

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 6-83

"Preventive Health Services Amendments Act
of 1985".

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. 6-99 on first and second readings, November 5, 1985, and November 19, 1985, respectively. Following the signature of the Mayor on November 27, 1985, this legislation was assigned Act No. 6-108, published in the December 13, 1985, edition of the D.C. Register, (Vol. 32 page 7276) and transmitted to Congress on December 4, 1985 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 6-83, effective February 21, 1986.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

December 4,5,6,9,10,11,12,13,16,17,18,19,20
January 21,22,23,24,27,28,29,30,31
February 3,4,5,6,7,18,19,20

FEB 21 1985

D.C. ACT 6 - 108

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOV 27 1985

To amend the District of Columbia Health Regulations and the laws governing the reporting of cancer and ophthalmia neonatorum and the prevention and control of communicable diseases in order to broaden and update preventive health requirements, delegate rulemaking authority to the Mayor, strengthen confidentiality and penalty provisions, and allow minors to consent to treatment for sexually transmitted diseases without parental notification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Preventive Health Services Amendments Act of 1985".

Sec. 2. An Act To make cancer and all malignant neoplastic diseases reportable to the Director of Public Health of the District of Columbia, approved July 27, 1951 (65 Stat. 124; D.C. Code, sec. 6-1201 et seq.), is amended as follows:

(a) Section 1 (D.C. Code, sec. 6-1201) is amended to read as follows:

D.C. Code,
sec. 6-120
(1986 supp

"The Mayor may, upon the advice of the Commissioner of Public Health and pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.), issue rules to prevent and monitor the occurrence of cancer in the District of Columbia."

(b) Section 2 (D.C. Code, sec. 6-1202) is amended to read as follows:

D.C. Code,
sec. 6-120
(1986 supp

"The Commissioner of Public Health shall use the records incident to a reported case of cancer for statistical and public health purposes only, and identifying information contained in these records shall be disclosed only when essential to safeguard the physical health of others. No person shall otherwise disclose or redisclose identifying information derived from these records unless:

"(1) The person reported gives his or her prior written permission; or

"(2) A court finds, upon clear and convincing evidence and after granting the person reported an opportunity to contest the disclosure, that disclosure is essential to safeguard the physical health of others."

(c) Section 3 (D.C. Code, sec. 6-1203) is amended to read as follows:

D.C. Code,
sec. 6-120
(1986 supp

"Nothing in this Act or any rules or regulations issued pursuant to this Act shall be construed to compel a person with cancer to submit to medical examination or treatment."

(d) Section 4 (D.C. Code, sec. 6-1204) is amended to read as follows:

D.C. Code,
sec. 6-120
(1986 supp

"(a) Except as provided in subsection (b) of this section, any person who willfully violates this Act or any rule or regulation issued pursuant to this Act shall be guilty of a misdemeanor and, upon conviction, subject to a fine not exceeding \$1,000.

"(b) Any person who willfully discloses, receives,

uses, or permits the use of information in violation of section 2 of this Act shall be guilty of a misdemeanor and, upon conviction, subject to a fine not exceeding \$5,000, imprisonment for not more than 90 days, or both.

"(c) Prosecution shall be in the Superior Court of the District of Columbia by information signed by the Corporation Counsel."

Sec. 3. An Act To authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved August 11, 1939 (53 Stat. 1408; D.C. Code, sec. 6-117 et seq.), is amended as follows:

(a) Section 1 (D.C. Code, sec. 6-117) is amended to read as follows:

D.C. Code
sec. 6-117
(1986 sup.)

"(a) The Mayor may, upon the advice of the Commissioner of Public Health and pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.), issue rules to prevent and control the spread of communicable diseases, environmentally or occupationally related diseases, and other diseases or medical conditions that the Commissioner of Public Health has advised should be monitored for epidemiological or other public health reasons. These rules may include, but shall not necessarily be limited to:

"(1) A list of reportable diseases and conditions;

"(2) Reporting procedures; and

"(3) Requirements and procedures for restriction of movement, isolation, and quarantine not inconsistent with this Act.

"(b)(1) Except as provided in paragraph (2) of this subsection, the Commissioner of Public Health shall use the records incident to the case of a disease or medical condition reported under this Act for statistical and public health purposes only, and identifying information contained in these records shall be disclosed only when essential to safeguard the physical health of others. No person shall otherwise disclose or redisclose identifying information derived from these records unless:

"(A) The person reported gives his or her prior written permission; or

"(B) A court finds, upon clear and convincing evidence and after granting the person reported an opportunity to contest the disclosure, that disclosure:

"(i) Is essential to safeguard the physical health of others; or

"(ii) Would afford evidence probative of guilt or innocence in a criminal prosecution.

"(2) The prohibitions set forth in paragraph (1) of this subsection shall not apply to the exchange and use of information effected under the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Code, secs. 2-1351 et seq., 6-2101 et seq., and 16-2301 et seq.)." .

(b) Section 2 (D.C. Code, sec. 6-118) is amended to

D.C. Code,
sec. 6-118
(1986 supp.

read as follows:

"For the purposes of this Act, the term 'communicable disease' means that term as it is defined in section 8-5:103 of the District of Columbia Health Regulations (22 DCMR 299) or by the Mayor pursuant to section 1 of this Act."

(c) The fourth sentence of section 5 (D.C. Code, sec. 6-121) is amended by inserting the phrase "rule or" immediately before the word "regulation".

D.C. Code, sec. 6-121 (1986 supp)

(d) The first sentence of section 8 (D.C. Code, sec. 6-124) is amended by inserting the phrase "rules and" immediately before the word "regulations".

D.C. Code, sec. 6-124 (1986 supp)

(e) Section 9 (D.C. Code, sec. 6-125) is amended by inserting the phrase "rule or" immediately before the word "regulation".

D.C. Code, sec. 6-125 (1986 supp)

(f) Section 10 (D.C. Code, sec. 6-126) is amended by:

D.C. Code, sec. 6-126 (1986 supp)

(1) Striking the first sentence and inserting the following in its place:

"Any person who willfully violates section 6, 8, or 9 of this Act or who willfully discloses, receives, uses, or permits the use of information in violation of section 1(b) of this Act shall be guilty of a misdemeanor and, upon conviction, subject to a fine not exceeding \$5,000, imprisonment for not more than 90 days, or both. Any person who willfully violates any rule or regulation issued pursuant to this Act shall be guilty of a misdemeanor and, upon conviction, subject to a fine not exceeding \$1,000, imprisonment for not more than 30 days, or both.";

(2) Striking the second sentence; and

(3) Striking the phrase "regulations promulgated thereunder" in the third sentence and inserting the phrase "rules and regulations issued pursuant to this Act" in its place.

(g) Section 11 (D.C. Code, sec. 6-127) is amended by inserting the phrase "or any rule or regulation issued pursuant to this Act" immediately before the phrase "shall have the effect of".

D.C. Code,
sec. 6-127
(1986 supp)

Sec. 4. An Act To provide for the prevention of blindness in infants born in the District of Columbia, approved April 27, 1937 (50 Stat. 120; D.C. Code, sec. 6-301 et seq.), is amended as follows:

(a) Section 1 (D.C. Code, sec. 6-301) is amended to read as follows:

D.C. Code,
sec. 6-301
(1986 supp)

"The Mayor may, upon the advice of the Commissioner of Public Health and pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.), issue rules to prevent and monitor the occurrence of ophthalmia in newborns. Unless the Mayor provides otherwise, each physician or nurse-midwife who delivers or otherwise assumes the initial care of a newborn shall immediately upon that delivery or assumption of care administer to each eye of the newborn a 1% solution of silver nitrate, an ophthalmic ointment containing either 1% tetracycline or 0.5% erythromycin, or another prophylactic approved by the Mayor."

(b) Section 2 (D.C. Code, sec. 6-302) is amended by:

D.C. Code,
sec. 6-302
(1986 supp)

(1) Striking the first sentence and inserting the following in its place:

"Whenever a physician or nurse-midwife discovers that a newborn in his or her care has inflammation of the eye(s) with suppuration, he or she shall report these symptoms to the Commissioner of Public Health within 6 hours of their discovery."; and

(2) Striking the phrase "Director of the Department of Human Services" in the second sentence and inserting the phrase "Commissioner of Public Health" in its place.

(c) Section 4 (D.C. Code, sec. 6-304) is amended to read as follows:

D.C. Code,
sec. 6-304
(1986 supp

"Any person who willfully violates this Act or any rule, regulation, or order issued pursuant to this Act shall be guilty of a misdemeanor and, upon conviction, subject to a fine not exceeding \$1,000. Prosecution shall be in the Superior Court of the District of Columbia by information signed by the Corporation Counsel.".

Sec. 5. The Minor's Health Consent Regulation, enacted August 30, 1974 (Reg. 74-22; 22 DCMR 600 et seq.), is amended as follows:

DCMR

(a) Section 2(F) (22 DCMR 600.7) is amended by:

- (1) Striking the phrase "medical services" and inserting the phrase "health services" in its place;
- (2) Striking the phrase ", and" after the phrase "including drug and alcohol abuse"; and
- (3) Inserting the phrase ", and (4) sexually

transmitted disease" after the phrase "mental or emotional
condition".

Amended Original

(b) Section 4(D)(3) (22 DCMR 602.7) is amended by striking the phrase "venereal disease" and inserting the phrase "sexually transmitted disease" in its place.

(c) Section 4(D)(2) (22 DCMR 602.6) is amended to read as follows:

(a) Except as provided in subparagraph (b) of this paragraph, such information about any treatment administered or needed shall be given to the minor's parent, parents, or legal guardian only when the minor consents or when, because of the minor's age or condition, the attending health professional can reasonably presume consent.

(b) Information about any treatment needed by a minor who is found to be infected with a sexually transmitted disease and who has refused treatment shall be given to the minor's parent, parents, or legal guardian."

Sec. 6. Part 1 of chapter 5 of the District of Columbia Health Regulations (title 8 of D.C. Regs.), effective September 1, 1961 (Commissioners' Order No. 61-1117; 22 DCMR 200 et seq.), is amended as follows:

DCMR

(a) The definition of "Communicable disease" in section 8-5:103 (22 DCMR 299) is amended by striking the phrase "by the Commissioners".

(b) Paragraph (1) of section 8-5:107(e) (22 DCMR 205.1 - 205.3) is amended to read as follows:

"(1) Tests for syphilis and gonorrhoea required during pregnancy. Unless the person in charge of a case of

pregnancy includes in the patient's case history a written statement giving the medical reasons why a serological test for syphilis and a laboratory test for gonorrhea performed at the times specified in this paragraph would be harmful to the patient, that person shall include both of these tests in the management of the case at the 1st visit that the patient's pregnancy is established as a certainty; provided, however, that when it is determined that tests for syphilis and gonorrhea have been performed within 30 days before the visit at which pregnancy is established, the tests need not be performed at that time. Any person in charge of a case of pregnancy during the last trimester shall include in the management of the case a serological test for syphilis and a laboratory test for gonorrhea, notwithstanding the fact that either or both tests have already been performed during the pregnancy."

(c) Paragraph (2) of section 8-5:107(e) (22 DCMR 205.4 - 205.8) is amended by striking the last sentence.

(d) The second full sentence of section 8-5:112(a) (22 DCMR 211.3) is amended by inserting the phrase "or gonorrhea" immediately after the word "syphilis".

Sec. 7. Repealers.

(a) Section 13 of An Act To authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved October 11, 1963 (77 Stat. 246; D.C. Code, sec. 5-129), is repealed.

(b) Section 8-5:302 of the District of Columbia Health

D.C. Cod
sec. 6-1
repealed
(1986 su

DCMR

Regulations, effective April 1, 1970 (Reg. 70-13, sec. 2; 22 DCMR 118.7), is repealed.

(c) Section 8-5:118 of the District of Columbia Health Regulations, effective September 1, 1961 (Commissioners' Order No. 61-1117; 22 DCMR 200.4), is repealed. DCMR

(d) Section 8-5:205 of the District of Columbia Health Regulations, effective September 1, 1961 (Commissioners' Order No. 61-1117; 22 DCMR 125.6), is repealed. DCMR

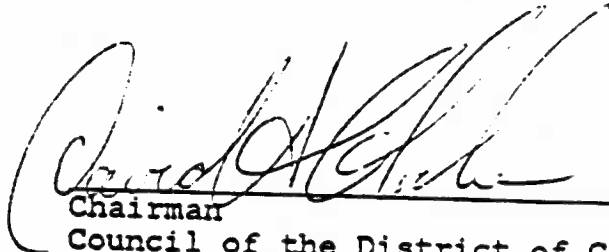
(e) Subject to section 8(b) of this act, parts 1-3 of chapter 5 of the District of Columbia Health Regulations (title 8 of D.C. Regs.), effective September 1, 1961 (Commissioners' Order No. 61-1117; 22 DCMR 125 et seq. and 200 et seq.), and April 1, 1970 (Reg. 70-13, sec. 2; 22 DCMR 118.6), are repealed. DCMR

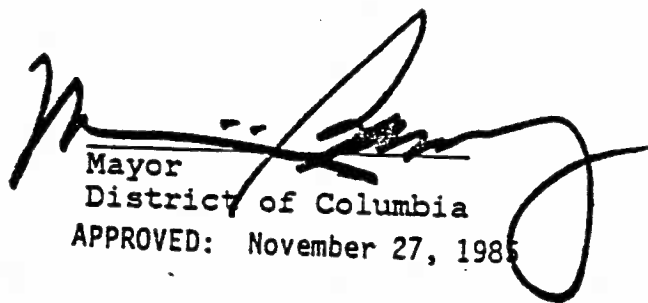
Sec. 8. Effective date.

(a) Except as provided in 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 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) Section 7(e) shall not effect a repeal of any section or portion of a section in parts 1-3 of chapter 5 of the District of Columbia Health Regulations until the Mayor, pursuant to section 2(a) or 3(a) of this act, issues final

rules that modify or delete that particular section or ~~enrolled Original~~
portion of a section.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED: November 27, 1985



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

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B 6-99

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 11-5-85

VOICE VOTE: Unanimous

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

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

CERTIFICATION RECORD

Rudman Suter
 Secretary to the Council

11/21/85
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 11-19-85

VOICE VOTE: Unanimous

Recorded vote on request

Absent: Winter

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

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

CERTIFICATION RECORD

Rudman Suter
 Secretary to the Council

11/21/85
 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					RAY					SPAULDING				
CRAWFORD					ROLARK					WILSON				
JARVIS					SCHWARTZ					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

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

CERTIFICATION RECORD