

A BILL

20-153

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Health Occupations Revision Act of 1985 to require certification for dentists and dental facilities to administer general anesthesia or sedation, to authorize the Board of Dentistry to issue teacher’s licenses in dentistry and dental hygiene, to require certification for and regulate the practice of home health care administration, to change the name of the Board of Nursing Home Administration to the Board of Long Term Care Administration, to require licensure for and regulate the practice of Assisted Living Administration, to require the licensure for and regulate the practice of athletic trainers, and personal fitness trainers, to register and regulate assistants in the practice of audiology and speech-language pathology, to register and regulate the practice of speech-language pathology clinical fellows, to regulate the practice of veterinary medicine including doctors of veterinary medicine, veterinary technicians, and veterinary euthanasia technicians; to amend the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983 to require home care agencies to provide a nursing service; to amend Title 47 of the District of Columbia Official Code to establish licensure procedures and requirements for veterinary facilities; and to repeal the Veterinary Practice Act of 1982.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Omnibus Health Regulation Amendment Act of 2013”.

Sec. 2. Health Professional Licensure.

Sec. 101. The Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) Amend the table of contents as follows:

(1) Title II is amended as follows:

1 (A) Strike the phrase “Sec. 205. Board of Nursing Home
2 Administration.” and insert the phrase “Sec. 205. Board of Long Term Care Administration.” in
3 its place.

4 (B) Add two new designations for sections 221 and 222 to read as follows:

5 “Sec. 221. Board of Veterinary Medicine.

6 “Sec. 222. Board of Veterinary Medicine executive director.”.

7 (2) Title V is amended by adding a new designation for section 508b to read as
8 follows:

9 “Sec. 508b. License for dentistry and dental hygiene.”.

10 (3) Add a designation for a new Title VIII-D to read as follows:

11 “TITLE VIII-D.

12 “PRACTICE OF VETERINARY MEDICINE; VETERINARY EUTHANASIA
13 TECHNICIANS; VETERINARY TECHNICIANS

14 “Sec. 861. Practice of veterinary medicine; license requirement.

15 “Sec. 862. Qualifications for license to practice veterinary medicine.

16 “Sec. 863. Certification of veterinary technicians; restrictions.

17 “Sec. 864. Certification of veterinary euthanasia technicians; restrictions.”.

18 (4) Title IX is amended by adding new designations for sections 908 through 911
19 to read as follows:

20 “Sec. 908. Personal fitness trainer.

21 “Sec. 909. Audiology assistants.

1 “Sec. 910. Speech-language pathology assistants.

2 “Sec. 911. Speech-language pathology clinical fellows.”.

3 (5) Title XII is amended by adding a new designation for section 1205 to read as
4 follows:

5 “Sec. 1205. Individuals already practicing.”.

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

7 (1) Amend paragraph (1) by striking the phrase “Board of Nursing Home
8 Administration” and inserting the phrase “Board of Long Term Care Administration” and by
9 striking the phrase “or the Board of Social Work,” and inserting the phrase “the Board of Social
10 Work, or the Board of Veterinary Medicine”.

11 (2) Amend paragraph (1A) by striking the phrase “Board of Nursing Home
12 Administration” and inserting the phrase “Board of Long Term Care Administration”.

13 (3) Add new paragraphs (16), (17), (18), and (19) to read as follows:

14 “(16) “Veterinarian” means a person who is a graduate of a school of veterinary
15 medicine and has received a doctorate in veterinary medicine or its equivalent.

16 “(17) “Veterinary euthanasia technician” means a person certified by the Mayor
17 to euthanize animals within the District.

18 “(18) “Veterinary facility” means a fixed or mobile establishment where
19 veterinary medicine is practiced. This term shall not include:

1 “(A) Wildlife rehabilitation facilities, as defined in section 4 of the
2 Omnibus Health Regulation Amendment Act of 2013, as introduced February 28, 2013 (D.C.
3 Bill 20-153), and;

4 “(B) Animal shelters, as defined in section 4 of the Omnibus Health
5 Regulation Amendment Act of 2013, as introduced February 28, 2013 (D.C. Bill 20-153).

6 “(19) “Veterinary technician” means a person certified by the Mayor to perform
7 acts relating to maintenance of the health or treatment of an animal, except for the performance
8 of surgery, diagnosis, or prescribing of medication for any animal.”.

9 (c) Section 102 (D.C. Official Code § 3-1201.02) is amended as follows:

10 (1) Add new paragraphs numbered (2A-1) and (2A-2) to read as follows:

11 “(2A-1)(A) “Practice of assisted living administration” means planning,
12 organizing, directing, and controlling the operation of an assisted living residence.

13 “(B) For the purposes of this chapter, the term:

14 “(i) “Assisted living administrator” or “ALA” means a person who
15 oversees the day-to-day operation of the facility, including compliance with all regulations for
16 licensed assisted living residences.

17 “(ii) “Assisted living residence” has the same meaning as the same
18 term used in section 201 of the Assisted Living Residence Regulatory Act of 2000, effective
19 June 24, 2000 (D.C. Law 13-127; D.C. Official Code § 44-102.01(3)).

20 “(2A-2)(A) “Practice of athletic training” means any of the following:

21 “(i) The treatment of an athletic injury that is:

1 “(a) For an athlete whose condition is within the professional and educational ability of
2 the licensed athletic trainer; and

3 “(b) Performed under the general supervision of a physician who has issued any written
4 order, protocol, or recommendation for an athletic injury;

5 “(ii) The immediate treatment of athletic injuries, including
6 common emergency medical situations;

7 “(iii) The provision of education, guidance, and counseling to
8 athletes, coaches, parents of athletes, and athletic communities regarding athletic training and the
9 prevention, care, and treatment of athletic injuries; and

10 “(iv) The organization and administration of athletic training
11 programs.

12 “(B) Nothing in subparagraph (A) of this paragraph shall be construed as
13 authorizing:

14 “(i) The diagnosis of a physical disability, massaging of the
15 superficial soft tissues of the body or the use of X rays, radium or electricity for cauterization or
16 surgery by an athletic trainer;

17 “(ii) Treatment or rehabilitation of neurologic injuries, conditions,
18 or disease other than the preventative and emergency medical treatment authorized by
19 subparagraphs (A)(i) and (A)(ii); and

20 “(iii) The expansion of treatment beyond the determination of the
21 supervising physician.

1 “(C) Nothing in subparagraph (A) of this paragraph shall be construed as
2 preventing or restricting:

3 “(i) The lawful practice of a licensed health care professional
4 under the scope of his or her license, provided he or she does not hold himself or herself out as
5 an athletic trainer;

6 “(ii) Self-care by a patient, the provision of basic first aid services
7 by an individual, or the gratuitous care by a friend or family member who does not represent
8 himself or herself as an athletic trainer;

9 “(iii) The lawful practice of a personal trainer registered with the
10 Mayor, provided the person does not represent himself or herself as an athletic trainer or provide
11 athletic trainer services, and treatment of any athletic injuries is limited to the provision of basic
12 first aid;

13 “(iv) Coaches and physical education instructors, health or
14 recreation directors, health club or spa instructors, and water safety instructors that are
15 supervising athletic activities, exercise, aerobics, weightlifting, water safety, and other
16 recreational physical activities, provided the person does not represent himself or herself as an
17 athletic trainer or provide athletic trainer services, and if any treatment of athletic injuries is
18 limited to the provision of basic first aid;

19 “(v) The activities of athletic training students acting under the
20 direction of an athletic trainer licensed, certified, or registered in any state, provided that the

1 students are designated by a title which clearly indicates their status as athletic training students;
2 or

3 “(vi) The activities of athletic trainers from other nations, states, or
4 territories when performing their duties for their respective teams or organizations and only
5 during the course of their team's or organization's stay in the District, provided that the athletic
6 trainers are currently licensed, certified, or registered, in any state or Canada, or are currently
7 certified by the National Athletic Trainers Association Board of Certification, Inc., or its
8 successor.

9 “(D) For purposes of this section, the term:

10 “(i) ““Athlete” means:

11 “(I) A person participating in, or preparing for a
12 competitive team or individual sport or other athletic activity being conducted by an educational
13 institution, professional athletic organization, or a board sanctioned amateur athletic
14 organization; or

15 “(II) A member of an athletic team.

16 “(ii) “Athletic injury” means a musculoskeletal injury suffered
17 by an athlete resulting from or limiting participation in or training for scholastic, recreational,
18 professional or amateur athletic activities.

19 “(iii) “Treatment” means the prevention, evaluation, recognition,
20 management, treatment, rehabilitation, or reconditioning of an athletic injury, including the
21 usage of appropriate preventative and supportive devices, temporary splinting and bracing,

1 physical modalities of heat, cold, light, massage, water, electric stimulation, sound, and exercise
2 equipment for which an athletic trainer has received appropriate training or education.

3 “(E) Any person who holds a license pursuant to this chapter as an athletic
4 trainer "licensed athletic trainer" and may use the letters "LAT" or “AT” in connection with the
5 person's name to denote licensure hereunder, and unlicensed persons are prohibited from using in
6 connection with their name or business activity the words "athletic trainer," "trainer," "certified
7 athletic trainer," and "licensed athletic trainer.".

8 (2) Repeal paragraph (2B)(B) (D.C. Official Code § 3-1201.02(2B)(B)).

9 (3) Add a new paragraph (2C) (D.C. Official Code § 3-1201.02(2C)) to read as
10 follows:

11 “(2C) “Practice by an audiology assistant” means assisting a licensed audiologist
12 in implementing audiology care and treatment plans for patients under the direct supervision and
13 direction of the licensed audiologist.”.

14 (4) Add a new paragraph (5A) to read as follows:

15 “(5A)(A) “Practice of home health care administration” means planning,
16 organizing, directing and controlling the provision of skilled and paraprofessional home health
17 care, including related services, to individuals in out-of-hospital settings, such as private homes,
18 boarding homes, hospices, and shelters.

19 “(B) The term “home health care administrator” means a person who
20 oversees the day-to-day operation of the provision of home health care, including compliance
21 with all regulations for home care agency and home health agency administration.”.

ENGROSSED ORIGINAL

1 (5) Repeal paragraph (19)(D)(D.C. Official Code § 3-1201.02(19)(D)).

2 (6) Add new paragraphs (19A) and (19B) to read as follows:

3 “(19A) “Practice by a speech-language pathology assistant” means assisting a
4 licensed speech-language pathologist in implementing speech-language pathology care and
5 treatment plans for patients under the direct supervision and direction of the licensed speech-
6 language pathologist.

7 “(19B) “Practice by a speech-language pathology clinical fellow” means the
8 practice of speech-language pathology by a participant in a clinical fellowship that meets the
9 definition set forth in section 2(t) of the Omnibus Health Regulation Amendment Act of 2013, as
10 introduced February 28, 2013 (D.C. Bill 20-153).”.

11 (7) Add a new paragraph (21) to read as follows:

12 “(21) “Practice of veterinary medicine” means:

13 “(A) The diagnosis, prognosis, prevention, testing, or treatment of a
14 disease, pain, deformity, defect, injury, or any other physical condition of an animal;

15 “(B) Performing a surgical, medical, or dental procedure, or rendering
16 surgical, medical, or dental aid to, for, or upon an animal;

17 “(C) The practice of another branch or specialty of medicine or health care
18 on an animal; or

19 “(D) Prescribing, administering, or dispensing of drugs or medications for
20 use on animals or for euthanasia of an animal.”.

ENGROSSED ORIGINAL

1 (d) Section 103(c)(3) (D.C. Official Code § 3-1201.03(c)(3)) is amended by striking the
2 phrase “Performed at a hospital,” and replacing it with the phrase “Performed at a hospital,
3 veterinary facility.”.

4 (e) Section 103(e)(2) (D.C. Official Code § 3-1201.03(e)(2)) is amended to read as
5 follows:

6 “(2) At a hospital, nursing home, health facility, or veterinary facility operated by
7 the District or federal government, or other health care facility or veterinary facility considered
8 appropriate by the Board; and”.

9 (f) Section 201 (D.C. Official Code § 3-1202.01) is amended as follows:

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

11 “(b) The Board of Dentistry shall regulate the practices of dentistry and dental hygiene
12 and dental assistants, shall issue teaching licenses as provided under Title III of this act, and shall
13 issue certifications to dentists and facilities where dentistry is practiced to permit a dentist to
14 administer general or sedation anesthesia.”.

15 (2) Add a new subsection (g) to read as follows:

16 “(g) The Board of Dentistry may adopt regulations governing:

17 “(1) The administration of general anesthesia by a licensed dentist;

18 “(2) The administration of sedation by a licensed dentist; 1

19 “(3) The issuance of a certification to a facility where a dentist administers or has
20 general anesthesia or sedation administered; and

ENGROSSED ORIGINAL

1 “(4) The issuance of a certification to a dentist who administers or has general
2 anesthesia or sedation administered.

3 (g) Section 205 (D.C. Official Code § 3-1202.05) is amended to read as follows:

4 “(a) There is established a Board of Long Term Care Administration to consist of 7
5 members appointed by the Mayor with the advice and consent of the Council.

6 “(b) The Board shall regulate the practice of nursing home the practice of assisted living
7 administration, and the practice of home health care administration.

8 “(c) Of the members of the Board, 2 shall be nursing home administrators licensed in the
9 District, one shall be an assisted living administrator licensed in the District, one shall be an
10 educator from an institution of higher learning engaged in teaching health care administration,
11 one shall be an allied health professional licensed in the District who has a demonstrated interest
12 in long-term care, one shall be a health professional licensed in the District who has experience
13 in long term care such as a social worker or other long term care professional such as a home
14 health care administrator, and one shall be a consumer member.

15 “(d) Except as provided in subsection (e) of this section, members of the Board shall be
16 appointed for terms of 3 years.

17 “(e) Of the members initially appointed under this section, 2 shall be appointed for a term
18 of one year, 2 shall be appointed for a term of 2 years, and 3 shall be appointed for a term of 3
19 years. The terms of the members first appointed shall begin on the date that a majority of the first
20 members are sworn in, which shall become the anniversary date for all subsequent

1 appointments.”.

2 (h) Section 209(b) (D.C. Official Code § 3-1202.09(b)) is amended to read as follows:

3 “(b) The Board shall regulate the practice of physical therapy and the practice of athletic
4 training, including practices by physical therapist assistants and by personal fitness trainers.”.

5 (i) Section 218 (D.C. Official Code § 3-1202.18) is amended as follows:

6 (1) Amend subsection (b) to read as follows:

7 “(b) The Board shall regulate the practice of audiology, the practice of audiology and
8 speech-language pathology assistants, and the practice of speech-language pathology clinical
9 fellows.”

10 (2) Amend subsection (d) is by striking the first sentence and inserting the
11 sentence “Of the members of the Board, 2 shall be practicing audiologists, 3 shall be practicing
12 speech-language pathologists, and 2 shall be consumer members with no direct affiliation with
13 either the practice of audiology or the practice of speech-language pathology or other health
14 profession.” in its place.

15 (j) Add new sections 221 and 222 to read as follows:

16 “Sec. 221. Board of Veterinary Medicine.

17 “(a) There is established a Board of Veterinary Medicine to consist of 5 members
18 appointed by the Mayor with the advice and consent of the Council.

19 “(b) The Board shall regulate the practices of veterinarians, veterinary technicians, and
20 veterinary euthanasia technicians in the District of Columbia.

ENGROSSED ORIGINAL

1 “(c) Of the members of the Board, 3 shall be licensed veterinarians, one shall be a
2 veterinary technician and one shall be a consumer.

3 “(d) Except as provided in subsection (e) of this section, members of the Board shall be
4 appointed for terms of 3 years.

5 “(e) The members of the Board of Veterinary Examiners serving on the effective date of
6 the Omnibus Health Regulation Amendment Act of 2013, as introduced February 28, 2013 (D.C.
7 Bill 20-153), shall become members of the Board of Veterinary Medicine and shall continue to
8 serve on the Board of Veterinary Medicine for the remainder of their terms.”.

9 “(f) The Board shall advise the Mayor with respect to the regulation of veterinary
10 facilities.”.

11 “Sec. 222. Board of Veterinary Medicine executive director.

12 “The Mayor shall appoint an executive director to implement and administer the orders of
13 the Board of Veterinary Medicine in accordance with the Omnibus Health Regulation
14 Amendment Act of 2013, as introduced February 28, 2013 (D.C. Bill 20-153) and the rules and
15 regulations issued pursuant to the Omnibus Health Regulation Amendment Act of 2013, as
16 introduced February 28, 2013 (D.C. Bill 20-153).”.

17 (k) Section 401(b)(2) (D.C. Official Code § 3-1204.01(b)(2)) is amended by adding a
18 sentence at the end of the paragraph to read as follows: “The veterinary technician member
19 initially appointed to the Board of Veterinary Medicine shall be eligible for and shall file a
20 timely application for certification in the District.”.

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

1 “(a) A license issued pursuant to this title is required to practice acupuncture, advanced
2 practice addiction counseling, assisted living administration, audiology, chiropractic, dental
3 hygiene, dentistry, dietetics, home health care administration, marriage and family therapy,
4 massage therapy, medicine, naturopathic medicine, nutrition, nursing home administration,
5 occupational therapy, optometry, pharmaceutical detailing, pharmacy, physical therapy, podiatry,
6 practical nursing, professional counseling, psychology, registered nursing, respiratory care,
7 social work, speech-language pathology, veterinary medicine, or to practice as an
8 anesthesiologist assistant, athletic trainer, personal fitness trainer, physician assistant, physical
9 therapy assistant, polysomnographic technologist, occupational therapy assistant, or surgical
10 assistant in the District, except as otherwise provided in this chapter. Registration is required to
11 practice as audiology assistant, dental assistant, nursing assistive personnel, psychology
12 associate, polysomnographic technician or trainee, speech-language pathology assistant, or
13 speech-language pathology clinical fellow. Certification is required to practice as an addiction
14 counselor I, addiction counselor II, advanced practice registered nursing, veterinary technician,
15 or a veterinary euthanasia technician. Except for administering general or sedation anesthesia in
16 a hospital as defined in Section 2(a)(1) of the Health-Care and Community Residence Facility
17 Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48;
18 D.C. Official Code § 44-501(a)(1)), a federal agency or facility, or a dental school; certification
19 is required for a dentist, or for a facility where dentistry is practiced, to administer general or
20 sedation anesthesia.”.

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

ENGROSSED ORIGINAL

1 (1) Strike the phrase “providing care to an individual or group” and insert the
2 phrase “providing care to an individual, an animal, or group”.

3 (2) Strike the phrase “consultation by or on behalf of a specific patient or client to
4 visit, examine, treat, or advise the specific patient or client in the District,” and insert the phrase
5 “consultation by or on behalf of a specific patient, animal, or client to visit, examine, treat, or
6 provide advice regarding the specific patient, animal, or client in the District,”.

7 (n) Section 502(b) (D.C. Official Code § 3-1205.02(b)) is amended by striking the word
8 “patients or clients” and inserting the phrase “patients, animals, or clients”.

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

10 (1) Amend paragraph (f)(1) by striking the phrase “Board of Nursing Home
11 Administration” and inserting the phrase “Board of Long Term Care Administration” in its place.

12 (2) Add a new subsection (r) to read as follows:

13 “(r)(1) An individual applying for a license to practice as an athletic trainer under this act
14 shall establish to the satisfaction of the Board of Physical Therapy that the individual has:

15 “(A) Successfully obtained at least a baccalaureate degree from a 4-year
16 college or university that is accredited by an agency recognized for that purpose by the United
17 States Department of Education and has met the minimum athletic training curriculum
18 requirements established by the Mayor by rulemaking;

19 “(B) Successfully completed the certification examination administered by
20 the National Athletic Trainers Association Board of Certification, or its successor, or an
21 equivalent organization approved or recognized by the Board of Physical Therapy; and

1 “(C) Successfully completed any other requirements for licensure as
2 determined by rules issued pursuant to section 302 of this act.

3 “(2) The Board of Physical Therapy shall waive the requirement of a
4 baccalaureate degree for an applicant holding a license, certification, or registration, in good
5 standing, in another state to engage in the practice of athletic training, if that state maintains
6 qualifications for licensure, certification, or registration that are substantially equivalent to those
7 required in the District, and gives similar reciprocity to the licensees of the District.”.

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

10 “Sec. 508b. Teaching license for dentistry and dental hygiene.

11 “(a) A dentist is eligible for a teacher’s license if the dentist, in addition to meeting the
12 requirements of Title V of the Health Occupations Revision Act of 1985, effective March 25,
13 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*, meets the following criteria:

14 “(1) Is of good moral character and professionally competent;

15 “(2) Is at least 21 years of age;

16 “(3) Holds a Degree of Doctor of Dental Surgery, Doctor of Dental Medicine, or
17 its equivalent, from a college or university that is authorized by any state of the United States or
18 any province of Canada to grant a degree and is recognized by the Board of Dentistry as
19 requiring adequate professional collegiate training and as maintaining an acceptable course of
20 dental instruction;

21 “(4) Is licensed to practice dentistry in any other state; and

1 “(5) Submits a complete application for licensure, along with the requisite fee, to
2 the Board.

3 “(b) A dentist who does not meet the criteria set forth in subsection (a) may be eligible
4 for a dental teacher’s license, provided that the dean of the dental school where the dentist will
5 practice requests that the dentist be granted the license and circumstances exist that justify
6 granting the request, if the dentist meets the following criteria:

7 “(1) Is at least 21 years of age;

8 “(2) Holds a Degree of Doctor of Dental Surgery, Doctor of Dental Medicine, or
9 an equivalent degree from a school, college or faculty of dentistry;

10 “(3) Demonstrates that the applicant has had at least 2 years of clinical dental
11 experience;

12 “(4) Is of good moral character and professionally competent; and

13 “(5) Submits a complete application for licensure, along with the requisite
14 fee, to the Board.

15 “(c) An applicant for a teacher’s license in dentistry shall:

16 “(1) Have completed an educational program in the practice of dentistry at an
17 institution recognized by the Commission on Dental Accreditation of the American Dental
18 Association (“CODA”); or demonstrate to the satisfaction of the Board that the applicant’s
19 education and training are substantially equivalent to the requirements of this subsection.

20 “(2) Have successfully completed Part I and Part II of the examination of the Joint
21 Commission on National Dental Examinations; and

1 “(3) Have an appointment or a promise of an appointment as a full-time or part-
2 time faculty member at an accredited dental school located in the District of Columbia and the
3 institution where the dentist is appointed provides documentation satisfactory to the Board of the
4 appointment.

5 “(d) The Board may grant a teacher’s license in dental hygiene if it finds that:

6 “(1) The applicant has completed an educational program in the practice of dental
7 hygiene of at least 2 academic years at an institution recognized by the CODA at the time the
8 applicant graduated; or the applicant demonstrates to the satisfaction of the Board that the
9 applicant’s education and training are substantially equivalent to the requirements of this section;

10 “(2) The applicant submits evidence satisfactory to the Board that the applicant
11 has been actively engaged in the practice of dental hygiene for the 3 years immediately
12 preceding the application, and has at least 150 hours of active dental hygiene practice;

13 “(3) The applicant is found to be of good moral character and professionally
14 competent;

15 “(4) The applicant has successfully completed the National Board of Dental
16 Hygiene Examination; and

17 “(5) The applicant will be appointed to a full-time or part-time faculty position at
18 an accredited dental school located within the District of Columbia and the institution provides
19 documentation satisfactory to the Board of the appointment.

20 “(e) While it is effective, a teacher’s license in dentistry issued under this title authorizes
21 the licensee to:

ENGROSSED ORIGINAL

1 “(1) Teach dentistry at only the institution named on the license; and

2 “(2) Practice only at the institution named on the license to the same extent as
3 other faculty members who hold general licenses to practice dentistry, provided that a licensed
4 dentist employed by the school provides general supervision in all clinical practice. For the
5 purposes of this subsection, “general supervision” means that a licensed dentist is physically
6 present or available by telecommunications device to supervise the holder of a teacher’s license
7 in dentistry.

8 “(f) While it is effective, a teacher’s license in dental hygiene issued under this title
9 authorizes the licensee to:

10 “(1) Teach dental hygiene only at the institution named on the license; and

11 “(2) Practice dental hygiene only at the institution named on the license, and only
12 under the direct supervision of a licensed dentist employed by the institution named on the
13 license. For the purposes of this subsection, “direct supervision” means that a licensed dentist is
14 physically present and reviews the work of the holder of a teacher’s license in dental hygiene
15 before a patient leaves.

16 “(g) A teacher’s license in dentistry or dental hygiene shall expire on the earlier of:

17 “(1) The date set by the Board, unless the license is renewed for an additional
18 term; or

19 “(2) The date when the licensee ceases to be a full-time or part-time faculty
20 member at the institution named on the license.

1 “(h) The holder of a teacher’s license in dentistry or dental hygiene shall surrender the
2 license to the Board within 30 days of ceasing to be a full-time or part-time faculty member at
3 the institution named on the license.

4 “(i) A holder of a teacher’s license in dentistry shall comply with all the requirements for
5 the practice of dentistry under this act and the holder of a teacher’s license in dental hygiene
6 shall comply with all the requirements for the practice of dental hygiene under this act.”.

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

8 (1) Strike the word “or” at the end of paragraph (45).

9 (2) Strike the phrase “administrator.” in paragraph (46) and insert the phrase
10 “administrator;” in its place.

11 (3) Add 4 new paragraphs numbered (47) through (50) to read as follows:

12 “(47) Acts fraudulently or dishonestly in the application or reporting of a test for
13 animal disease;

14 “(48) Fails to report, as required by law, or makes a false report of, a contagious
15 or infectious disease;

16 “(49) Willfully neglects or misrepresents the inspection of food-stuffs or the
17 issuance of health or inspection certificates; or

18 “(50) Knowingly or negligently tortures, beats, or mutilates an animal, kills or
19 injures an animal, or deprives an animal of necessary food, water, or shelter.”.

20 (r) Section 515(a)(1)(D) (D.C. Official Code § 3-1205.15(a)(1)(D)) is amended by
21 striking the phrase “presents an imminent danger to the health and safety of the public” and

1 inserting the phrase “presents an imminent danger to the health and safety of the public or to
2 animals” in its place.

3 (s) A new title VIII-D is added to read as follows:

4 “TITLE VIII-D.

5 “QUALIFICATION FOR LICENSURE TO PRACTICE VETERINARY MEDICINE;
6 CERTIFICATION FOR VETERINARY EUTHANASIA TECHNICIANS AND
7 VETERINARY TECHNICIANS

8 “Sec. 861. Practice of veterinary medicine; license requirement.

9 “(a) A person shall not engage in the practice of veterinary medicine without being
10 licensed by the Board of Veterinary Medicine.

11 “(b) A license shall not be required for:

12 “(1) An employee or agent of the federal or District governments while
13 performing his or her official duties, provided that a person exempt under this paragraph shall
14 not perform surgical operations;

15 “(2) Experimentation and scientific research in connection with the study and the
16 development of methods and techniques, directly or indirectly related or applicable to the
17 problems or to the practice of veterinary medicine, when conducted by the federal or District
18 governments;

19 “(3) A merchant or manufacturer for the sale, at his or her regular place of
20 business, of medicine, feed, appliances, or other products used to prevent or treat animal
21 diseases;

1 “(4) A person engaging in scientific research that reasonably requires
2 experimentation with animals as permitted under federal law;

3 “(5) A licensed wildlife rehabilitator licensed in any state or the District to
4 provide wildlife rehabilitation, provided that a rehabilitator shall not perform surgery, diagnose,
5 or prescribe medication, and may only perform services on indigenous wild animals.”.

6 “Sec. 862. Qualifications for license to practice veterinary medicine.

7 “(a) The Board of Veterinary Medicine shall license to practice veterinary medicine a
8 person who, in addition to meeting the requirements of Title V of the Health Occupations
9 Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01
10 *et seq.*):

11 “(1) Is a graduate of a school of veterinary medicine approved by the Board;

12 “(2) Has passed an examination as prescribed by the Board to determine the
13 person’s competence to engage in the practice of veterinary medicine; and

14 “(3) Has not been convicted of a crime involving moral turpitude or animal
15 cruelty.

16 “(b)The Board may waive the examination requirements of this section upon the request
17 of any applicant for licensure, when that applicant has:

18 “(1) Submitted a properly completed application and paid the requisite application
19 fees; and

1 “(2) Demonstrated that he or she has passed an examination in a state or territory
2 of the United States where the requirements for licensure are deemed by the Board to be
3 substantially equivalent to those in the District; and

4 “(3) Demonstrated that he or she has maintained a license in good standing and
5 has practiced continuously in the jurisdiction for the 12 months preceding the date of application.

6 “(c) The Board shall, upon receipt of a properly completed application and in addition to
7 meeting the requirements of Title V of the Health Occupations Revision Act of 1985, effective
8 March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), issue a license to
9 engage in the practice of veterinary medicine in the District to a graduate of a foreign school of
10 veterinary medicine who has:

11 “(1) Graduated from a school of veterinary medicine that is accredited by the
12 jurisdiction in which it is located;

13 “(2) Submitted proper credentials to the Board as may be determined in rules
14 issued by the Mayor; and

15 “(3) Passed a written examination as required by the Board to determine the
16 person’s competency to engage in the practice of veterinary medicine.”

17 “(d) Any person licensed to practice veterinary medicine pursuant to the Veterinary
18 Practice Act of 1982, effective March 9, 1983 (D.C. Law 4-171; D.C. Official Code §3-501 *et*
19 *seq.*), shall be considered to be licensed under this chapter.

20 “Sec. 863. Certification of veterinary technicians; restrictions.

1 “(a) A person shall not engage in activities related to maintaining the health or
2 treatment of an animal unless certified by the Board of Veterinary Medicine as a veterinary
3 technician.

4 “(b) A person certified as a veterinary technician may provide only veterinary technician
5 services, as prescribed by the Mayor through rulemaking, and only under the general supervision
6 of a veterinarian licensed in the District.

7 “(c) A person certified as a veterinary technician shall not receive compensation for
8 performing veterinary technician services, except that a certified veterinary technician may
9 receive a salary or other compensation paid by an employing veterinarian, veterinary facility,
10 shelter, humane society, animal control facility, or wildlife rehabilitation facility.

11 “Sec. 864. Certification of veterinary euthanasia technicians; restrictions.

12 “(a) No person may euthanize an animal without first obtaining certification by the Board
13 of Veterinary Medicine as a veterinary euthanasia technician.

14 “(b) A person certified as a veterinary euthanasia technician shall not provide veterinary
15 euthanasia services except while under the general supervision of a veterinarian licensed in the
16 District.

17 “(c) A certified veterinary euthanasia technician shall only provide services related to the
18 humane euthanasia of an animal as prescribed by rulemaking promulgated by the Mayor.

19 “(d) A person certified as a veterinary euthanasia technician shall not receive
20 compensation for performing veterinary euthanasia technician services, except that a certified
21 veterinary euthanasia technician may receive a salary or other compensation paid by an

1 employing veterinarian, veterinary facility, humane society, animal shelter, animal control
2 facility, or wildlife rehabilitation facility.

3 “Sec. 865. Definitions.

4 “For the purposes of this section, the term “general supervision” means that the services
5 of the technician are provided under the direction of a licensed veterinarian, and the veterinarian
6 is accessible and available to the technician via a telephone communication device or on the
7 premises.”.

8 (t) New sections 908 through 911 are added to read as follows:

9 “Sec. 908. Personal fitness trainer.

10 “(a) A person who practices or offers to practice as a personal fitness trainer in the
11 District shall register with the Mayor on forms prescribed by the Mayor, reregister at intervals
12 the Mayor may require by rule, and pay the registration fee established by the Mayor.

13 “(b) For the purposes of this section, “personal fitness trainer” means a person who
14 develops and implements an individualized approach to exercise, including personal training and
15 instruction in physical fitness and conditioning for an individual and a person who performs
16 similar physical fitness training regardless of the designation used.

17 “(c) Nothing in subsection (a) of section shall be construed as preventing or restricting:

18 “(1) The lawful practice of a licensed health care professional under the scope of
19 his or her license;

1 “(2) Self-training by an individual or the gratuitous personal fitness training
2 services by a friend or family member who does not represent himself or herself as an personal
3 fitness trainer;

4 “(3) The lawful practice of an athletic trainer licensed by the Mayor, provided the
5 person does not represent himself or herself as an personal fitness trainer or providing personal
6 fitness training services;

7 “(4) Coaches and physical education instructors, health or recreation directors,
8 health club or spa instructors, and water safety instructors that are supervising athletic activities,
9 exercise, aerobics, weightlifting, water safety, and other recreational physical activities, provided
10 the person does not represent himself or herself as an athletic trainer or provide personal fitness
11 trainer services;

12 “(5) The activities of personal fitness training students acting under the direction
13 of a personal fitness trainer registered with the Mayor, provided that the students are designated
14 by a title which clearly indicates their affiliation and status as personal fitness training students.

15 “(d) Any person registered with the Mayor pursuant to this chapter as a personal fitness
16 trainer may use the letters “PFT” or “RPFT” in connection with their name to denote registration
17 hereunder, and unregistered persons are prohibited from using such letters in connection with
18 their name and business activity, or the words “personal trainer,” “trainer,” “registered personal
19 trainer,” and “certified personal trainer,” or “licensed personal trainer.”

20 “(e) Registered personal trainers may not use the letters “RPT,” or “PT” in connection
21 with their name to denote registration hereunder.

1 “(f) Persons holding a valid physical therapy license under this chapter are exempt from
2 provisions of this section.”

3 “Sec. 909. Audiology assistants.

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

5 “(1) “Audiology assistant” means an individual who is registered with the Board
6 of Audiology and Speech Language Pathology to engage in practice as an audiology assistant.

7 “(2) “Direct supervision” means on-site and personal oversight by a licensed
8 audiologist who assumes responsibility for an audiology assistant’s conduct in the audiology
9 office or treatment facility, personally diagnoses the condition to be treated, personally
10 authorizes procedures, remains in the audiology office or treatment facility while the procedures
11 are being performed by the audiology assistant, and personally evaluates the performance of the
12 audiology assistant before dismissal of the patient.

13 “(b) A person who practices as an audiology assistant shall be registered with the Board
14 according to rules adopted by the Mayor, shall renew the registration as required by rule, and
15 shall pay the required registration fee established by the Board.

16 “(c) To be eligible for registration as an audiology assistant, a person shall provide proof
17 acceptable to the Board that he or she:

18 “(1) Meets the minimum qualifications established by the Mayor through
19 rulemaking;

20 “(2) Has graduated from an accredited college or university with at least an
21 associate’s degree based on a program of studies primarily focusing on audiology or hearing

1 sciences and disorders, or a program determined by the Board to be substantially equivalent in
2 subject matter and extent of training to an associate's degree in audiology;

3 “(3) Has successfully completed the clinical observation hours and supervised
4 clinical assisting experience hours required by regulations adopted by the Mayor; and

5 “(4) Has paid the required registration fee.

6 “(d) A person shall not practice as an audiology assistant or use the title of audiology
7 assistant unless he or she:

8 “(1) Is registered with the Board to practice as an audiology assistant;

9 “(2) Practices under the direct supervision and direction of a licensed audiologist,
10 except as provided for in subsection (e)(2) of this section; and

11 “(3) Wears a name tag bearing the title “audiology assistant” while acting in a
12 professional capacity and displays his or her current registration in a conspicuous place in the
13 office where the audiology assistant is employed.

14 “(e) A registered audiology assistant shall not:

15 “(1) Work independently;

16 “(2) Practice as an audiology assistant, unless doing so while under the direct
17 supervision of a licensed audiologist or an audiologist employed by any agency of the federal
18 government performing the duties of that agency; or

19 “(3) Provide any services for which the audiology assistant has not received
20 training to enable audiology assistant to competently and safely perform the assigned tasks and
21 job duties, or that cannot be delegated by an audiologist as set forth in rulemaking by the Board.

1 “(f) A licensed audiologist may delegate duties to an audiology assistant that are
2 appropriate to the training and experience of the audiology assistant and within the scope of
3 practice of the supervising audiologist, provided that the audiologist shall not delegate to an
4 audiology assistant any task or function identified through rulemaking as a task or function that
5 shall not be delegated.

6 “(g) For a period of one year following the effective date of the Omnibus Health
7 Regulation Amendment Act of 2013, as introduced February 28, 2013 (D.C. Bill 20-153), unless
8 further time is granted by the Mayor through rulemaking, persons who have received appropriate
9 training for the tasks assigned may practice as an audiology assistant regardless of registration
10 with the Board, only while under the supervision of a licensed audiologist, except as provided for
11 in subsection (e)(2) of this section.

12 “(h) For a period of one year following the effective date of the Omnibus Health
13 Regulation Amendment Act of 2013, as introduced February 28, 2013 (D.C. Bill 20-153), a
14 person practicing as an audiology assistant may register as an audiology assistant
15 notwithstanding the educational requirements of subsection (c)(2) of this section, provided that
16 the person has been employed under the direct supervision of an audiologist for a minimum of 15
17 hours per week during at least 3 of the 5 years preceding the enactment of the Omnibus Health
18 Regulation Amendment Act of 2013, as introduced February 28, 2013 (D.C. Bill 20-153).

19 “Sec. 910. Speech-language pathology assistants.

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

1 “(1) “Speech-language pathology assistant” means an individual who is registered
2 with the Board of Audiology and Speech Language Pathology to engage in practice as a speech-
3 language pathology assistant.

4 “(2) “Direct Supervision” means on-site and personal oversight by a licensed
5 speech-language pathologist who assumes responsibility for a speech-language pathology
6 assistant’s conduct in the speech-language pathology office or treatment facility, personally
7 diagnoses the condition to be treated, personally authorizes procedures, remains in the speech-
8 language pathology office or treatment facility while the procedures are being performed by the
9 speech-language pathology assistant, and personally evaluates the performance of the speech-
10 language pathology assistant before dismissal of the patient.

11 “(b) A person who practices as a speech-language pathology assistant shall be registered
12 with the Board according to rules adopted by the Mayor, shall renew the registration as required
13 by rule, and shall pay the required registration fee established by the Board.

14 “(c) To be eligible for registration as a speech-language pathology assistant, a person
15 shall provide proof acceptable to the Board that he or she:

16 “(1) Meets the minimum qualifications established by the Mayor through
17 rulemaking;

18 “(2) Has graduated from an accredited college or university with at least an
19 associate’s degree based on a program of studies primarily focusing on speech-language
20 pathology or communicative sciences and disorders, or a program determined by the Board to be

1 substantially equivalent in subject matter and extent of training to an associate's degree in
2 speech-language pathology;

3 “(3) Has successfully completed the clinical observation hours and supervised
4 clinical assisting experience hours required by regulations adopted by the Mayor; and

5 “(4) Has paid the required registration fee.

6 “(d) A person shall not practice as a speech-language pathology assistant or use the title
7 of speech-language pathology assistant unless he or she:

8 “(1) Is registered with the Board to practice as a speech-language pathology
9 assistant;

10 “(2) Practices under the direct supervision and direction of a licensed a speech-
11 language pathologist, except as provided for in subsection (e)(2) of this section and

12 “(3) Wears a name tag bearing the title “speech-language pathology assistant”
13 while acting in a professional capacity and displays his or her current registration in a
14 conspicuous place in the office where the speech-language pathology assistant is employed.

15 “(e) A registered speech-language pathology assistant shall not:

16 “(1) Work independently;

17 “(2) Practice speech-language pathology assistance unless under the direct
18 supervision of a licensed speech-language pathologist, or a speech-language pathologist
19 employed by any agency of the federal government performing the duties of that agency; or

1 “(3) Provide any services for which he or she has not received training to enable
2 him or her to competently and safely perform the assigned tasks and job duties, or that cannot be
3 delegated by a speech-language pathologist as set forth in rulemaking by the Mayor.

4 “(f) A licensed speech-language pathologist may delegate duties to a speech-language
5 pathology assistant that are appropriate to the training and experience of the speech-language
6 pathology assistant and within the scope of practice of the supervising speech-language
7 pathologist; provided that the speech-language pathologist shall not delegate to a speech-
8 language pathology assistant any task or function identified, through rulemaking, as a task or
9 function that shall not be delegated.

10 “(g) For a period of one year following the effective date of the Omnibus Health
11 Regulation Amendment Act of 2013, as introduced February 28, 2013 (D.C. Bill 20-153), unless
12 further time is granted by the Mayor through rulemaking, persons who have received appropriate
13 training for the tasks assigned may practice as a speech-language pathology assistant regardless
14 of registration with the Board, only while under the supervision of a licensed speech-language
15 pathologist, except as provided for in paragraph (e)(2) of this section (D.C. Official Code § 3-
16 1209.10(e)(2)).

17 “(h) For a period of one year following the effective date of the Omnibus Health
18 Regulation Amendment Act of 2013, as introduced February 28, 2013 (D.C. Bill 20-153), a
19 person practicing as a speech-language pathology assistant may register as a speech-language
20 pathology assistant notwithstanding the educational requirements of subsection (c)(2) of this
21 section, provided that the person has been employed under the direct supervision of a speech-

1 language pathologist for a minimum of 15 hours per week during at least 3 of the 5 years
2 preceding the enactment of the Omnibus Health Regulation Amendment Act of 2013, as
3 introduced February 28, 2013 (D.C. Bill 20-153).

4 “Sec. 911. Speech-language pathology clinical fellows.

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

6 “(1) “Speech-language pathology clinical fellow” means an individual who is
7 registered with the Board of Audiology and Speech Language Pathology to engage in practice as
8 a speech-language pathology clinical fellow.

9 “(2) “Supervision” means the on-site or other personal and direct oversight and
10 involvement of a supervising speech-language pathologist in any and all ways that will permit
11 the supervising speech-language pathologist to monitor, improve, and evaluate the clinical
12 fellow's performance in professional employment according to the degree of oversight and
13 involvement necessary to support the particular clinical fellow’s development in self-recognition
14 of clinical and professional strengths and areas requiring additional development of skill.

15 “(b) A person who practices as a speech-language pathology clinical fellow shall be
16 registered with the Board according to rules adopted by the Mayor, shall renew the registration
17 as required by rule, and shall pay the required registration fee established by the Board.

18 “(c) To be eligible for registration as a speech-language pathology clinical fellow, a
19 person shall provide proof acceptable to the Board that he or she:

20 “(1) Meets the minimum qualifications established by the Mayor through
21 rulemaking;

1 “(2) Has graduated from an accredited college or university with at least a
2 Master’s degree based on a program of studies primarily focusing on speech-language pathology
3 or communicative sciences and disorders, or a program determined by the Board to be
4 substantially equivalent in subject matter and extent of training to a Master’s or doctoral degree
5 in speech-language pathology;

6 “(3) Is enrolled in a clinical fellowship that meets the following criteria:

7 “(A) The clinical fellowship was completed under the supervision of a
8 licensed speech-language pathologist, except as provided for by subsection (e)(2) of this section;

9 “(B) The clinical fellowship consists of direct clinical work with patients,
10 consultations, record keeping, and other duties relevant to a program of clinical work, including
11 clinical experience with persons who have communication disorders. Such professional
12 experience shall pertain directly to the evaluation, treatment, and case management of specific
13 patients or clients; and

14 “(C) The supervising speech-language pathologist monitors and evaluates
15 the clinical fellows’ performance.

16 “(4) Unless an exception is approved by the Board, has begun the clinical
17 fellowship within 2 years after the completion of the academic course work and clinical
18 practicum requirements, and shall complete the clinical fellowship within 36 months;

19 “(5) Will be employed under the supervision required by this section as a
20 professional in the field of speech-language pathology, for a period of time set forth by the rules
21 adopted by the Board; and

1 “(6) Has paid the required registration fee.

2 “(d) A person shall not practice as a speech-language pathology clinical fellow or use the
3 title of speech-language pathology clinical fellow unless he or she:

4 “(1) Is registered with the Board to practice as a speech-language pathology
5 clinical fellow under this act;

6 “(2) Practices under the supervision of a licensed speech-language pathologist,
7 except as provided for in subsection (e)(2) of this section; and

8 “(3) Wears a name tag bearing the title “speech-language pathology clinical
9 fellow” while acting in a professional capacity and displays his or her current registration in a
10 conspicuous place in the office where the speech-language pathology clinical fellow is
11 employed.

12 “(e) A registered speech-language pathology clinical fellow shall not:

13 “(1) Practice as a speech-language pathology clinical fellow unless practicing
14 while under the supervision of a licensed speech-language pathologist, or, if the supervising
15 individual is employed by any agency of the federal government, while performing the duties of
16 that agency; or

17 “(2) Provide any services for which he or she has not received training to enable
18 him or her to competently and safely perform the assigned tasks and job duties.

19 “(f) A licensed speech-language pathologist may delegate duties to a speech-language
20 pathology clinical fellow that are appropriate to the training and experience of the speech-
21 language pathology clinical fellow and within the scope of practice of the supervising speech-

1 language pathologist; provided that the speech-language pathologist shall not delegate to a
2 speech-language pathology clinical fellow any task or function identified through rulemaking as
3 a task or function that shall not be delegated.

4 “(g) For a period of one year following the effective date of the Omnibus Health
5 Regulation Amendment Act of 2013, as introduced February 28, 2013 (D.C. Bill 20-153), unless
6 further time is granted by the Mayor through rulemaking, persons who have received appropriate
7 training for the tasks assigned may practice as a speech-language pathology clinical fellow,
8 regardless of registration with the Board, while under the supervision of a licensed speech-
9 language pathologist, except as provided for in subsection (e)(2).”

10 (u) Section 1003 (D.C. Official Code § 3-1210.03) is amended by adding 4 new
11 subsections (ee) through (hh) to read as follows:

12 “(ee) Unless authorized to practice assisted living administration under this act, a person
13 shall not use the words or terms “assisted living administrator”, “assisted living manager”,
14 “A.L.A.”, or any similar title or description of services with the intent to represent that the person
15 practices assisted living administration.

16 “(ff) Unless authorized to practice as an athletic trainer under this act, a person shall not
17 use or imply the use of the words or terms “athletic trainer”, “licensed athletic trainer”, “A.T.C.”,
18 “L.A.T.”, or any similar title, letters, or description of services with the intent to represent that
19 the person practices as an athletic trainer.

20 “(gg) Unless authorized to practice as a personal fitness trainer under this act, a person
21 shall not use or imply the use of the words or terms “personal fitness trainer”, “personal trainer”,

1 “professional fitness trainer”, “fitness instructor”, or any similar title or description of services
2 with the intent to represent that the person practices as a personal fitness trainer.

3 “(hh) Unless authorized to practice veterinary medicine under this act, a person shall not
4 use or imply the use of the words or terms “doctor of veterinary medicine”, “veterinary doctor”,
5 “veterinarian”, “animal doctor”, “animal surgeon”, “D.V.M.” or “V.M.D.”, or any similar title,
6 description of services, abbreviation or combination thereof in connection with the person’s
7 name with the intent to represent that the person practices veterinary medicine.”.

8 (v) A new section 1205 is added to read as follows:

9 “Sec. 1205. Individuals already practicing.

10 “An individual who was engaged in practice as an assisted living administrator, athletic
11 trainer, home health care administrator, personal fitness trainer, veterinary technician, veterinary
12 euthanasia technician, audiology assistant, speech-language pathology assistant, or a speech-
13 language pathology clinical fellow before the effective date of the Omnibus Health Regulation
14 Amendment Act of 2013, as introduced February 28, 2013 (D.C. Bill 20-153), may engage in
15 that practice, regardless of whether that person is licensed, for a period of one year following the
16 effective date of the Omnibus Health Regulation Amendment Act of 2013, as introduced
17 February 28, 2013 (D.C. Bill 20-153).”.

18 Sec. 3. Health-Care and Community Residence Facility, Hospice and Home Care
19 Licensure.

20 Sec. 301. Short title.

21 This title may be cited as the “Home Care Improvement Amendment Act of 2013”.

1 Sec. 302. Section 2(a) of the Health-Care and Community Residence Facility, Hospice
2 and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C.
3 Official Code § 44-501), is amended as follows:

4 (a) Paragraph (7) is amended to read as follows:

5 “(7) “Home care agency” means an agency, organization, or distinct part thereof,
6 other than a hospice, that directly provides skilled nursing services and at least one other
7 therapeutic service to an individual, in his or her home or in a community residence facility, who
8 is sick or who has a disability.”.

9 (b) Add a new paragraph (10) to read as follows:

10 “(10) “Therapeutic service” includes physical, speech, or occupational therapy;
11 medical social services; or personal care services.”.

12 Sec. 4. Veterinary Facility.

13 Sec. 401. Short title.

14 This title may be cited as “Veterinary Facility Act of 2013”.

15 Sec. 402. Subchapter IV of Chapter 28 of Title 47 of the District of Columbia Official
16 Code is amended as follows:

17 (a) The table of contents for the subchapter is amended by adding at the end the
18 following:

19 “Part F. Veterinary Facility.

20 “47-2888.01. Definitions.

21 “47-2888.02. General prohibitions.

1 “47-2888.03. Veterinary facility license, fees.

2 “47-2888.04. Denial, suspension, or revocation of veterinary facility license.

3 “47-2888.05. Inspections.

4 “47-2888.06. Animal licenses.

5 “47-2888.07. Penalties.

6 “47-2888.08. Rules.”.

7 (b) A new part F. is added to read as follows:

8 “Part F. Veterinary Facility.

9 “§ 47-2888.01. Definitions.

10 “For the purposes of this part the term:

11 “(1) “Animal shelter” means a private or government-owned facility established
12 for the impoundment of stray, diseased, dangerous, sick, injured, abused, neglected, unwanted,
13 abandoned, orphaned, lost or otherwise displaced animals, with the intent to care for, quarantine,
14 return to an owner, adopt out, or euthanize the animals.

15 “(2) “Veterinary facility” means a fixed or mobile establishment where the
16 practice of veterinary medicine is conducted. This term shall not include an establishment that is
17 an animal shelter or a wildlife rehabilitation facility.

18 “(3) “Wildlife rehabilitation facility” means a location where a licensed wildlife
19 rehabilitator treats and provides temporary care of injured, diseased, orphaned, or displaced
20 indigenous wild animals and provides for their subsequent release into appropriate habitats. A

1 wildlife rehabilitation facility may be an individual’s home, a triage location, or a facility
2 dedicated to wildlife rehabilitation.”

3 “§ 47-2888.02. General prohibitions.

4 “(a) It shall be unlawful for any person to own, operate, maintain, open, or establish a
5 veterinary facility within the District without first having obtained a license from the Mayor.

6 “(b) It shall be unlawful for any person other than a veterinarian licensed in the District to
7 hold a license for a veterinary facility.

8 “(c) This section shall not apply to a facility or agency operated by the federal
9 government or the District.

10 “§ 47-2888.03. Veterinary facility license, fees.

11 “(a) The application for a veterinary facility license shall be made on a form to be
12 prescribed by the Mayor and shall be accompanied by the required fee. Each application shall
13 list each certificate of approval, authority, occupancy, and any other prerequisite required as a
14 precondition for operation of a veterinary facility.

15 “(b) A license shall be valid for a period of one year and shall be limited to the premises
16 or the vehicle stated on the license. A license may be renewed for additional one-year periods
17 upon payment of the appropriate fee.

18 “(c) A license issued under this section shall be posted in a conspicuous place on the
19 premises. A mobile facility license shall be posted in a conspicuous place on the vehicle.

20 “(d) The Mayor may issue a license that clearly specifies the scope of the facility’s
21 operation. The specifications shall not confer or denote an area of specialty by the veterinary

1 facility or by the holder of the license. The Mayor shall determine the terms and restrictions that
2 apply to the specifications by rulemaking.

3 “(e) The initial fees shall be as follows:

4 “(1) original veterinary facility license, \$195; and

5 “(2) renewal of veterinary facility license, \$170.

6 “(f) The Mayor may periodically adjust the fees by publishing notice in the District of
7 Columbia Register 30 days before changing the fees.

8 “§ 47-2888.04. Denial, suspension, or revocation of veterinary facility license.

9 “(a) The Mayor may deny issuance or renewal of or suspend or revoke a license issued
10 pursuant to this part for any one of a combination of the following reasons:

11 “(1) Conviction of any person named on an application of any felony or any crime
12 of moral turpitude, as defined in section 514(a)(4) of the Health Occupations Revision Act of
13 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § -1205.14(a)(4));

14 “(2) A finding, after notice and an opportunity for a hearing, that any person
15 named on an application has violated this part or any rules issued pursuant to this part;

16 “(3) A finding by the Mayor that any provision of this part has been violated, or
17 that any law or regulation of the District or of the United States relating to animals or drugs has
18 been violated by any person named in the application for a veterinary facility;

19 “(4) Furnishing false or misleading information to the Mayor, failing to furnish
20 information required by the Mayor, or refusing to allow an inspection in accordance with § 47-
21 2888.06 of this act.

1 “(b) The Mayor shall summarily suspend a license issued pursuant to this part whenever
2 the Mayor finds that a veterinary facility’s failure to comply with a provision of this part or with
3 any District or federal law or regulation applicable to the facility is of such a serious nature and
4 magnitude that it presents an imminent danger to the health or safety of a person or animal. The
5 Mayor shall impound any animals remaining at the facility without an owner present and shall
6 care for those animals until they can be restored to their owners or adopted. The licensee shall
7 be responsible for all costs incurred by the impoundment, care, restoration, or adoption of the
8 impounded animals. The Mayor shall provide the licensee with written notice that states the
9 action being taken, the basis of the action, and the right of the licensee to request a hearing
10 within 5 days. The Mayor shall hold a hearing within 5 days of receiving a timely request, and
11 shall issue a written decision including findings of fact and conclusions of law within 5 days of
12 the conclusion of the hearing. The Mayor shall provide a copy of the decision to each party by
13 mailing a copy to the licensee and the licensee’s counsel of record. A request for a hearing shall
14 not act to stay the suspension pending the outcome of the hearing.

15 “§ 47-2888.05. Inspections.

16 “(a) A person designated by the Mayor is authorized, after presenting proper
17 identification, to enter at reasonable times any veterinary facility for the purpose of making
18 inspections to determine compliance with this part or other laws or regulations regarding the
19 practice of veterinary medicine.

20 “(b) An inspection may include:

21 “(1) Examining and copying records; and

1 “(2) Examining operating equipment, systems, and components to determine the
2 sanitary and safety conditions at a facility.

3 “(c) The Mayor is authorized to issue subpoenas to obtain records.

4 “§ 47-2888.06. Animal licenses.

5 “A licensed veterinarian may issue animal licenses. The veterinarian shall collect the
6 required fees and may collect an additional \$2 for each license issued as reimbursement for
7 administrative costs.

8 “§ 47-2888.07. Penalties.

9 “(a) Any person who violates any provision of this part, or rules promulgated pursuant to
10 this part, that results in physical harm to an animal shall be subject to a fine for each offense of
11 not more than \$10,000, imprisonment for not more than 90 days, or both. Each day of violation
12 shall constitute a separate offense, and the penalties prescribed herein shall apply to each offense,
13 provided that the total fine shall not exceed \$100,000 and the aggregate imprisonment term shall
14 not exceed 6 months.

15 “(b) Any person who intentionally impedes a District employee in the performance of his
16 or her official duties shall be subject to a fine for each offense of not more than \$1,000,
17 imprisonment for not more than 90 days, or both.

18 “(c) Any person who knowingly notifies a licensee or employee of a licensee, directly or
19 indirectly, that an unannounced inspection will occur shall be subject to a fine of not more than
20 \$5,000, imprisonment for not more than 90 days, or both.

1 “(d) Prosecutions for violations of this part shall be brought in the name of the District of
2 Columbia in the Superior Court of the District of Columbia by the Office of the Attorney
3 General for the District of Columbia.

4 “(e) Civil fines, penalties, and fees may be imposed as alternative sanctions for any
5 infraction of the provisions of this part pursuant to Titles I-III of the Department of Consumer
6 and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42;
7 D.C. Official Code § 2-1801.01 *et seq.*)(“Civil Infractions Act”). Adjudication of any infraction
8 of this part shall be pursuant to Titles I-III of the Civil Infractions Act.

9 “§ 47-2888.08. Rules.

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

13 Sec. 5. Repealed Provisions.

14 The Veterinary Practice Act of 1982, effective March 9, 1983 (D.C. Law 4-171; D.C.
15 Official Code § 3-501 *et seq.*), is repealed.

16 Sec. 6. Conforming amendment.

17 Rules promulgated pursuant to the Veterinary Practice Act of 1982, effective March 9,
18 1983 (D.C. Law 4-171; D.C. Official Code § 3-501 *et seq.*), shall remain in effect until the
19 Mayor promulgates rules pursuant to the Omnibus Health Regulation Amendment Act of 2013,
20 as introduced February 28, 2013 (D.C. Bill 20-153).

21

1 Sec. 7. Applicability.

2 Sections 101(c)(2) and 101(c)(5) shall apply one year after the effective date of this act.

3 Sec. 8. Fiscal impact statement.

4 The Council adopts the fiscal impact statement in the committee report as the fiscal
5 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act of
6 1973, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

7 Sec. 9. Effective date.

8 This act shall take effect following approval by the Mayor (or in the event of veto by the
9 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
10 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
11 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
12 Columbia Register.