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- Sec. 406. Compensation.
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TITLE V

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- Sec. 502. Exemptions.
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- Sec. 508. Issuance of license.
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- Sec. 510. Term and renewal of license.
- Sec. 511. Inactive status.
- Sec. 512. Reinstatement of expired licenses.
- Sec. 513. Display of licenses; change of address.
- Sec. 514. Revocation, suspension, or denial of license or privilege; civil penalty; reprimand.
- Sec. 515. Summary action.
- Sec. 516. Cease and desist orders.
- Sec. 517. Voluntary surrender of license.
- Sec. 518. Voluntary limitation or surrender of license by impaired health professional.
- Sec. 519. Hearings.
- Sec. 520. Judicial and administrative review of actions of a board.
- Sec. 521. Reinstatement of a suspended or revoked license.

TITLE VI

ADVANCED REGISTERED NURSING; SCOPE OF
PRACTICE; REQUIREMENT OF PROTOCOL;
COLLABORATION

- Sec. 601. General authorization.
- Sec. 602. Requirements of protocols.
- Sec. 603. Collaboration.
- Sec. 604. Authorized acts.
- Sec. 605. Nurse-anesthesia.
- Sec. 606. Nurse-midwifery.
- Sec. 607. Nurse-practitioner practice.

Sec. 608. Qualifications, certification.

TITLE VII
 QUALIFICATIONS FOR LICENSURE TO PRACTICE
 DIETETICS AND NUTRITION; WAIVER OF
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- Sec. 701. Qualifications for licensure.
 Sec. 702. Waiver of examination.

TITLE VIII
 CATEGORIES AND QUALIFICATIONS OF
 SOCIAL WORKERS

- Sec. 801. Licensed social work associate.
 Sec. 802. Licensed graduate social worker.
 Sec. 803. Licensed independent social worker.
 Sec. 804. Licensed independent clinical social worker.
 Sec. 805. Transition.
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TITLE IX
 RELATED OCCUPATIONS; REGISTRATION
 REQUIREMENTS; PROHIBITED ACTIONS

- Sec. 901. Naturopathy.
 Sec. 902. Dance and recreation therapy.

TITLE X
 PROHIBITED ACTS; PENALTIES; INJUNCTIONS.

- Sec. 1001. Practicing without a license.
 Sec. 1002. Misrepresentation.
 Sec. 1003. Certain representations prohibited.
 Sec. 1004. Filing a false document or evidence; false statements.
 Sec. 1005. Fraudulent sale, obtaining, or furnishing of documents.
 Sec. 1006. Restrictions relating to pharmacies.
 Sec. 1007. Criminal penalties.
 Sec. 1008. Prosecutions.
 Sec. 1009. Alternative sanctions.
 Sec. 1010. Injunctions.

TITLE XI
 AMENDMENTS; TRANSFERS; AND REPEALERS

- Sec. 1101. Amendments relating to confidential communications with
 mental health professionals.
 Sec. 1102. Amendments to the District of Columbia Pharmacist and
 Pharmacy Regulation Act of 1980.
 Sec. 1103. Amendments to the Regulation Establishing Administrative
 Rules for Occupational and Professional Licensing Boards.
 Sec. 1104. Repealers.

TITLE XII
 TRANSITIONAL PROVISIONS

- Sec. 1201. Transfer of personnel, records, property, and funds.
 Sec. 1202. Members of boards abolished by this act.

Sec. 1203. Pending actions and proceedings; existing rules and orders.

TITLE XIII

APPROPRIATIONS; EFFECTIVE DATE.

Sec. 1301. Appropriations.

Sec. 1302. Effective date.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Health Occupations Revision Act of 1985".

TITLE I

DEFINITIONS; SCOPE

Sec. 101. General definitions.

For the purposes of this act, the term:

(1) "Board" means the Board of Dentistry, the Board of Dietetics and Nutrition, the Board of Medicine, the Board of Nursing, the Board of Nursing Home Administration, the Board of Occupational Therapy, the Board of Optometry, the Board of Pharmacy, the Board of Physical Therapy, the Board of Podiatry, the Board of Psychology, or the Board of Social Work, established by this act, as the context requires.

(2) "Collaboration" means the process in which health professionals jointly contribute to the health care of patients with each collaborator performing actions he or she is licensed or otherwise authorized to perform pursuant to this act. Within this definition:

(A) "General collaboration" means that each collaborator is available to the other collaborator for consultation either in person or by a communication device, but need not be physically present on the premises at the time the actions are performed.

(B) "Direct collaboration" means that each collaborator is available on the premises and within vocal communication, either directly or by a communications device, of the other collaborator.

(C) "Immediate collaboration" means that each collaborator is physically present in the room where the actions are being performed and is performing the actions or guiding and directing the performance of the actions.

(3) "Corporation Counsel" means the Corporation Counsel of the District of Columbia.

(4) "Council" means the Council of the District of Columbia.

(5) "Day" means calendar day unless otherwise specified in this act.

(6) "District" means the District of Columbia.

(7) "Health occupation" means a practice that is regulated under the authority of this act.

(8) "Health professional" means a person licensed under this act or permitted by this act to practice a health occupation in the District.

(9) "Impaired health professional" means a health professional who is unable to perform his or her professional responsibilities reliably due to a mental or physical disorder, excessive use of alcohol, or habitual use of any narcotic or controlled substance or any other drug in excess of therapeutic amounts or without valid medical indication.

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(10) "Mayor" means the Mayor of the District of Columbia.
(11) "Person" means an individual, corporation, trustee, receiver, guardian, representative, firm, partnership, society, school, or other entity.
(12) "Protocol" means a written agreement between an advanced registered nurse and a collaborating physician, osteopath, or dentist, as required by title VI, which shall outline, if necessary, the diagnostic and therapeutic approaches to be considered, and which shall outline actions to be taken in providing medical care to patients in accordance with the minimum levels of collaboration required by this act, except when the parties agree to establish higher levels of collaboration for specific actions or circumstances.

(13) "State" means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

(14) "Superior Court" means the Superior Court of the District of Columbia.

Sec. 102. Definitions of health occupations.

For the purposes of this act, the term:

(1) "Practice of acupuncture" means the insertion of needles, with or without accompanying electrical or thermal stimulation, at a certain point or points on or near the surface of the human body to relieve pain, normalize physiological functions, and treat ailments or conditions of the body. The practice of acupuncture by a nonphysician acupuncturist shall be carried out in general collaboration with a licensed physician or osteopath.

(2) "Practice of advanced registered nursing" means the performance of advanced-level nursing actions by a nurse-midwife, a nurse-anesthetist, or a nurse-practitioner certified pursuant to this act which, by virtue of post-basic specialized education, training, and experience, are proper to be performed. The advanced registered nurse may perform actions of nursing diagnosis and nursing treatment of alterations of the health status. The advanced registered nurse may also perform actions of medical diagnosis and treatment, prescription, and other functions which are identified in title VI and carried out in accordance with the procedures required by this act.

(3)(A) "Practice of chiropractic" means the location and analysis of displaced vertebrae through spinal X-rays and techniques of examination by physical means and by the use of noninvasive instrumentation, and the application of specific, localized force to the spinal region to correct the vertebral displacement. The practice of chiropractic shall not include the use of drugs, surgery, or injections, but may include noninvasive ancillary procedures authorized by rules and regulations issued pursuant to this act.

(B) Nothing in this paragraph shall be construed as preventing or restricting the services of activities of any individual engaged in the lawful practice of cosmetology or massage, provided that the individual does not represent by title or description of services that he or she is a chiropractor.

(4)(A) "Practice of dental hygiene" means the performance of any of the following activities in accordance with the provisions of subparagraph (B) of this paragraph:

- (i) A preliminary dental examination; a complete prophylaxis, including the removal of any deposit, accretion, or stain from the surface of a tooth or a restoration; the polishing of a tooth or a restoration;
- (ii) The charting of cavities during preliminary examination, prophylaxis, or polishing;
- (iii) The application of a medicinal agent to a tooth for a prophylactic purpose;
- (iv) The taking of a dental X-ray;
- (v) The instruction of individuals or groups of individuals in oral health care; and
- (vi) Any other functions included in the curricula of approved educational programs in dental hygiene.

(B) A dental hygienist may perform the activities listed in subparagraph (A) of this paragraph only under the general supervision of a licensed dentist, in his or her office or any public school or institution rendering dental services. The Mayor may issue rules identifying specific functions authorized by subparagraph (A)(vi) and may require higher levels of supervision for the performance of these functions by a dental hygienist. The license of a dentist who permits a dental hygienist, operating under his or her supervision, to perform any operation other than that permitted under this paragraph, may be suspended or revoked, and the license of a dental hygienist violating this paragraph may also be suspended or revoked, in accordance with the provisions of this act.

(C) For the purposes of subparagraph (B) of this paragraph, the term "general supervision" means the performance by a dental hygienist of procedures permitted by subparagraph (A) of this paragraph based on instructions given by a licensed dentist, but not requiring the physical presence of the dentist during the performance of these procedures.

(5) "Practice of dentistry" means:

(A) The diagnosis, treatment, operation, or prescription for any disease, disorder, pain, deformity, injury, deficiency, defect, or other physical condition of the human teeth, gums, alveolar process, jaws, maxilla, mandible, or adjacent tissues or structures of the oral cavity, including the removal of stains, accretions, or deposits from the human teeth;

(B) The extraction of a human tooth or teeth;

(C) The performance of any phase of any operation relative or incident to the replacement or restoration of all or a part of a human tooth or teeth with an artificial substance, material, or device;

(D) The correction of the malposition or malformation of the human teeth;

(E) The administration of an appropriate anesthetic agent, by a dentist properly trained in the administration of the anesthetic agent, in the treatment of dental or oral diseases or physical conditions, or in preparation for or incident to any operation within the oral cavity;

(F) The taking or making of an impression of the human teeth, gums, or jaws;

(G) The making, building, construction, furnishing, processing, reproduction, repair, adjustment, supply or placement in the human mouth of any prosthetic denture, bridge, appliance, corrective device, or other structure designed or constructed as a substitute for a natural human tooth or teeth or as an aid in the treatment of the malposition or malformation of a tooth or teeth;

(H) The use of an X-ray machine or device for dental treatment or diagnostic purposes, or the giving of interpretations or readings of dental X-rays;

(I) The performance of any of the clinical practices included in the curricula of accredited dental schools or colleges or qualifying residency or graduate programs.

(6)(A) "Practice of dietetics and nutrition" means the application of scientific principles and food management techniques to assess the dietary or nutritional needs of individuals and groups, making recommendations for short-term and long-term dietary or nutritional practices which foster good health, provide diet or nutrition counseling, and develop and manage nutritionally sound dietary plans and nutrition care systems consistent with the available resources of the patient or client.

(B) Nothing in this paragraph shall be construed as preventing or restricting the practices, services, or activities of dietetic technicians and dietetic assistants working under the supervision of a licensed dietitian or nutritionist, other health professionals licensed pursuant to this act, or other persons who in the course of their responsibilities offer dietary or nutrition information or deal with nutritional policies or practices on an occasional basis incidental to their primary duties, provided that they do not represent by title or description of services that they are dietitians or nutritionists.

(7) "Practice of medicine" means the application of scientific principles to prevent, diagnose, and treat physical and mental diseases, disorders, and conditions and to safeguard the life and health of any woman and infant through pregnancy and parturition.

(8)(A) "Practice of nursing home administration" means the administration, management, direction, or the general administrative responsibility for an institution or part of an institution that is licensed as a nursing home.

(B) Within the meaning of this paragraph, the term "nursing home" means a 24-hour inpatient facility, or distinct part thereof, primarily engaged in providing professional nursing services, health-related services, and other supportive services needed by the patient or resident.

(9)(A) "Practice of occupational therapy" means the evaluation and treatment of individuals whose ability to manage normal daily functions is threatened or impaired by developmental deficits, the aging process, poverty and cultural differences, physical injury or illness, or psychological and social disability, utilizing task-oriented activities to prevent or correct physical or emotional disabilities and enhance developmental and functional skills. Specific therapeutic and diagnostic techniques used in occupational therapy include: