

# ENROLLMENT(S)

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COUNCIL OF THE DISTRICT OF COLUMBIA

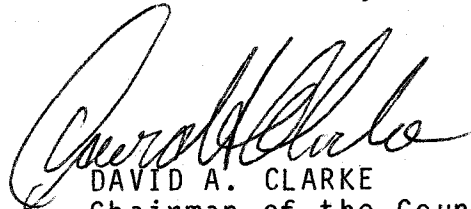
NOTICE

D.C. LAW 10-33

"Authorization for Medical Consent for Children in the Care of Adults Other than Parents Amendment Act of 1993".

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. 10-15 on first and second readings, June 29, 1993, and July 13, 1993, respectively. Following the signature of the Mayor on July 29, 1993, this legislation was assigned Act No. 10-65, published in the August 13, 1993, edition of the D.C. Register, (Vol. 40 page 5760) and transmitted to Congress on August 3, 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 10-33, effective October 15, 1993.



DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

August 3,4,5,6  
September 7,8,9,10,13,14,15,16,17,20,21,22,23,24,27,28,29,30  
October 1,4,5,6,7,12,13,14

Codification

AN ACT

District of Columbia Code

D.C. ACT 10-65

(1994 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

New Chapter 49  
of Title 16

JULY 29, 1993

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

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 Amendment Act of 1993".

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.

New  
Section  
16-4901

"(a) A parent, legal guardian, or legal custodian may authorize an adult person, in whose care a minor has been entrusted, to consent to any medical, surgical, dental, developmental screening and/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, legal guardian, or legal custodian from exercising the power that they seek to convey to another person. Medical, surgical and dental treatment or examination may include any x-ray or anesthetic required for diagnosis or treatment.

"(b) Any written form that is signed by the parent, legal guardian, or legal custodian may be used to convey the authority described in subsection (a) of this section. The form shown below is offered as a sample only and its inclusion in this section shall not be construed to preclude the use of alternative language. Any written statement signed by a parent, legal guardian, or legal custodian is governed by the laws of forgery of the District of Columbia as they are outlined in §§ 22-3841 and 22-3842.

## Enrolled Original

"(c) A 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 any health care facility or practitioner described in subsection (e) 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) A conveyance of authority described in this section is revocable at will, unless other terms are agreed to by the parent, legal guardian, or legal custodian and the person to whom authority is being conveyed. The parties may provide for terms in writing which would require the revocation of authority 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, that relies on a written instrument that is consistent with the requirements of subsection (b) of this section which 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
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Name	Date of Birth	Name	Date of Birth
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"3. The caregiver named above may consent to medical, dental, surgical, developmental and/or mental health diagnosis and treatment for the child(ren).

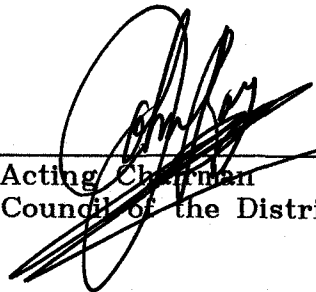
"4. I am giving this consent freely and knowingly in order to provide for the child(ren) and not due to pressure, threats, or payments by any person or agency.

"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, under penalty of law.

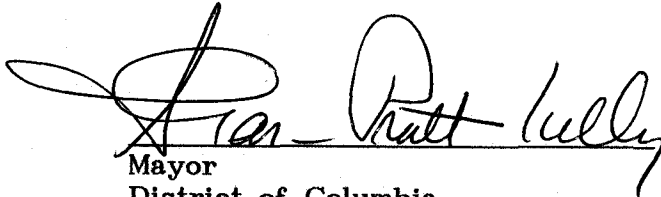
" \_\_\_\_\_ "   
Name Date

Sec. 3. 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.



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Acting Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia

APPROVED: July 29, 1993



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TEN

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B10-15

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 6-29-93

VOICE VOTE: Approved

Recorded vote on request

Absent: Barry and Chavous

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. RAY					EVANS					SMITH, JR.				
BARRY					JARVIS					THOMAS, SR.				
BRAZIL					LIGHTFOOT									
CHAVOUS					MASON									
CROPP					NATHANSON									

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

CERTIFICATION RECORD

*Angie Ford*  
Secretary to the Council

*July 15, 1993*  
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 7-13-93

VOICE VOTE: Approved

Recorded vote on request

Absent: Chavous

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. RAY					EVANS					SMITH, JR.				
BARRY					JARVIS					THOMAS, SR.				
BRAZIL					LIGHTFOOT									
CHAVOUS					MASON									
CROPP					NATHANSON									

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

CERTIFICATION RECORD

*Angie Ford*  
Secretary to the Council

*July 15, 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. RAY					EVANS					SMITH, JR.				
BARRY					JARVIS					THOMAS, SR.				
BRAZIL					LIGHTFOOT									
CHAVOUS					MASON									
CROPP					NATHANSON									

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

CERTIFICATION RECORD

Secretary to the Council

Date