

COUNCIL OF THE DISTRICT OF COLUMBIA
D.C. Law 20-96, effective March 26, 2014
(Partial Delayed Applicability)

20 DCSTAT 2972

AN ACT

Bill 20-153
Act 20-273
effective
February 5,
2014

Codification
District of
Columbia
Official Code
2001 Edition

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, and 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 Chapter 28 of 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 2014".

Omnibus
Health
Regulation
Amendment
Act of 2014

TITLE I
HEALTH PROFESSIONAL LICENSURE

Sec. 101. Short title.

This title may be cited as the "Health Professional Licensure Amendment Act of 2014".

Sec. 102. 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) The table of contents is amended as follows:

(1) Title II is amended as follows:

(A) Strike the phrase "Sec. 205. Board of Nursing Home Administration." and insert the phrase "Sec. 205. Board of Long-Term Care Administration." in its place.

(B) New section designations 221 and 222 are added to read as follows:

"Sec. 221. Board of Veterinary Medicine.

"Sec. 222. Board of Veterinary Medicine executive director."

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

"Sec. 508b. License for dentistry and dental hygiene."

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

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“TITLE VIII-D.

**“PRACTICE OF VETERINARY MEDICINE; VETERINARY EUTHANASIA
TECHNICIANS; VETERINARY TECHNICIANS**

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

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

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

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

(4) Title IX is amended by adding new section designations 908 through 911 to read as follows:

“Sec. 908. Personal fitness trainer.

“Sec. 909. Audiology assistants.

“Sec. 910. Speech-language pathology assistants.

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

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

“Sec. 1205. Individuals already practicing.”.

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

**Amend
§ 3-1201.01**

(1) Paragraph (1) is amended as follows:

(A) Strike the phrase “Board of Nursing Home Administration” and insert the phrase “Board of Long-Term Care Administration” in its place.

(B) Strike the phrase “or the Board of Social Work,” and insert the phrase “the Board of Social Work, or the Board of Veterinary Medicine” in its place.

(2) Paragraph (1A) is amended by striking the phrase “Board of Nursing Home Administration” and inserting the phrase “Board of Long-Term Care Administration” in its place.

(3) New paragraphs (16), (17), (18), and (19) are added to read as follows:

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

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

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

“(A) Wildlife rehabilitation facilities, as defined in D.C. Official Code § 47-2888.01(3); and

“(B) Animal shelters, as defined in D.C. Official Code § 47-2888.01(1).

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

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

**Amend
§ 3-1201.02**

(1) New paragraphs (2A-i) and (2A-ii) are added to read as follows:

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

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

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

“(ii) “Assisted living residence” shall have the same meaning as provided in section 201(4) of the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code § 44-102.01(4)).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(v) The activities of athletic training students acting under the direction of an athletic trainer licensed, certified, or registered in any state; provided, that the students are designated by a title that clearly indicates their status as athletic training students; or

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

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

“(i) “Athlete” means:

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

“(II) A member of an athletic team.

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

“(ii) “Treatment” means the prevention, evaluation, recognition, management, treatment, rehabilitation, or reconditioning of an athletic injury, including the usage of appropriate preventative and supportive devices, temporary splinting and bracing, physical modalities of heat, cold, light, massage, water, electric stimulation, sound, and exercise equipment for which an athletic trainer has received appropriate training or education.

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

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**Delayed
Amendment,
March 26,
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(2) Paragraph (2B)(B) is repealed.

(3) A new paragraph (2C) is added to read as follows:

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

(4) Redesignate paragraphs (6A) and (6B) as paragraphs (6B) and (6C), respectively.

(5) A new paragraph (6A) is added to read as follows:

“(6A)(A) “Practice of home health care administration” means planning, organizing, directing, and controlling the provision of skilled and paraprofessional home health care, including related services, to individuals in out-of-hospital settings, such as private homes, boarding homes, hospices, and shelters.

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

(6) Paragraph (19)(D) is repealed.

(7) New paragraphs (19A) and (19B) are added to read as follows:

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

“(19B) “Practice by a speech-language pathology clinical fellow” means the practice of speech-language pathology by a participant in a clinical fellowship that meets the definition set forth in section 911.”.

(8) A new paragraph (21) is added to read as follows:

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

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

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

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

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

(d) Section 103 (D.C. Official Code § 3-1201.03) is amended as follows:

**Delayed
Amendment,
March 26,
2015**

(1) Subsection (c)(3) is amended by striking the phrase “or health facility” and inserting the phrase “health facility, or veterinary facility” in its place.

(2) Subsection (e)(2) is amended to read as follows:

**Amend
§ 3-1201.03**

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

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

Amend
§ 3-1202.01

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

“(b) The Board of Dentistry shall regulate the practices of dentistry and dental hygiene and dental assistants, issue teaching licenses as provided under section 508b, and issue certifications to dentists and facilities where dentistry is practiced to permit a dentist to administer general or sedation anesthesia.”.

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

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

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

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

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

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

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

Amend
§ 3-1202.05

“Sec. 205. Board of Long-Term Care Administration.

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

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

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

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

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

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

Amend
§ 3-1202.09

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

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

Amend
§ 3-1202.18

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

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

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

(i) New sections 221 and 222 are added to read as follows:

“Sec. 221. Board of Veterinary Medicine.

New
§ 3-1202.21

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

“(b) The Board shall regulate the practices of veterinarians, veterinary technicians, and veterinary euthanasia technicians in the District of Columbia, and shall advise the Mayor with respect to the regulation of veterinary facilities.

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

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

“(e) The members of the Board of Veterinary Examiners serving on the effective date of the Omnibus Health Regulation Amendment Act of 2014, passed on 2nd reading on January 7, 2014 (Enrolled version of Bill 20-153), shall become members of the Board of Veterinary Medicine and shall continue to serve on the Board of Veterinary Medicine for the remainder of their terms.

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

New
§ 3-1202.22

“The Mayor shall appoint an executive director to implement and administer the orders of the Board of Veterinary Medicine in accordance with this act and the rules and regulations issued pursuant to this act.”.

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

Amend
§ 3-1204.01

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

Amend
§ 3-1205.01

“(a)(1) A license issued pursuant to this act is required to practice acupuncture, advanced practice addiction counseling, assisted living administration, audiology, chiropractic, dental hygiene, dentistry, dietetics, home health care administration, marriage and family therapy, massage therapy, medicine, naturopathic medicine, nutrition, nursing home administration, occupational therapy, optometry, pharmaceutical detailing, pharmacy, physical therapy, podiatry, practical nursing, professional counseling, psychology, registered nursing, respiratory care, social work, speech-language pathology, veterinary medicine, or to practice as an

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anesthesiologist assistant, athletic trainer, personal fitness trainer, physician assistant, physical therapy assistant, polysomnographic technologist, occupational therapy assistant, or surgical assistant in the District, except as otherwise provided in this act.

“(2) Registration is required to practice as an audiology assistant, dental assistant, nursing assistive personnel, psychology associate, polysomnographic technician or trainee, speech-language pathology assistant, or speech-language pathology clinical fellow.

“(3) Certification is required to practice as an addiction counselor I, addiction counselor II, advanced practice registered nursing, veterinary technician, or a veterinary euthanasia technician.

“(4) Except for administering general or sedation anesthesia in a hospital as defined in section 2(a)(1) of the Health-Care and Community Residence Facility Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501(a)(1)), a federal agency or facility, or a dental school, certification is required for a dentist, or for a facility where dentistry is practiced, to administer general or sedation anesthesia.”.

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

**Amend
§ 3-1205.02**

(1) Subsection (a)(3) is amended as follows:

(A) Strike the phrase “providing care to an individual or group” and insert the phrase “providing care to an individual, an animal, or group” in its place.

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

(2) Subsection (b) is amended by striking the phrase “patients or clients” and inserting the phrase “patients, animals, or clients” in its place.

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

**Amend
§ 3-1205.04**

(1) Subsection (f)(1) is amended by striking the phrase “Board of Nursing Home Administration” and inserting the phrase “Board of Long-Term Care Administration” in its place.

(2) A new subsection (r) is added to read as follows:

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

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

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

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

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

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

New
§ 3-1205.08b

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

“(a) A dentist is eligible for a teacher’s license if the dentist, in addition to meeting the requirements of this title, meets the following criteria:

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

“(2) Is at least 21 years of age;

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

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

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

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

“(1) Is at least 21 years of age;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(e)(1) While it is effective, a teacher’s license in dentistry issued under this title authorizes the licensee to:

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

“(B) Practice only at the institution named on the license to the same extent as other faculty members who hold general licenses to practice dentistry; provided, that a licensed dentist employed by the school provides general supervision in all clinical practice.

“(2) For the purposes of this subsection, the term “general supervision” means that a licensed dentist is physically present or available by telecommunications device to supervise the holder of a teacher’s license in dentistry.

“(f)(1) While it is effective, a teacher’s license in dental hygiene issued under this title authorizes the licensee to:

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

“(B) Practice dental hygiene only at the institution named on the license, and only under the direct supervision of a licensed dentist employed by the institution named on the license.

“(2) For the purposes of this subsection, the term “direct supervision” means that a licensed dentist is physically present and reviews the work of the holder of a teacher’s license in dental hygiene before a patient leaves.

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

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

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

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

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

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

**Amend
§ 3-1205.14**

(1) Paragraph (45) is amended by striking the word “or” at the end.

(2) Paragraph (46) is amended by striking the phrase “administrator.” and inserting the phrase “administrator;” in its place.

(3) New paragraphs (47), (48), (49), and (50) are added to read as follows:

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

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

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

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

(p) Section 515(a)(1)(D) (D.C. Official Code § 3-1205.15(a)(1)(D)) is amended by striking the phrase “presents an imminent danger to the health and safety of the public” and inserting the phrase “presents an imminent danger to the health and safety of the public or to animals” in its place.

**Amend
§ 3-1205.15**

(q) A new Title VIII-D is added to read as follows:

“TITLE VIII-D.

**“QUALIFICATION FOR LICENSURE TO PRACTICE VETERINARY MEDICINE;
CERTIFICATION FOR VETERINARY EUTHANASIA TECHNICIANS AND
VETERINARY TECHNICIANS**

**New
Subchapter
VIII-D,
Chapter 12,
Title 3**

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

**New
§ 3-1208.61**

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

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

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

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

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

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

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

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

New
§ 3-1208.62

“(a) The Board of Veterinary Medicine shall issue a license to practice veterinary medicine to a person who, in addition to meeting the requirements of Title V :

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

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

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

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

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

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

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

“(c) The Board shall, upon receipt of a properly completed application , issue a license to engage in the practice of veterinary medicine in the District to a graduate of a foreign school of veterinary medicine who, in addition to meeting the requirements of Title V, has:

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

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

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

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

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

New
§ 3-1208.63

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

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

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

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

New
§ 3-1208.64

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

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

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

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

“Sec. 865. Definitions.

New
§ 3-1208.65

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

(r) New sections 908, 909, 910, and 911 are added to read as follows:

“Sec. 908. Personal fitness trainer.

New
§ 3-1209.08

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

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

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

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

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

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

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

“(5) The activities of a personal fitness training student acting under the direction of a personal fitness trainer registered with the Mayor provided, that the student is designated by a title that clearly indicates his or her affiliation and status as a personal fitness training student.

“(d) A person registered with the Mayor pursuant to this act as a personal fitness trainer may use the letters “PFT” or “RPFT” in connection with his or her name to denote registration under this act, and an unregistered person is prohibited from using such letters in connection with his or her name and business activity, or the words “personal trainer,” “trainer,” “registered personal trainer,” and “certified personal trainer,” or “licensed personal trainer.”

“(e) A registered personal trainer may not use the letters “RPT,” or “PT” in connection with his or her name to denote registration under this act.

“(f) A person holding a valid physical therapy license under this act is exempt from the provisions of this section.”

“Sec. 909. Audiology assistants.

New
§ 3-1209.09

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

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

“(2) “Direct supervision” means on-site and personal oversight by a licensed audiologist who:

“(A) Assumes responsibility for an audiology assistant’s conduct in the audiology office or treatment facility;

“(B) Personally diagnoses the condition to be treated;

“(C) Personally authorizes procedures;

“(D) Remains in the audiology office or treatment facility while the procedures are being performed by the audiology assistant; and

“(E) Personally evaluates the performance of the audiology assistant before dismissal of the patient.

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

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

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

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“(2) Has graduated from an accredited college or university with at least an associate’s degree based on a program of studies primarily focusing on audiology or hearing sciences and disorders, or a program determined by the Board to be substantially equivalent in subject matter and extent of training to an associate’s degree in audiology;

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

“(4) Has paid the required registration fee.

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

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

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

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

“(e) A registered audiology assistant shall not:

“(1) Work independently;

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

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

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

“(g) For a period of one year following the effective date of the Omnibus Health Regulation Amendment Act of 2014, passed on 2nd reading on January 7, 2014 (Enrolled version of Bill 20-153), unless further time is granted by the Mayor through rulemaking, a person who has received appropriate training for the tasks assigned may practice as an audiology assistant regardless of registration with the Board, only while under the supervision of a licensed audiologist, except as provided for in subsection (e)(2) of this section.

“(h) For a period of one year following the effective date of the Omnibus Health Regulation Amendment Act of 2014, passed on 2nd reading on January 7, 2014 (Enrolled version of Bill 20-153), a person practicing as an audiology assistant may register as an audiology assistant notwithstanding the educational requirements of subsection (c)(2) of this section; provided, that the person has been employed under the direct supervision of an audiologist for a minimum of 15 hours per week during at least 3 of the 5 years preceding the enactment of the

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Omnibus Health Regulation Amendment Act of 2014, passed on 2nd reading on January 7, 2014 (Enrolled version of Bill 20-153).

“Sec. 910. Speech-language pathology assistants.

New
§ 3-1209.10

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

“(1) “Direct supervision” means on-site and personal oversight by a licensed speech-language pathologist who:

“(A) Assumes responsibility for a speech-language pathology assistant’s conduct in the speech-language pathology office or treatment facility;

“(B) Personally diagnoses the condition to be treated;

“(C) Personally authorizes procedures;

“(D) Remains in the speech-language pathology office or treatment facility while the procedures are being performed by the speech-language pathology assistant; and

“(E) Personally evaluates the performance of the speech-language pathology assistant before dismissal of the patient.

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

“(b) A person who practices as a speech-language pathology assistant shall:

“(1) Be registered with the Board according to rules adopted by the Mayor;

“(2) Renew the registration as required by rule; and

“(3) Pay the required registration fee established by the Board.

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

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

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

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

“(4) Has paid the required registration fee.

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

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

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

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

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

“(1) Work independently;

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

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

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

“(g) For a period of one year following the effective date of the Omnibus Health Regulation Amendment Act of 2014, passed on 2nd reading on January 7, 2014 (Enrolled version of Bill 20-153), unless further time is granted by the Mayor through rulemaking, a person who has received appropriate training for the tasks assigned may practice as a speech-language pathology assistant regardless of registration with the Board, only while under the supervision of a licensed speech-language pathologist, except as provided for in subsection (e)(2) of this section.

“(h) For a period of one year following the effective date of the Omnibus Health Regulation Amendment Act of 2014, passed on 2nd reading on January 7, 2014 (Enrolled version of Bill 20-153), a person practicing as a speech-language pathology assistant may register as a speech-language pathology assistant notwithstanding the educational requirements of subsection (c)(2) of this section provided, that the person has been employed under the direct supervision of a speech-language pathologist for a minimum of 15 hours per week during at least 3 of the 5 years preceding the enactment of the Omnibus Health Regulation Amendment Act of 2014, passed on 2nd reading on January 7, 2014 (Enrolled version of Bill 20-153).

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

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

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

“(2) “Supervision” means the on-site or other personal and direct oversight and involvement of a supervising speech-language pathologist in any and all ways that will permit the supervising speech-language pathologist to monitor, improve, and evaluate the clinical fellow's performance in professional employment according to the degree of oversight and

involvement necessary to support the particular clinical fellow's development in self-recognition of clinical and professional strengths and areas requiring additional development of skill.

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

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

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

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

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

“(A) The clinical fellowship was completed under the supervision of a licensed speech-language pathologist, except as provided for by subsection (e)(1) of this section;

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

“(C) The supervising speech-language pathologist monitors and evaluates the clinical fellow's performance;

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

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

“(6) Has paid the required registration fee.

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

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

“(2) Practices under the supervision of a licensed speech-language pathologist, except as provided for in subsection (e)(1) of this section; and

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

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

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

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

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

“(g) For a period of one year following the effective date of the Omnibus Health Regulation Amendment Act of 2014, passed on 2nd reading on January 7, 2014 (Enrolled version of Bill 20-153), unless further time is granted by the Mayor through rulemaking, a person who has received appropriate training for the tasks assigned may practice as a speech-language pathology clinical fellow, regardless of registration with the Board, while under the supervision of a licensed speech-language pathologist, except as provided for in subsection (e)(1) of this section.”.

(s) Section 1003 (D.C. Official Code § 3-1210.03) is amended by adding new subsections (ee), (ff), (gg), and (hh) to read as follows:

**Amend
§ 3-1210.03**

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

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

“(gg) Unless authorized to practice as a personal fitness trainer under this act, a person shall not use or imply the use of the words or terms “personal fitness trainer”, “personal trainer”, “professional fitness trainer”, “fitness instructor”, or any similar title or description of services with the intent to represent that the person practices as a personal fitness trainer.

“(hh) Unless authorized to practice veterinary medicine under this act, a person shall not use or imply the use of the words or terms “doctor of veterinary medicine”, “veterinary doctor”, “veterinarian”, “animal doctor”, “animal surgeon”, “D.V.M.” or “V.M.D.”, or any similar title or description of services with the intent to represent that the person practices veterinary medicine.”.

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

“Sec. 1205. Individuals already practicing.

**New
§ 3-1212.05**

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“An individual who was engaged in practice as an assisted living administrator, athletic trainer, home health care administrator, personal fitness trainer, veterinary technician, veterinary euthanasia technician, audiology assistant, speech-language pathology assistant, or a speech-language pathology clinical fellow before the effective date of the Omnibus Health Regulation Amendment Act of 2014, passed on 2nd reading on January 7, 2014 (Enrolled version of Bill 20-153), may engage in that practice, regardless of whether that person is licensed, for a period of one year following the effective date of the Omnibus Health Regulation Amendment Act of 2014, passed on 2nd reading on January 7, 2014 (Enrolled version of Bill 20-153).”.

TITLE II
HEALTH CARE AND COMMUNITY RESIDENCE FACILITY,
HOSPICE AND HOME CARE LICENSURE

Sec. 201. Short title.

This title may be cited as the “Home Care Improvement Amendment Act of 2014”.

Sec. 202. Section 2(a) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501(a)), is amended as follows:

**Amend
§ 44-501**

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

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

(b) A new paragraph (10) is added to read as follows:

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

TITLE III
VETERINARY FACILITY

Sec. 301. Short title.

This title may be cited as the “Veterinary Facility Act of 2014”.

Sec. 302. Subchapter IV of Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

**New
Subchapter
IV,
Chapter 28,
Title 47**

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

“Part F. Veterinary Facility.

“47-2888.01. Definitions.

“47-2888.02. General prohibitions.

“47-2888.03. Veterinary facility license, fees.

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

“47-2888.05. Inspections.

“47-2888.06. Animal licenses.

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“47-2888.07. Penalties.

“47-2888.08. Rules.”.

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

“Part F. Veterinary Facility.

“§ 47-2888.01. Definitions.

New
§ 47-2888.01

“For the purposes of this part the term:

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

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

“(3) “Wildlife rehabilitation facility” means a location where a licensed wildlife rehabilitator treats and provides temporary care of injured, diseased, orphaned, or displaced indigenous wild animals and provides for their subsequent release into appropriate habitats. A wildlife rehabilitation facility may be an individual’s home, a triage location, or a facility dedicated to wildlife rehabilitation.

“§ 47-2888.02. General prohibitions.

New
§ 47-2888.02

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

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

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

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

New
§ 47-2888.03

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

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

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

“(d) The Mayor may issue a license that clearly specifies the scope of the facility’s operation. The specifications shall not confer or denote an area of specialty by the veterinary facility or by the holder of the license. The Mayor shall determine the terms and restrictions that apply to the specifications by rulemaking.

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

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

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

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

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

New
§ 47-2888.04

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

“(1) Conviction of any person named on an application of any felony or any crime of moral turpitude, as defined in 3-1205.14(a)(4));

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

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

“(4) Furnishing false or misleading information to the Mayor, failing to furnish information required by the Mayor, or refusing to allow an inspection in accordance with § 47-2888.05.

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

“§ 47-2888.05. Inspections.

New
§ 47-2888.05

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

“(b) An inspection may include:

“(1) Examining and copying records; and

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

“(c) The Mayor may issue subpoenas to obtain records.

“§ 47-2888.06. Animal licenses.

New
§ 47-2888.06

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

“§ 47-2888.07. Penalties.

New
§ 47-2888.07

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

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

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

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

“(e) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this part pursuant to Chapter 18 of Title 2. Adjudication of any infraction of this part shall be pursuant to Chapter 18 of Title 2.

“§ 47-2888.08. Rules.

New
§ 47-2888.08

“The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of this part.”.

TITLE IV
REPEALER; EXISTING REGULATIONS

Sec. 401. Repealer; existing regulations.

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

Repeal
§§ 3-501 –
3-517

(b) Rules promulgated pursuant to the Veterinary Practice Act of 1982, effective March 9, 1983 (D.C. Law 4-171; D.C. Official Code § 3-501 *et seq.*), shall remain in effect until the Mayor promulgates rules to implement the Omnibus Health Regulation Amendment Act of 2014, passed on 2nd reading on January 7, 2014 (Enrolled version of Bill 20-153).

Note,
§§ 3-1202.21,
3-1208.61,
47-2888.08

TITLE V. GENERAL PROVISIONS

Sec. 501. Applicability.

Sections 102(c)(2) and 102(c)(6) shall apply one year after the effective date of this act.

Sec. 502. Fiscal impact statement.

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

Sec. 503. Effective date.

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

Note,
§ 3-1201.02
Delayed
applicability
March 26,
2015