

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. Law 3-167

"Healing Arts Practice Act Amendment of 1980".

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. 3-59 on first, amended first, and second readings, October 14, 1980, October 28, 1980 and November 12, 1980, respectively. Following the signature of the Mayor on November 25, 1980, this legislation was assigned Act No. 3-298, published in the December 5, 1980 edition of the D.C. Register, (Vol. 27 page 5358). This act was originally transmitted to Congress on December 4, 1980, and resubmitted on January 14, 1981 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 this enactment as D.C. Law 3-167, effective March 5, 1981.

  
ARRINGTON DIXON  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
February	2, 3, 4, 5, 6, 17, 18, 19, 20, 23, 24, 25, 26, 27,
March	2, 3, 4

D.C. LAW 3-167  
EFFECTIVE  
DATE MAR 05 1981

Original

AN ACT

D.C. ACT 3-290

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOV 25 1980

To amend the Healing Arts Practices Act, District  
of Columbia 1928.

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

That this act may be cited as the "Healing Arts  
Practice Act Amendments of 1980".

Sec. 2. The Healing Arts Practice Act,  
District of Columbia 1928, approved February 27,  
1929 (45 Stat. 1326; D.C. Code, sec. 2-101 et  
seq.) is amended as follows:

(a) Section 4(a)(1) (D.C. Code, sec. 2-  
103(a)(1) is amended as follows:

(1) by striking the word "twelve" and  
inserting the word "eleven" in lieu thereof;

(2) by striking out paragraph (1)(F);

(3) by amending paragraph (1)(G) to read  
as follows:

CODIFICATION  
D.C. Code,  
sec. 2-103(a)

"(F) Three members shall be appointed from persons who are not health care providers and who represent the consumers of health care. These three members shall have all the powers which other members have."; and

(4) by striking out paragraph (2)(3); and by redesignating paragraph (2)(A) as paragraph (2).

(b) Section 4(b)(3) (D.C. Code, sec. 2-103(b)(3)) is amended to read as follows:

D.C. Code,  
sec. 2-103(b)

"(3) Any member appointed under paragraph (a)(1) to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed may serve after the expiration of his or her term until a successor has been appointed, qualified, and taken office. A member appointed under paragraph (a)(1) shall not be eligible for reappointment for a period of three years after the expiration of his or her term.".

(c) Section 4(i) (D.C. Code, sec. 2-103(i)) is repealed.

D.C. Code,  
sec. 2-103(i)

(d) Section 27(a) (D.C. Code, sec. 2-123(a)) is amended as follows:

D.C. Code,  
sec. 2-123(a)

(1) by redesignating paragraphs (2) through (7) as paragraphs (5) through (10) respectively; and

(2) paragraph (1) is amended to read as follows:

"(1) Any person, organization or entity may make or assist in making a formal complaint in writing of professional misconduct or incapacity as defined in subsection (3) against a licensee under this Act. The Commission may also sua sponte institute a complaint or appropriate investigation if it deems necessary.

"(2) The Commission may receive informal reports which are not complaints from any source at any time made in any manner. A person who makes such a report, or a complaint pursuant to the preceding paragraph, without knowing and intending it to be false, shall be immune from civil or criminal liability for the making of such report or complaint.

"(3) The Commission may not act upon a formal complaint, or report or investigation, without further investigation thereof. The Commission may, for the purpose of accuracy,

professional judgment, promptness, or economy, delegate such further investigation to a non-governmental organization, and may in the Commission's discretion, specify the part or manner of such further investigation to be performed by any such delegates. The delegates, and the member or employee of the delegatee who is actually carrying out the investigation, shall be immune from civil or criminal liability arising from good faith performance of the investigation. A licensee formally complained against shall be informed of the complainant's identity. The findings of the investigation shall be reported in writing to the Commission.

"(4) After review of the findings, the Commission shall determine whether a hearing is warranted."

(3) paragraph (3)(c) (redesignated as paragraph (6)(c) by this act) is amended to read as follows: "(c) that the licensee may appear personally at the hearing and may be represented by Counsel."

(4) paragraph (6) (redesignated as paragraph (9) by this act) is amended to read as follows:

Repealed Chapter 2

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"(6)(A) A panel consisting of three members of the Commission may serve as a hearing panel in each case in which a hearing is held. The President of the Commission shall rotate the assignment of members to such panels: PROVIDED, THAT there shall be at least one member of the medical profession, and one member who represents the consumer on each such panel.

"(B) A majority of the hearing panel may order a penalty or sanction against the respondent licensee, which order shall be deemed final unless a majority of a quorum of the Commission decides to review the decision of the panel within twenty working days of its entry. In the event the Commission decides to review a decision of a hearing panel, the decision of a majority of the members present and eligible to vote shall constitute the final decision of the Commission."

(e) Section 27(d) (D.C. Code, sec. 2-123(d) is amended as follows: (1) paragraph (2) is amended to read as follows: "(2) Conviction for a crime which has a direct bearing on whether or not the licensee should be entrusted to serve the public

D.C. Code,  
sec. 2-123(d)

as a licensed health care provider, and which is a felony or misdemeanor under:

"(A) District of Columbia law, or

"(B) Federal law, or

"(C) The law of another jurisdiction and which, if committed within the District of Columbia, would have constituted a felony or misdemeanor under District of Columbia law.".

(2) paragraph (6) is amended to read as follows:

"(6) Willfully making or filing false reports or records, or willfully omitting to make or file, obstructing the making or filing, or inducing another person to omit to make or file, medical reports or records required by law.".

Sec. 3. This act shall take effect after a thirty (30) day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 502(c)(1) of the District of Columbia Self-Government and Governmental

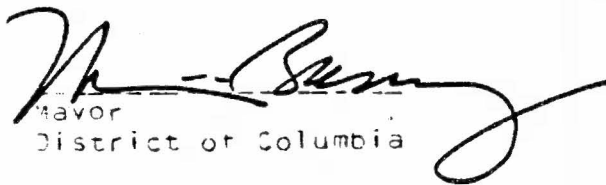
Enrolled Original

Reorganization Act, Approved December 24, 1973 (87

Stat. 813; D.C. Code, sec. 1-147(c)(1)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED: November 25, 1980



# COUNCIL OF THE DISTRICT OF COLUMBIA

## RECORD OF OFFICIAL COUNCIL ACTION

DOCKET NO: B 3-59

ACTION: Adopted First Reading, 10/14/80

☒ VOICE VOTE: Unanimous

Absent: Hardy

☐ ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	A.A.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.A.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.A.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
HADVIS					ROTARY									

CERTIFICATION OF RECORD

*John P. Brown*  
Secretary to the Council

ACTION: Adopted Amended First Reading, 10/28/80

☒ VOICE VOTE: Unanimous

Absent: Mason

☐ ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	A.A.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.A.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.A.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
HADVIS					ROTARY									

CERTIFICATION OF RECORD

*John P. Brown*  
Secretary to the Council

ACTION: Adopted Final Reading, Consent Calendar, 11/12/80

☒ VOICE VOTE: Unanimous

Absent: Kane

☐ ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	A.A.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.A.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.A.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
HADVIS					ROTARY									

CERTIFICATION OF RECORD

*John P. Brown*  
Secretary to the Council