

ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

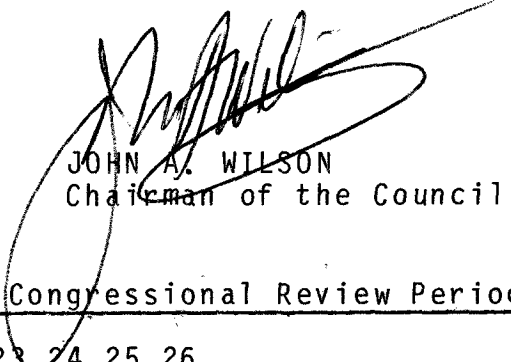
NOTICE

D.C. LAW 9-264

"Authorization for Medical Consent for Children
in the Care of Adults Other than Parents Temporary
Amendment Act of 1992".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 9-752 on first and second readings, December 15, 1992, and January 5, 1993, respectively. Following the signature of the Mayor on January 26, 1993, this legislation was assigned Act No. 9-412, published in the February 5, 1993, edition of the D.C. Register, (Vol. 40 page 1049) and transmitted to Congress on January 28, 1993 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 9-264, effective March 27, 1993.



JOHN A. WILSON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

February 2,3,4,16,17,18,19,22,23,24,25,26

March 1,2,3,4,5,8,9,10,11,12,15,16,17,18,23,24,25,26

AN ACT

Codification

District of Columbia Code

D.C. ACT 9-412

(1993 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 26, 1993

To amend title 16 of the District of Columbia Code to establish, on a temporary basis, a mechanism for a parent, legal guardian, or custodian of a minor child to convey the authority necessary for another adult person to consent to medical treatment on behalf of the child.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Authorization for Medical Consent for Children in the Care of Adults Other than Parents Temporary Amendment Act of 1992".

Sec. 2. Title 16 of the District of Columbia Code is amended as follows:

(a) The table of contents for the title is amended by adding the phrase "49. Authorization for Medical Consent for a Minor by an Adult Caregiver § 16-4901."

(b) A new Chapter 49 is added to read as follows:

"§ 16-4901. Authorization for medical consent for a minor by an adult caregiver.

Note,
Section
16-4704

"(a) A parent, legal guardian, or legal custodian may authorize an adult person, in whose care the child has been entrusted, to consent to any medical, surgical, dental, or mental health examination or treatment, including immunization, to be rendered to the minor under the supervision or upon the advice of a physician, nurse, dentist, or mental health professional licensed to practice in the District of Columbia, provided there is no prior order of any court in any jurisdiction currently in effect which would prohibit the parent, custodian, or guardian from exercising the power that they seek to convey to another person. Medical, surgical, and dental treatment or examination shall include any x-ray or anesthetic required for diagnosis or treatment.

"(b) Any written form that is signed by the parent, guardian, or custodian and notarized may be used to convey the authority described in subsection (a) of this section. The form below is offered as a sample only and its inclusion in this section shall not be construed to preclude the use of alternative language.

"(c) Any conveyance of authority described in subsection (a) of this section which is consistent with the requirements of subsection (b) of this section shall be honored by all health care facilities and practitioners described in subsection (e) of this section. Health care

facilities and practitioners may honor conveyances of authority that do not meet the requirements of subsection (b) of this section. Notwithstanding subsection (g) of this section, the existence of a written document conveying any authority described in subsection (a) of this section which is consistent with the requirements of subsection (b) of this section creates a presumption that the authority has been lawfully conveyed.

"(d) Any conveyance of authority described in this section is revocable at will, unless otherwise agreed upon by the parent, guardian, or custodian and the person to whom authority is being conveyed. The parties may provide for terms in writing which would require the revocation to be in writing, make revocation effective only when a specified time period has elapsed after notification of intent to revoke, or any other terms that the parties deem appropriate.

"(e) A physician, surgeon, nurse, mental health professional, dentist, or other health care professional, or a hospital or medical facility, who or which relies on a written instrument that is consistent with the requirements of subsection (b) of this section and that authorizes another adult to consent to medical treatment of the executor's minor child or ward shall not incur civil liability for treating a minor without legal consent if a reasonable and prudent health care professional would have relied on the written instrument under the same or similar circumstances.

"(f) This chapter is not intended to provide a substitute for protection proceedings conducted in the Family Division under Chapter 23 of this title.

"(g) The execution of a document conveying any authority described in subsection (a) of this section shall not be binding in any future custody proceedings. Regardless of the execution of this document, any future custody determination shall be based on the best interests of the child or other applicable legal standard.

"SUGGESTED FORM

"1. ___ I am the parent of the child(ren) listed below and there are no court orders now in effect which would prohibit me from exercising the power that I now seek to convey;
OR

___ I am the legal guardian or custodian of the child(ren) by court order (copy attached, if available) and there are no other court orders now in effect which would prohibit me from exercising the power that I now seek to convey.

"2. I am temporarily entrusting to _____, an adult who resides at _____, the care of the following child(ren):

Name Date of Birth Name Date of Birth

Name Date of Birth Name Date of Birth

"3. The caregiver named above may consent to medical, dental, surgical and/or mental health diagnosis and treatment for the child(ren).

"4. I am giving this consent freely and knowingly in order to provide for the child(ren) and not due to pressure, threats, or payments by any person or agency.

"5. Upon notification of intent to revoke, there shall be a period of ___ hours before revocation takes effect. Notification of intent to revoke must be in writing. (put a line through those provisions that are not applicable)

I hereby swear or affirm that the above statements are true.

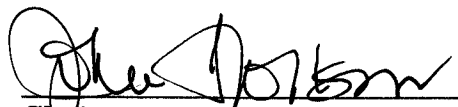
Name Date

Notary Date

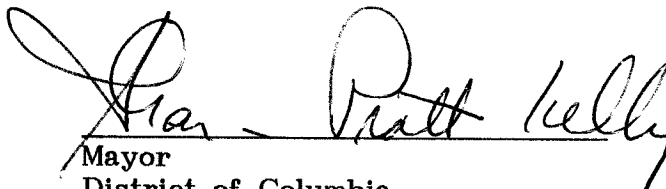
My commission expires: "

Sec. 3. (a) This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code §1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

(b) This act shall expire on the 225th day of its having taken effect or upon the effective date of the Authorization for Medical Consent for Children in the Care of Adults Other than Parents Act of 1992, whichever occurs first.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: January 26, 1993



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Nine

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 9-752

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 12-15-92

VOICE VOTE: Approved

Recorded vote on request

Absent: Thomas

ROLL CALL VOTE: — RESULT _____ (_ / _ / _)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote A B — Absent N.V. — Present, not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

January 7, 1993
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 1-5-93

VOICE VOTE: Approved

Recorded vote on request

Absent: Wilson

ROLL CALL VOTE: — RESULT _____ (_ / _ / _)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X — Indicates Vote A B — Absent N.V. — Present, not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

January 7, 1993
Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____ (_ / _ / _)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X — Indicates Vote A B — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date