

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D. C. LAW 3-27

"Community Residence Facilities Licensure Act Amendments
of 1979"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 3-81, on first and second readings, May 22, 1979 and June 5, 1979 respectively. Following the signature of the Mayor on August 1, 1979, this legislation was assigned Act No. 3-76, published in the August 10, 1979, edition of the D.C. Register, (Vol. 26 page 667) and transmitted to Congress on August 7, 1979 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and, therefore, cites the following legislation as D.C. Law 3-27, effective October 18, 1979.


ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

September 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20,
21, 24, 25, 26, 27, 28

October 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 15, 17

D.C. LAW 3-27
EFFECTIVE
DATE OCT 18 1979

AN ACT

D.C. ACT 3-76

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUG 01 1979

To amend the District of Columbia Health Care Facilities Regulation (Reg. 74-15) to establish certain licensing requirements for community residence facilities for mentally retarded persons, and for related purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Community Residence Facilities Licensure Act Amendments of 1979".

Sec. 2. The Health Care Facilities Regulation, enacted June 14, 1974 (Reg. 74-15), as amended by the Community Residence Facilities Licensure Act of 1977, effective October 27, 1977 (D.C. Law 2-35), is further amended as follows:

(a) Section 3 of title I is amended by:

(1) inserting in appropriate alphabetical sequence the following definitions:

"Comprehensive Evaluation": a study including a
series of observations and examinations of a person
leading to conclusions and recommendations formulated

jointly, with dissenting opinions, if any, by a group of persons with special training and experience in the diagnosis and habilitation of mentally retarded persons. The evaluation shall include, but not be limited to, a physical examination, an educational and/or vocational evaluation, a psychological evaluation, a social and recreational evaluation, and a speech and hearing evaluation."

"Group Homes for Mentally Retarded Persons:

A community residence facility which admits at least four but no more than eight related and/or nonrelated mentally retarded persons, maintains the necessary facilities for their care or habilitation and provides a home-like environment to persons who, because of mental retardation, require specialized living arrangements."

"Habilitation: The process by which a person is assisted to acquire and maintain those life skills which enable him or her to cope more effectively with the demands of his or her own person and of his or her own environment and to raise the level of his or her physical, intellectual, social, emotional and economic efficiency."

"Mental Retardation: See 'mentally retarded'."

"Mentally Retarded: A significantly sub-average general intellectual level determined in accordance with standard measurements as recorded in the Manual of Terminology and Classification in Mental Retardation, 1973, American Association on Mental Deficiency, existing concurrently with impairment in adaptive behavior, which originates during the development period.";

(2) amending the definition of "Community Residence Facility" (A) by striking the comma which appears in the first sentence after the words "eighteen (18) years or older," and inserting in lieu thereof the words "(except that, in the case of group homes for mentally retarded persons, no minimum age limitation shall apply)."; (B) by striking the comma which appears in the second sentence after the words "including halfway houses," and inserting in lieu thereof the words "and group homes for mentally retarded persons."; and (C) by striking the words "or social circumstances" which appear at the end of the second sentence and inserting in lieu thereof the words "social circumstances or mental retardation";

(3) amending the definition of "Resident" (A) by deleting the word "or"; (B) adding a comma after the word

"familial"; and (C) adding the words "or mental retardation" after the words "social circumstances".

(b) Title VII is amended by:

(1) inserting after section 1(d)(5) the following new paragraph (6):

"(5)(A) In the case of group homes for mentally retarded persons, no person shall be eligible for admission to a group home until the person has, prior to such admission (but in no event more than six (6) months prior to such admission), undergone a comprehensive evaluation and such comprehensive evaluation has resulted in a determination that the individual is mentally retarded and is in need of or would benefit from habilitation. Upon admission of such person, but in no event later than ten (10) days after the date of admission, an individual plan for habilitation shall be developed by appropriate professionals to meet the specific needs of the resident.

"(B) Paragraphs (1), (2) and (5) of this subsection shall not apply to admission policies and requirements for prospective residents of group homes for mentally retarded persons. The Mayor shall issue regulations specifying standards for these homes. The

standards shall include, but not be limited to, staffing appropriate to the residential needs of the persons in a home, in light of the individual rehabilitation plans of those persons, and accessibility of the facility to those persons who are not ambulatory.";

(2) inserting at the beginning of section 1(f)(3), the following: "Except in the case of a resident of a group home for mentally retarded persons," and striking the word "No" and inserting in lieu thereof the word "no";

(3) inserting after the words "other health care professionals" in section 2(a)(3)(J) the following:

"(including, in the case of group homes for mentally retarded persons, the comprehensive evaluation for each resident and reports and recommendations from appropriate professionals)";

(4) striking the last "and" in section 2(a)(3)(J), striking the period in subparagraph (K) and in lieu thereof adding the word "and", and adding a new subparagraph (L) in section 2(a)(3) to read as follows: "(L) in the case of group homes for mentally retarded persons, the individual plan for rehabilitation required by section 1(f)(3), which plan shall be reviewed and appropriately revised at least annually.";

(5) striking the words "served daily unless the residents are regularly provided meals at another location." in the third sentence in section 6(a)(1) and inserting in lieu thereof the following: "served, provided for, or arranged for on a daily basis. Where residents are provided meals at another location, it shall be the responsibility of the Residence Director to ensure that such meals (including box lunches or other meals) are nutritious, suited to the special needs of the residents and otherwise appropriate.";

(6) inserting after the sentence which ends with the phrase "persons of their age in the community." in section 7(a) the following new sentence: "In the case of group homes for mentally retarded persons, in addition to the foregoing, such homes shall ensure that each resident is enrolled in and attends a daytime program, such as (but not limited to) a program conducted by a public school, day care, sheltered employment or other appropriate activity center: PROVIDED, That such program is consistent with such person's overall plan for habilitation." and

(7) renumbering existing section 16 as section 17 and adding a new section 16 to read as follows:

"Section 16. Exceptions applicable to Group Homes for Mentally Retarded Persons

"(a) Section 11(a) of this title shall not apply to group homes for mentally retarded persons. The locations of such group homes shall instead be governed by applicable sections of the Zoning Regulations of the District of Columbia.

"(b) The second sentence of section 12(b)(2) of this title shall not apply to group homes for mentally retarded persons which have (or are intended when fully occupied to have) eight or fewer mentally retarded persons as residents therein: EXCEPT, That such group homes shall at all times comply with Chapters 1 and 2 of the Housing Regulations of the District of Columbia."

(c) Section (a)(10)(B) of Title VIII is amended by inserting after the words "mental health" the words "mental retardation".

Sec. 3. Miscellaneous amendments.

(a) The name of Regulation No. 74-15, the Health Care Facilities Regulation, is hereby amended to read as follows: "Health Care and Community Residence Facilities Regulation".

(b) Section 1 of Title I of Regulation 74-15 is amended by adding after the words "health care" the words "and community residence".

(c) Section 2 of Title I of Regulation 74-15 is amended as follows:

(1) by inserting in the first paragraph, after the words "health care" the words "and community residence"; and

(2) by inserting in the second paragraph, after the words "health care" the words "and community residence".


(d) Section 1(e) of Title II of Regulation 74-15 is amended by deleting "owner" in the last sentence and inserting in lieu thereof "operator".

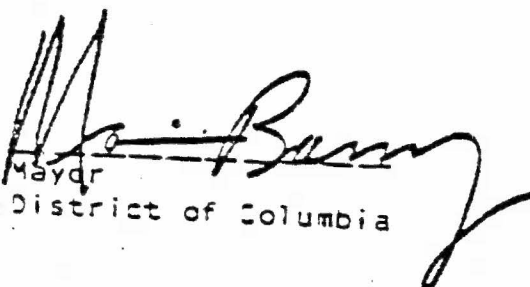
(e) Section 4(b) of Title VII of Regulation 74-15 is amended by deleting "education" after "vocational" in the next to last sentence and inserting in lieu thereof "rehabilitation".

(f) Section 14(d) of Title VII is amended to read as follows:

"(d) Notwithstanding section (3) of the Smoke Detector Act, community residence facilities shall install smoke detectors in accordance with sections (4) through (9) of the Smoke Detector Act as of the effective date of the Community Residence Facilities Licensure Act Amendments of 1979.".

Sec. 4. This act shall take effect as provided for acts of the Council of the District of Columbia in section 502(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act.


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: August 1, 1979

COUNCIL OF THE DISTRICT OF COLUMBIA

RECORD OF OFFICIAL COUNCIL ACTION

DOCKET NO: Bill 3-81

ACTION: To Adopt (5-22-79)

☒ VOICE VOTE: Unanimous

Absent: Clarke

☐ ROLL CALL VOTE:

COUNCIL MEMBER	ATT	NAT	NY	ALL	COUNCIL MEMBER	ATT	NAT	NY	ALL	COUNCIL MEMBER	ATT	NAT	NY	ALL
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
TADWIS					POLARK									

CERTIFICATION OF RECORD
V. H. D. Robinson
Secretary to the Council

ACTION: To Adopt (6-5-79)

☒ VOICE VOTE: Unanimous

Absent: Wilson, Kane, Dixon and Spaulding

☐ ROLL CALL VOTE:

COUNCIL MEMBER	ATT	NAT	NY	ALL	COUNCIL MEMBER	ATT	NAT	NY	ALL	COUNCIL MEMBER	ATT	NAT	NY	ALL
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
TADWIS					POLARK									

CERTIFICATION OF RECORD
V. H. D. Robinson
Secretary to the Council

ACTION: _____

☐ VOICE VOTE: _____

Absent: _____

☐ ROLL CALL VOTE:

COUNCIL MEMBER	ATT	NAT	NY	ALL	COUNCIL MEMBER	ATT	NAT	NY	ALL	COUNCIL MEMBER	ATT	NAT	NY	ALL
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
TADWIS					POLARK									

CERTIFICATION OF RECORD