

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HEALTH
COMMITTEE REPORT
1350 Pennsylvania Avenue, NW, 20004**

TO: All Councilmembers
FROM: Councilmember Yvette M. Alexander, Chairperson, Committee on Health
DATE: October 16, 2013
SUBJECT: Report on Bill 20-153 "Omnibus Health Regulation Amendment Act of 2013"

The Committee on Health, to which Bill 20-153 was referred, reports favorably thereon and recommends approval by the Council.

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I. BACKGROUND & NEED

The stated purpose of Bill 20-153 is 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 subchapter IV of Chapter 28

of Title 47 to establish licensure procedures and requirements for veterinary facilities; and to repeal the Veterinary Practice Act of 1982.

Bill 20-153 was introduced at the request of the Mayor on behalf of the Department of Health (hereinafter the “Department”), and contains a number of amendments designed to increase protection for consumers receiving healthcare services in the District of Columbia. DOH’s Health Professional Licensing Administration currently oversees 18 health occupation boards and four registrations programs that regulate the practice of their respective health profession(s), and the agency enforces District and federal law pertaining to health professionals by investigating consumer incidents and complaints, and taking appropriate action against a given health professional, when necessary. The Department also regulates health-based facilities including pharmacies, hospitals, nursing homes, end state renal disease centers, home health agencies, and hospices, child care and residential facilities, and intermediate care facilities.

The bill adds nine new occupations (assisted living administrators, home healthcare administrators, athletic trainers, personal fitness trainers, teachers of dentistry, teachers of dental hygiene, assistants in the practice of speech language pathology and audiology, and speech language pathology clinical fellows) to the Department’s oversight and establishes licensure, certification, and/or registration qualifications and procedures for each. It also reshapes the law pertaining to veterinary professionals and facilities by replacing the Board of Veterinary Examiners with a new Board of Veterinary Medicine, and expanding the requirements for the licensure of veterinary facilities, and newly requires that all dentists and dental facilities be certified before administering general and sedation anesthesia to patients. Finally, the bill changes the definition of home care agencies in order to minimize inconsistencies in the oversight of agencies providing primarily non-medical services to patients. The bill also makes a few technical and conforming edits to each amended Title, including, for example, re-designating the Board of Nursing Home Administration as the Board of Long Term Care Administration.

A. New Licensing Requirements for Currently Unregulated Health Professions.

A surprising number of health-related occupations are currently unregulated in the District of Columbia. If Bill 20-153 is enacted into law, these professions would be required to either satisfy minimum qualifications for licensure or register with the Department prior to engaging in practice within the District of Columbia, and the Department would retain oversight and ensure their legal and regulatory compliance. The following describes the bill’s proposal for regulating each respective profession.

Assisted Living Administrator

Assisted living administrators (“ALAs”) are currently defined in Chapter 1 of Title 44 as either an assisted living residence (“ALR”) licensee, or other person designated by the licensee to oversee the day-to-day operation of an ALR, and oversight of the facility’s compliance with all regulations for licensed assisted living residences. Bill 20-153 retains this definition and also

adds language to clarify that the scope of practice of an ALA includes planning, organizing, directing and controlling the operation of an ALR.

Athletic Trainers

Athletic trainers (“AT’s”) are regulated in many United States jurisdictions. Accordingly, the Committee’s recommendations for AT licensure in the District of Columbia are based upon existing best practices that have been effective in protecting the health and safety of athletes in these jurisdictions.

Bill 20-153 describes the practice of athletic training to include the prevention, recognition, assessment, management, treatment, disposition or reconditioning of an athletic injury, or any of a number of additional activities, in conjunction or alone. These include organizing and administering athletic training programs, providing guidance and education to others regarding athletic injuries and athletic training, and providing emergency care to injured athletes. “Athletic Injuries” are defined as “musculoskeletal injuries suffered by an athlete” that either resulted from or inhibits participation in athletic activity. Read literally, this provision could have the unintended consequence of discouraging trainers from preventing and administering emergency treatment for head injuries that potentially exceed the musculoskeletal threshold. The Committee Print therefore explicitly authorizes the provision of preventative and emergency treatment to the head.

Bill 20-153 initially contained no provisions pertaining to physician supervision of athletic trainers, but at least two U.S. jurisdictions prohibit administering certain treatment without the authorization, referral, or supervision of a licensed physician. Moreover, the Committee finds that there is an increasing number of lawsuits filed against athletic trainers for actions that unfortunately resulted in permanent athletic injuries. In light of these findings, the Committee Print establishes a minimum requirement of general physician supervision for the treatment of athletic injuries by an athletic trainer.

Personal Fitness Trainers

Although personal fitness trainers are not licensed in any other United States jurisdiction, the Board of Physical Therapy perceives this lack oversight as a failure in light of anecdotal reports of injuries, sexual misconduct, and misrepresentation of titles by persons claiming to be competent in personal training. In an effort to clarify functions of personal trainers, physical therapists, and athletic trainers and provide accountability for consumers, B20-153: i) establishes a scope of practice for personal fitness trainers, ii) requires personal fitness trainers to register with the Mayor and authorizes the Mayor to charge a registration fee; and iii) prohibits the usage of titles that would confuse the practice of personal fitness training with the practice of physical therapy or athletic training. It also exempts physical therapists from registering as personal trainers.

Assistants for Audiology and Speech Pathology, and Speech-language Pathology Clinical Fellows

Bill 20-153 requires the registration of audiology assistants, speech pathology assistants, and speech pathology clinical fellows¹. The legislation permits them to perform similar tasks as their licensed counterparts, provided they are supervised by a licensee.

The requirements for licensure established by Bill 20-153 are otherwise commensurate with the practices already in place in other jurisdictions.

Teachers of Dentistry and Teachers of Dental Hygiene

The licensure of teachers of dental hygiene and dentistry garnered strong support from the Board of Dentistry, which says that it will broaden the pool of qualified teachers from which to hire and enhance the quality of dental education.

Veterinary Technicians and Veterinary Euthanasia Technicians

The District's Veterinary Technician and Euthanasia Technician laws have not updated since the '80s. The current regulatory framework doesn't reflect current standards in veterinary medicine, or provide the Board with the tools to ensure that animals are protected at certain standards. Bill 20-153 subjects veterinarians to the provisions of the Health Occupations Revisions Act and authorizes a new Board to provide oversight.

Veterinary Facilities

Current District law authorizes the Department of Health (through the Mayor) to regulate veterinary facilities. Much of the authorizing legislation is contained within the Veterinary Practice Act of 1982, which this bill repeals. Accordingly, Bill 20-153 reestablishes the authority in Title 47, Chapter 28, and elaborates the current licensing and fee structures.

B. Redefining Home Care Agencies To Comport With Existing Federal Law

The Department of Health currently licenses Home Care Agencies to provide health care, habilitative or rehabilitative therapy, personal care services, homemaker services, chore services, and other supportive services to qualifying individuals. In contrast, federal law requires a similar agency servicing Medicare patients to be Medicare-certified. See 42 C.F.R. § 484.14(a) (2011).

Bill 20-153 requires home care agencies to provide both a skilled nursing service and a "therapeutic service," that includes physical, speech, or occupation therapy, medical social services, or personal care services.

¹ Speech pathology clinical fellows are speech pathologists that have completed a Master's or Doctoral Degree, and are in their first year of work experience.

C. Committee Recommendation

The Committee strongly recommends the adoption of this Committee Print. Both public and executive witnesses expressed strong support for the enhancements this bill makes to existing law, and the Committee recognizes that the passage of this amendment promotes the safety and health of District Residents by ensuring only qualified health professionals practice in the District.

II. LEGISLATIVE CHRONOLOGY

February 28, 2013	Bill 20-153, the “Omnibus Health Regulation Amendment Act of 2013” is by Chairman Mendelson at the request of the Mayor, and referred to the Committee on Health.
March 5, 2013	Bill 20-153, the “Omnibus Health Regulation Amendment Act of 2013” is referred to the Committee on Health.
March 8, 2013	Notice of Intent to Act on Bill 20-153 is published in the <i>D.C. Register</i> .
June 7, 2013	Notice of Public Hearing is published in the <i>D.C. Register</i> .
June 14, 2013	Revised Notice of Public Hearing is published in the <i>D.C. Register</i> .
June 28, 2013	The Committee on Health held a Public Hearing on Bill 20-153.
October 16, 2013	The Committee on Health meets to mark-up and vote on the report and committee print of Bill 20-153.

III. POSITION OF THE EXECUTIVE

Dr. Feseha Woldu, Senior Deputy Director, Regulation and Licensing Administration, of the Department of Health, was the executive witness. Dr. Woldu expressed the Executive’s strong support of Bill 20-153, the “Omnibus Health Regulation Amendment Act of 2013”.

IV. RESPONSE TO ADVISORY NEIGHBORHOOD COMMISSIONS RESOLUTIONS

There were no official Advisory Neighborhood Commission resolutions presented as testimony for the record.

V. WITNESS LIST

1. Michael Sindram, Public Witness

2. Alison Lichy, American Physical Therapy Association, DC Chapter – Athletic Trainers and Personal Trainers, Public Witness
3. Dr. Steven Guttenberg, District of Columbia Dental Society, Public Witness
4. Dr. Eugene Giannini, District of Columbia Dental Society, Public Witness
5. Susan Walker, D.C. Coalition on Long Term Care, Public Witness
6. Dr. Feseha Woldu, Senior Deputy Director, Department of Health, Health Regulation Licensing Administration
7. Dr. Senora Simpson, Chairwoman, Board of Physical Therapy
8. Karen Skinner, Interim Executive Director, Board of Nursing
9. Dr. Daniel Howard, III, Chairman, Board of Dentistry
10. Gabriele Nicolete, Chairwoman, Board of Audiology & Speech Language Pathology
11. Dr. Julie Garnier, Chairwoman, Board of Veterinary Medical Examiners
12. Lisa LaFontaine, Vice Chairwoman, Board of Veterinary Medical Examiners

VI. IMPACT ON EXISTING LAW

Bill 20-153 impacts existing law by: 1) amending the District of Columbia Health Occupations Revision Act of 1985 to require the licensure of and establish licensure procedures and qualifications for athletic trainers, home healthcare administrators, personal fitness trainers, audiology assistants, speech-language pathology assistants, speech-language pathology clinical fellows, dental hygiene and dentistry teachers, doctors of veterinary medicine, veterinary technicians, and veterinary euthanasia technicians, to establish a Board of Veterinary Medicine and to make technical corrections; 2) amending 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; 3) amending Chapter 28 of Title 47 to establish new licensure procedures and requirements for veterinary facilities; 4) repealing the Veterinary Practice Act of 1982.

VII. FISCAL IMPACT

The attached fiscal impact statement from the Chief Financial Officer states that funds are sufficient in the FY2013 through FY2016 budget and financial plan to implement Bill 20-153.

VIII. BILL ANALYSIS

- Section 1: States the short title of Bill 20-153.
- Section 2: Amends the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* to establish licensure procedures and requirements for numerous health professions.
- Section 3: Amends 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) to modify licensure requirements for home care agencies.
- Section 4: Amends Subchapter IV of Chapter 28 of Title 47 of the District of Columbia Code to establish new licensure procedures and requirements for veterinary facilities.
- Section 5: Repeals the Veterinary Practice Act of 1982, effective March 9, 1983 (D.C. Law 4-471; D.C. Official Code §3-501 *et seq.*).
- Section 6: Postpones the applicability of Sections 101(c)(2) and 101(c)(5) until one year after the effective date of Bill 20-153.
- Section 7: Adopts the fiscal impact statement in the committee report.
- Section 8: States Bill 20-153 will take effect following Mayoral approval or Council veto override, Congressional review, and publication in the D.C. register.

IX. COMMITTEE ACTION

On Wednesday, October 16, 2013, the Committee on Health met to consider Bill 20-153, the "Omnibus Health Occupations Amendment Act of 2013". The meeting was called to order at 2:05 p.m., and Bill 20-153 was the first item on the agenda. After ascertaining a quorum,

Chairperson Alexander moved the print and report separately, with leave for staff to make technical and editorial changes. The vote was unanimous. (Chairperson Alexander and Councilmembers Grosso and Bonds voting "aye." Councilmember Catania was absent). After consideration of the second item on the agenda and the arrival of Councilmember Orange, Chairperson Alexander moved to reconsider the print and report for Bill 20-153 so that Councilmember Orange would have an opportunity to cast a vote. All Councilmembers unanimously voted aye on the motion to reconsider. Chairperson Alexander then moved the print and report a second time with leave for staff to make technical and editorial changes. The vote was again unanimous, with Chairperson Alexander and Councilmembers Grosso, Bonds, and Orange voting "aye." Councilmember Catania was absent). The meeting adjourned at 2:15 p.m.


X. ATTACHMENTS

1. Bill 20-153 as introduced.
2. Hearing notice.
3. Witness list.
4. Copies of written testimony.
5. Fiscal Impact Statement.
6. Legal Sufficiency Memorandum.
7. Comparative Print of Bill 20-153.
8. Committee Print of Bill 20-153.

ATTACHMENT 1

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Memorandum

To: Members of the Council
From: 
Nyasha Smith, Secretary to the Council
Date: March 4, 2013
Subject: Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Thursday, February 28, 2013. Copies are available in Room 10, the Legislative Services Division.

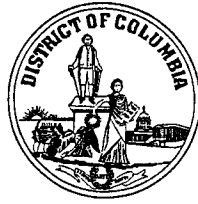
TITLE: "Omnibus Health Regulation Amendment Act of 2013", B20-0153

INTRODUCED BY: Chairman Mendelson at the request of the Mayor

The Chairman is referring this legislation to the Committee on Health.

Attachment

cc: General Counsel
Budget Director
Legislative Services



2013 FEB 28 PM 3:02
OFFICE OF THE
CLERK OF THE DISTRICT OF COLUMBIA

VINCENT C. GRAY
MAYOR

FEB 28 2013

The Honorable Phil Mendelson
Chairman, Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Ave., N.W., Suite 504
Washington, DC 20004

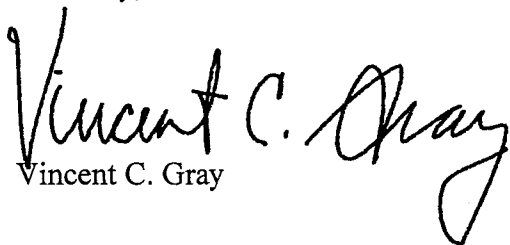
Dear Chairman Mendelson:


Please find attached the Omnibus Health Regulation Amendment Act of 2013 for enactment by the Council of the District of Columbia. If enacted, the proposed legislation would amend the District of Columbia Health Occupations Revision Act of 1985 (HORA), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2007 Repl.)) to regulate several health professions currently unregulated and strengthen the oversight of the practice of veterinary medicine by incorporating it as a health profession.

In addition, the legislation would permit the regulations of veterinary facilities as well as the performance of general and sedation anesthesia by dentists and dental facilities. Further, the legislation adds dental and dental hygiene teaching licensure and amend the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983 to require home care agencies to provide skilled nursing and therapeutic services in order to be consistent with the federal Medicare laws.

I urge the Council to take prompt and favorable action on the Omnibus Health Regulation Amendment Act of 2013.

Sincerely,


Vincent C. Gray


Chairman Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following bill, which was referred to the Committee on _____.

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 subchapter Iv of Chapter 28 of Title 47 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."

TITLE 1- 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:

1 (a) Amend the table of contents as follows:

2 (1) Title II is amended as follows:

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

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

7 "Sec. 221. Board of Veterinary Medicine.

8 "Sec. 220. Boards of Behavioral Health executive Director."

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

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

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

13 "TITLE VIII-D.

14 "PRACTICE OF VETERINARY MEDICINE; VETERINARY EUTHANASIA
15 TECHNICIANS; VETERINARY TECHNICIANS

16 "Sec. 861. Practice of veterinary medicine; license requirement.

17 "Sec. 862. Qualifications for license to practice veterinary medicine.

18 "Sec. 863. Certification of veterinary technicians; restrictions.

19 "Sec. 864. Certification of veterinary euthanasia technicians; restrictions."

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

22 "Sec. 908. Personal fitness trainer.

23 "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
15 veterinary medicine and has received a doctorate in veterinary medicine or its equivalent.

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

18 “(18) “Veterinary facility” means a fixed or mobile establishment where
19 veterinary medicine is practiced. This term does not include an animal shelter or wildlife
20 rehabilitation facility. An animal shelter is a private or government-owned facility established
21 for the impoundment of stray, diseased, dangerous, sick, injured, abused, neglected, unwanted,
22 abandoned, orphaned, lost or otherwise displaced animals, with the intent to care for, quarantine,
23 return to an owner, adopt out, or euthanize the animals.

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

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

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

6 “(2A-1)(A) “Practice of assisted living administration” means planning,
7 organizing, directing, and controlling the operation of an assisted living residence.

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

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

12 “(ii) “Assisted living residence” has the same meaning as the same term
13 used in § 102.01(4) of the Assisted Living Residence Regulatory Act of 2000, effective June 24,
14 2000 (D.C. Law 13-127; D.C. Official Code § 44-102.01(4)).”.

15 “(2A-2)(A) “Practice of athletic training” means the application or provision of:

16 “(i) The organization and administration of athletic training programs;

17 “(ii) Education, guidance, and counseling to athletes, coaches, and athletic
18 communities regarding athletics, athletic training, and the prevention and care of athletic injuries;

19 “(iii) Principles, methods and procedures of evaluation, recognition,
20 prevention, management, treatment, rehabilitation, and reconditioning of athletic injuries
21 sustained by athletes;

22 “(iv) The immediate care of athletic injuries, including common
23 emergency medical situations; or

1 “(v) Appropriate preventative and supportive devices, temporary splinting
2 and bracing, physical modalities of heat, cold, light, massage, water, electric stimulation, sound,
3 and exercise equipment for which he or she has received appropriate training or education;

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

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

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

12 “(iii) A person providing personal training instruction for exercise,
13 aerobics, or weightlifting, if the person does not represent himself or herself as an athletic trainer
14 or able to provide athletic trainer services, and if any recognition or treatment of injuries is
15 limited to the provision of basic first aid;

16 “(iv) Coaches and physical education instructors in the performance of
17 their duties;

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

21 “(vi) The activities of athletic trainers from other nations, states, or
22 territories when performing their duties for their respective teams or organizations and only
23 during the course of their team's or organization's temporary stay in the District of Columbia,

1 provided that the athletic trainers are currently licensed, certified, or registered, in any state or
2 Canada, or are currently certified by the National Athletic Trainers Association Board of
3 Certification, Inc., or its successor organization.

4 “(C) for purposes of this section “Athlete” means:

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

8 “(ii) A member of a professional athletic team.”.

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

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

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

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

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

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

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

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

2 “(19A) “Practice by a speech-language pathology assistant” means assisting a
3 licensed speech-language pathologist in implementing speech-language pathology care and
4 treatment plans for patients under the direct supervision and direction of the licensed speech-
5 language pathologist.

6 “(19B) “Practice by a speech-language pathology clinical fellow” means the
7 practice of speech-language pathology by a participant in a clinical fellowship that meets the
8 definition set forth in section 912(c)(3) (D.C. Official Code § 3-1209.12(c)(3)).”.

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

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

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

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

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

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

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

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

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

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

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

6 “(b) The Board shall regulate the practices of dentistry and dental hygiene and
7 dental assistants, shall issue teaching licenses as provided under Subchapter III of this Title, and
8 shall issue certifications to dentists and facilities where dentistry is practiced to permit a dentist
9 to administer general or sedation anesthesia.”.

10 (2) Add new subsections (g) and (h) to read as follows:

11 “(g) The Board may adopt regulations governing:

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

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

14 “(3) Except as provided in subsection (h), the issuance of a certification to
15 a facility not otherwise regulated where a dentist administers or has general anesthesia or
16 sedation administered; and

17 “(4) Except as provided in subsection (h), the issuance of a certification to
18 a dentist who administers or has general anesthesia or sedation administered;

19 “(h) The Board shall not require a facility or a dentist to obtain a certification if a
20 dentist:

21 “(1) Administers nitrous oxide not in conjunction with:

1 “(A) Another method of diminishing or eliminating pain, except
2 that a certification shall not be required for a dentist to administer nitrous oxide in conjunction
3 with local anesthesia or a non-prescription drug; or

4 “(B) Medication used for diminishing or eliminating anxiety; or

5 “(2) Prescribes or administers oral medication to a patient within the
6 maximum recommended dosage for that patient for the sole purpose of diminishing or
7 eliminating anxiety provided that the oral medication is not prescribed or administered in
8 conjunction with:

9 “(A) Another method of diminishing or eliminating pain (except
10 for local anesthesia or non-prescription drugs); or

11 “(B) The administration of nitrous oxide.”.

12 (g) Amend § 205 (D.C. Official Code § 3-1202.05) as follows:

13 (1) Strike the phrase “Board of Nursing Home Administration” in subsection (a)
14 and insert the phrase “Board of Long Term Care Administration” in its place.

15 (2) Strike the phrase “5 members” in subsection (a) and insert the phrase “7
16 members” in its place.

17 (3) Amend subsections (b) and (c) to read as follows:

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

20 “(c) Of the members of the Board, 2 shall be nursing home administrators
21 licensed in the District, one shall be an assisted living administrator licensed in the
22 District, one shall be an educator from an institution of higher learning engaged in
23 teaching health care administration, one shall be an allied health professional licensed in

1 the District who has a demonstrated interest in long-term care, one shall be a health
2 professional licensed in the District who has experience in long term care such as a social
3 worker or other long term care professional such as a home health care administrator, and
4 one shall be a consumer member.”.

5 (4) Amend subsection (e) by striking the first sentence and inserting the sentence
6 “Of the members initially appointed under this section, 2 shall be appointed for a term of
7 one year, 2 shall be appointed for a term of 2 years, and 3 shall be appointed for a term of
8 3 years.” in its place.

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

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

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

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

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

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

1 (j) Add two new sections numbered 221 and 222 (to be codified at D.C. Official Code §
2 3-1202.21 and 3-1202.22) to read as follows:

3 “Sec. 221. Board of Veterinary Medicine.

4 “(a) There is established a Board of Veterinary Medicine in the District of
5 Columbia.

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

8 “(c) The Board shall consist of 5 members appointed by the Mayor with the
9 advice and consent of the Council. Of the 5 members, 3 shall be licensed veterinarians, one shall
10 be a veterinary technician and one shall be a consumer.

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

13 “(e) The members of the Board of Veterinary Examiners serving on the effective
14 date of this act shall become members of the Board of Veterinary Medicine and shall continue to
15 serve on the Board of Veterinary Medicine for the remainder of their terms.”.

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

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

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

22 (k) Section 401(b)(2) (D.C. Official Code § 3-1204.01(b)(2)) is amended by adding a
23 sentence at the end of the paragraph to read as follows: “The veterinary technician member

1 initially appointed to the Board of Veterinary Medicine shall be eligible for and shall file a
2 timely application for certification in the District.”.

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

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

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

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
14 trainer under this act shall establish to the satisfaction of the Board of Physical Therapy that the
15 individual:

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

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