook-Sedgwick, Commission Secretary, at the above address. After the comment period has expired, the Commission will take final action on Verizon DC's Application.

**WASHINGTON CONVENTION AND SPORTS AUTHORITY
(T/A EVENTS DC)**

NOTICE OF PUBLIC MEETINGS

The Board of Directors of the Washington Convention and Sports Authority (t/a Events DC), in accordance with the District of Columbia Self-Government and Governmental Reorganization Act of 1973, D.C. Official Code §1-207.42 (2006 Repl., 2011 Supp.), and the District of Columbia Administrative Procedure Act of 1968, as amended by the Open Meetings Amendment Act of 2010, D.C. Official Code §2-576(5) (2011 Repl., 2011 Supp.), hereby gives notice that it has scheduled the following meetings for 2018:

January 11
February 8
March 8
April 12
May 10
June 14
July 12
September 13
October 11
November 8
December 13

With the exception of January 11, 2018, meetings take place in the Dr. Charlene Drew Jarvis Board Room of the Walter E. Washington Convention Center, 801 Mt. Vernon Place, N.W., Washington, D.C. 20001, beginning at 10:00 a.m. The meeting on January 11, 2018 will take place at the R.I.S.E. Demonstration Center, 2730 Martin Luther King Jr. Avenue, S.E., Washington, D.C. 20032, beginning at 8:45 a.m. The Board's agenda includes reports from its Standing Committees.

For additional information, please contact:

Sean Sands
Chief of Staff
Washington Convention and Sports Authority
t/a Events DC

(202) 249-3012
sean.sands@eventsdc.com

WASHINGTON GLOBAL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

Washington Global Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for the following services:

- Staffing Personnel Services

Proposal Submission

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than **4:00 p.m. EST on Monday, January 22, 2018**. Proposals should be emailed to bids@washingtonglobal.org.

No phone call submission or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Environmental Quality and Operations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Operations Committee will be holding a meeting on Thursday, January 18, 2018 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dcwater.com.

DRAFT AGENDA

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|-----|-------------------------------|-------------------------------------------------------------------|
| 1. | Call to Order | Committee Chairperson |
| 2. | AWTP Status Updates | Assistant General Manager, Plant Operations |
| | 1. BPAWTP Performance | |
| 3. | Status Updates | Chief Engineer |
| 4. | Project Status Updates | Director, Engineering & Technical Services |
| 5. | Action Items | Chief Engineer |
| | - Joint Use | |
| | - Non-Joint Use | |
| 6. | Water Quality Monitoring | Assistant General Manager, Consumer Services |
| 7. | Action Items | Chief Engineer Assistant General Manager, Consumer Services |
| 8. | Emerging Items/Other Business | |
| 9. | Executive Session | |
| 10. | Adjournment | Committee Chairperson |

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