

COUNCIL OF THE DISTRICT OF COLUMBIA

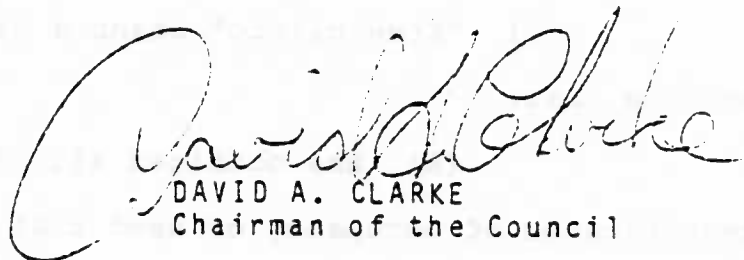
NOTICE

D.C. LAW 6-155

"Free Clinic Assistance Program Act of 1986".

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. 6-466 on first and second readings, June 24, 1986 and July 8, 1986, respectively. Following the signature of the Mayor on July 16, 1986, this legislation was assigned Act No. 6-198, published in the August 8, 1986, edition of the D.C. Register, (Vol. 33 page 4809) and transmitted to Congress on July 22, 1986 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 6-155, effective September 23, 1986.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 22,23,24,25,28,29,30,31
August 1,4,5,6,7,8,11,12,13,14,15
September 8,9,10,11,12,15,16,17,18,19,22

LAW 6 - 155

EFFECTIVE DATE SEP 23 1986

AN ACT

D.C. ACT 6 - 198

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUL 16 1986

To establish a short-term program of District government indemnification for free clinics and their volunteer service providers.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Free Clinic Assistance Program Act of 1986".

Sec. 2. Definitions.

New, D.C. Coc
sec. 1-308.1
(1987 supp.)

For the purposes of this act, the term:

- (1) "District" means the District of Columbia.
- (2) "Free clinic" means a health clinic or health

service that:

(A) Has obtained all licenses, permits, and certificates of occupancy or need that are required as a precondition to lawful operation in the District;

(B) Is certified as a nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1954, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. 501(c)(3));

(C) Is certified by the Mayor to meet the

requirements of this act and was operating in the District on January 1, 1986;

(D) Does not require payment for health-care, rehabilitative, or social services except:

(i) As part of a rehabilitation program in which payment by the patient has been determined by the Mayor to be an important component of the patient's rehabilitation; or

(ii) To cover the costs of laboratory tests or vaccines;

(E) Does not provide intrapartum care, high-risk emergency care, high-risk prenatal care, or care requiring the use of anesthesia other than local anesthesia; and

(F) Provides health-care, rehabilitative, or social services only under the supervision of a physician, advanced registered nurse, registered nurse, psychologist, or social worker licensed to practice in the District.

(3) "Volunteer service provider" means any physician, advanced registered nurse, registered nurse, psychologist, or social worker licensed in the District, and any person working under the supervision of a physician, advanced registered nurse, registered nurse, psychologist, or social worker licensed in the District, who provides health-care, rehabilitative, social, or related

administrative services:

(A) At or on behalf of a free clinic;

(B) To or with respect to a patient of the clinic; and

(C) Without receiving payment from the District government for the performance of those services.

Sec. 3. Free clinic assistance program.

New, D.C. Cod
sec. 1-308.2
(1987 supp.)

(a) There is established a free clinic assistance program for free clinics that are unable to obtain medical liability insurance for themselves or their volunteer service providers. The purpose of this program is to provide District government indemnification for these clinics so that they may continue to assist the government in meeting the health-care needs of District residents. Under this program, if a free clinic meets the eligibility requirements of section 4, the District government shall be liable to third parties for injuries caused by the clinic's or a volunteer service provider's negligence in connection with the provision of health-care, rehabilitative, social, or related administrative services. Free clinics and volunteer service providers participating in the program shall be considered employees of the District government for the purposes of the District of Columbia Employee Non-Liability Act, approved July 14, 1960 (74 Stat. 519; D.C. Code, sec. 1-1211 et seq.), but shall not be considered

employees of the District government for the purposes of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), or for any purpose other than the indemnification provided by this act.

(b) The free clinic assistance program shall be under the administrative control of the Mayor.

Sec. 4. Eligibility requirements.

New, D.C. Code
sec. 1-308.3
(1987 supp.)

(a)(1) To qualify for the free clinic assistance program established under section 3, a free clinic must satisfy the Mayor that:

(A) The medical liability insurance for the clinic or its volunteer service providers has been terminated or will be terminated within 15 days; and

(B) The clinic has made, and continues to make, diligent but unsuccessful efforts to renew its policy or to obtain new medical liability insurance.

(2) The Mayor may accept into the program a free clinic for which medical liability insurance is available but only at a rate that is so high as to make it economically infeasible for the clinic to pay.

(b) Before becoming eligible for the free clinic assistance program, a free clinic and each volunteer service provider at that clinic shall sign a statement affirming the following:

(1) That the free clinic or volunteer service provider has been informed of the nature and scope of the services to be performed;

(2) That the free clinic or volunteer service provider has been informed of and understands all of the provisions of this act and the rules issued pursuant to this act; and

(3) That the free clinic or volunteer service provider agrees to comply with all applicable terms and conditions as set forth in this act and the rules issued pursuant to this act.

Sec. 5. Rules.

New, D.C. Code
sec. 1-308.4
(1987 supp.)

The Mayor shall, pursuant to title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Code, sec. 1-1501 et seq.), issue all rules necessary to carry out the purposes of this act. Notwithstanding the absence of rules, free clinics and their volunteer service providers shall, if they meet the requirements of this act, be eligible for the free clinic assistance program immediately upon the effective date of this act.

Sec. 6. Supersedure.

New, D.C. Code
sec. 1-308.5
(1987 supp.)

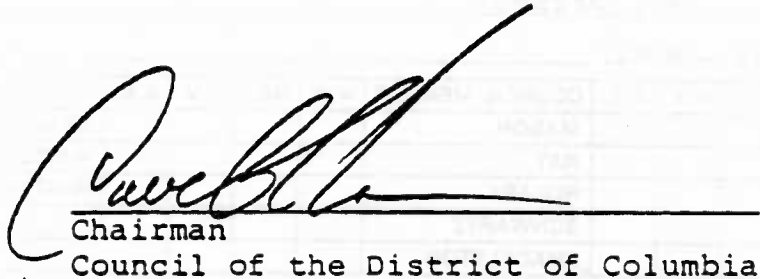
This act shall supersede the Free Clinic Assistance Program Temporary Act of 1986, effective May 3, 1986 (D.C. Law 6-112; D.C. Code, sec. 1-308.1).

Sec. 7. Effective date; expiration.

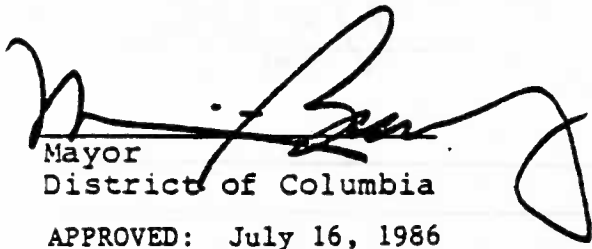
Note, D.C. Co
secs. 1-308.1
1-308.2, 1-30
1-308.4, 1-30
(1987 supp.)

(a) Subject to subsection (b) of this section, this act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of a 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, sec. 1-233(c)(1)).

(b) This act shall expire 2 years after its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED: July 16, 1986



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Six — Second Session

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B 6-466

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 6-24-86

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

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. CLARKE					MASON					SPAULDING				
SMITH, JR.					RAY					WILSON				
CRAWFORD					ROLARK					WINTER				
JARVIS					SCHWARTZ									
KANE					SHACKLETON									

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

CERTIFICATION RECORD

[Signature]
Secretary to the Council

7/9/86
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 7-8-86

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

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. CLARKE					MASON					SPAULDING				
SMITH, JR.					RAY					WILSON				
CRAWFORD					ROLARK					WINTER				
JARVIS					SCHWARTZ									
KANE					SHACKLETON									

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

CERTIFICATION RECORD

[Signature]
Secretary to the Council

7/9/86
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. CLARKE					MASON					SPAULDING				
SMITH, JR.					RAY					WILSON				
CRAWFORD					ROLARK					WINTER				
JARVIS					SCHWARTZ									
KANE					SHACKLETON									

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

CERTIFICATION RECORD

[Signature]
Secretary to the Council

Date