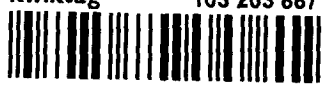


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COUNCIL OF THE DISTRICT OF COLUMBIA

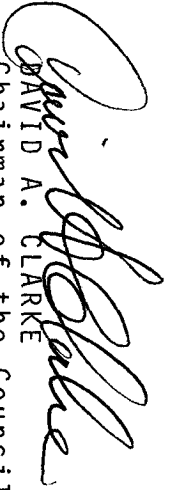
NOTICE

D.C. LAW 8-80

"District of Columbia Substance Abuse Treatment and Prevention Act of 1989".

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. 8-403 on first and second readings, November 7, 1989, and November 21, 1989, respectively. Following the signature of the Mayor on December 12, 1989, this legislation was assigned Act No. 8-124, published in the December 22, 1989, edition of the D.C. Register, (Vol. 36 page 8469) and transmitted to Congress on January 23, 1990 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 8-80, effective March 15, 1990.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	23,24,25,26,29,30,31
February	1,2,5,6,7,8,20,21,22,23,26,27,28
March	1,2,5,6,7,8,9,12,13,14

MAR 15 1990

Codification,
New Chapter 16, Title 32
District of Columbia Code
(1990 Supplement)

AN ACT

D.C. ACT 8 - 124

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC 12 1989

To establish the eligibility of all residents of the District of Columbia to be treated for substance abuse when medically indicated, a comprehensive facility to provide residential and outpatient treatment for substance abuse, standards for certification of substance abuse treatment programs, and to require the Mayor to implement a substance abuse prevention and public education campaign in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Substance Abuse Treatment and Prevention Act of 1989".

Sec. 2. Definitions.

For the purposes of this act, the term:

New, Section
32-1601

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

(2) "Drug" means any of the controlled substances enumerated in sections 204, 206, 208, 210, or 212 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Code, secs. 33-514, 33-516, 33-518, 33-520, or 33-522).

(3) "Mayor" means the Mayor of the District of Columbia.

(4) "Qualified health professional" means a person licensed to practice in the District as a physician, psychiatrist, psychologist, registered nurse, or independent clinical social worker, pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Code, sec. 2-3301.1 et seq.).

(5) "Resident" means any person who lives in the District voluntarily and not for a temporary purpose and has no intention of presently removing himself or herself from the District. Temporary absence from the District, with subsequent returns to the District, or intent to return when the purposes of the absence have been accomplished shall not interrupt continuity of residence. For the purpose of this

act, residency shall not depend upon the reason that the individual entered the District except that it may bear on whether he or she is in the District for a temporary purpose.

(6) "Substance abuse" means a pattern of pathological use of a drug or alcohol that causes impairment in social or occupational functioning or produces physiological dependency evidenced by physical tolerance or physical symptoms when the drug or alcohol is not used.

(7) "Treatment facility" means the substance abuse treatment facility established pursuant to section 4 of this act.

Sec. 3. Eligibility for treatment for substance abuse.

New, Section
32-1602

(a) Each District resident who meets the requirements of this section shall be eligible for treatment for substance abuse at the treatment facility, regardless of his or her ability to pay, subject to the restriction in section 9 of this act, if the resident:

(1) Applies for treatment or is referred for treatment by a court of competent jurisdiction; and

(2) Has been examined by a qualified health professional who has determined that the individual needs treatment for substance abuse in a non-hospital residential setting.

(b) Any minor, pregnant woman, or the parent, guardian, or other person who has legal custody of a minor and who meets the requirements of this section shall have priority for admission to the treatment facility over any single adult who does not have a minor child.

(c) The determination of an individual's need for treatment may be made by a qualified health professional on duty at the treatment facility or by any other qualified health professional who has examined the individual prior to the individual's application or referral for admission.

Sec. 4. Establishment of substance abuse treatment facility.

New, Section
32-1603

(a) Within 1 year from the effective date of this act, the Mayor shall establish a comprehensive substance abuse treatment facility to provide residential and outpatient treatment for persons who suffer from substance abuse, regardless of a person's ability to pay.

(b) The treatment facility shall be under the management of a director who shall be a qualified health professional appointed by the Mayor.

(c) The treatment facility shall have an initial space and staff capacity to admit at least 250 individuals for inpatient treatment and provide appropriate follow-up treatment on an outpatient basis, except that a minimum of

150 additional beds shall be authorized if federal funds are available to fund the additional beds. The treatment facility subsequently shall be expanded based upon the need and the availability of funds.

(d) The treatment facility shall be centrally managed, but may be physically located at more than 1 site, if the director determines that separate sites are necessary to provide the most effective treatment.

(e) The treatment facility shall be subject to the certification requirements established by section 5 of this act.

Sec. 5. Certification requirements.

New, Section
32-1604

(a) Any public or private person, partnership, corporation, association, charitable organization, or other legally-constituted entity, whether for profit or not for profit, that provides or offers to provide non-hospital residential or outpatient treatment for substance abuse shall be certified by the Mayor as a condition of operation and shall operate in compliance with the standards necessary to maintain certification. The Mayor may certify a facility as qualified to provide non-hospital residential treatment, outpatient treatment, or both.

(b) To qualify for certification, a substance abuse treatment facility shall demonstrate to the satisfaction of the Mayor that the treatment facility meets the standards established by section 7(c)(1), (2), and (3) of the Drug Abuse, Alcohol Abuse, and Mental Illness Insurance Coverage Act of 1986, effective February 28, 1987 (D.C. Law 6-195; D.C. Code, sec. 35-2306(c)(1), (2), and (3)).

(c) In addition to the requirement set forth in subsection (b) of this section, a substance abuse treatment facility that offers or proposes to offer non-hospital residential treatment shall demonstrate to the satisfaction of the Mayor that it has the staff, space, and financial resources to provide each patient with a sufficient number of consecutive days of non-hospital residential care to treat the substance abuse disorder that the patient experiences.

(d) In addition to the requirement set forth in subsection (b) of this section, a substance abuse treatment facility that offers or proposes to offer outpatient treatment shall demonstrate to the satisfaction of the Mayor that it has the staff, space, and financial resources to provide each patient with a sufficient number of treatment sessions on a regular schedule to treat the substance abuse disorder that the patient experiences.

(e) The Mayor, after the provision of notice and an opportunity for a hearing in accordance with section 109 of the District of Columbia Administrative Procedure Act,

approved October 21, 1968 (82 Stat. 1208; D.C. Code, sec. 1-1509), shall suspend or revoke the certification of a substance abuse treatment facility upon a determination by the Mayor that the substance abuse treatment facility is not in substantial compliance with the requirements of subsection (b) and subsections (c) or (d) of this section, whichever is applicable. If the Mayor suspends certification of a treatment facility pursuant to this paragraph, the period of suspension shall be for a fixed period of time and shall be specified by the Mayor in the suspension order.

(f) The penalty for the operation of a substance abuse treatment facility without the certification required by this subsection shall be:

(1) A civil fine of not less than \$100 for each day of operation without certification; and

(2) Revocation of the certificate of occupancy issued by the Department of Consumer and Regulatory Affairs for the premises occupied by the substance abuse treatment facility.

Sec. 6. Financial assistance program.

New, Section
32-1605

(a) There is established within the District government a program to provide financial assistance to any person or organization that applies for financial assistance to conduct a program of substance abuse prevention in accordance with the applicable provisions of the District of Columbia Procurement Practices Act of 1985, effective December 3, 1985 (D.C. Law 6-85; D.C. Code, sec. 1-1181.1 et seq.).

(b) Any person or organization that applies for financial assistance from the District government to conduct a program of substance abuse prevention, education, or counseling, as a condition of receiving assistance, shall demonstrate to the satisfaction of the Mayor that:

(1) The program has been developed in consultation with a qualified health professional;

(2) The content of written, audiovisual, or other information to be provided through the program is accurate, current, and consistent with established medical or scientific findings;

(3) The program will be carried out in accordance with a systematic written plan that shall include goals, timetables, and specific methods to measure the progress and effectiveness of achieving the established goals; and

(4) The program meets any other criteria established by rules issued pursuant to section 8(c).

(c) The requirements of section 5 and section 6(b) shall not apply to:

(1) A hospital licensed by the District government pursuant to the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Code, sec. 32-1301 et seq.); or

(2) A health professional licensed pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Code, sec. 2-3301.1 et seq.), who provides outpatient substance abuse treatment to private patients within the scope of the practice of the health occupation that he or she is licensed to practice.

Sec. 7. Substance abuse prevention campaign.

(a) The Mayor shall establish and implement a public education campaign intended to prevent substance abuse.
(b) The public education campaign shall incorporate, at a minimum, the following:

- (1) The dissemination of statistics and other information that illustrate the dangers of drug use and alcohol abuse;
- (2) The dissemination of information about the symptoms of substance abuse and dependence;
- (3) The dissemination of information about methods to treat substance abuse and the availability and cost of treatment facilities in the District;
- (4) The dissemination of literature designed for different age groups and levels of education, published by the District government, for distribution on a regular basis at public places deemed appropriate by the Mayor;
- (5) A series of print, audio, and audiovisual substance abuse education messages to be provided on a continuing basis to all newspapers, magazines, radio and television stations, and other mass communications media in the District for use as public service announcements or advertisements;
- (6) Community forums offered by the District government in conjunction with professional organizations, community organizations, or individual volunteers to be conducted on a regular basis at schools, recreation centers, civic and community centers, and other similar facilities; and
- (7) A speaker's bureau of qualified personnel available to speak, lead discussions, and present written or audiovisual material at school and community programs.
(c) All print, audio, and audiovisual material distributed in conjunction with the public education campaign shall include the names, addresses, and telephone numbers of appropriate treatment facilities in the District.

New, Section
32-1606

(d) The Mayor shall implement the public education campaign in a manner that promotes the coordination of efforts by participating agencies and the District of Columbia Public Schools.

Sec. 8. Fees; rules.

New, Section
32-1607

(a) The Mayor, by rule, shall establish a graduated, need-based, schedule of fees to charge individuals who receive treatment at the treatment facility established pursuant to section 4 of this act.

(b) The director of the treatment facility may file claims for payment for services provided to an individual who is a beneficiary of a policy or contract of health insurance that provides coverage for drug treatment services.

(c) The Mayor, 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.), shall issue any other rules necessary to implement the provisions of this act.

Sec. 9. Limitations on benefits.

New, Section
32-1608

Nothing in this act shall be construed to create an entitlement to substance abuse treatment during any fiscal year if no funds remain available to the District government under a District government or federal appropriation that has been enacted for the specific purpose of providing substance abuse treatment services or unless the person has the ability to pay."

Sec. 10. Impact on insurance coverage.

New, Section
32-1609

Nothing in this act shall be construed to relieve any insurer from providing the coverage required by the Drug Abuse, Alcohol Abuse, and Mental Illness Insurance Coverage Act of 1986, effective February 28, 1987 (D.C. Law 6-95; D.C. Code, sec. 35-2301 et seq.).

Sec. 11. Appropriations.

New, Section
32-1610

Sufficient funds to carry out the requirements of this act are authorized to be appropriated out of the general revenues of the District of Columbia.

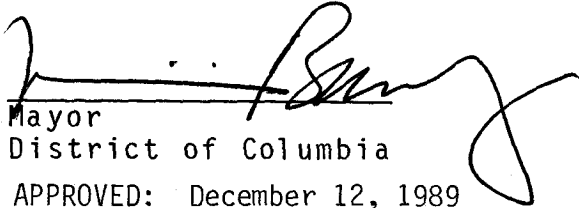
Sec. 12. Effective date.

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)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED: December 12, 1989



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 8-403

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 11-7-89

VOICE VOTE: Approved

Recorded vote on request all present
 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					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

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

CERTIFICATION RECORD

Russell A. Smith 
 Secretary to the Council

27 November 1989
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 11-21-89

VOICE VOTE: Approved

Recorded vote on request all present
 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					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

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

CERTIFICATION RECORD

Russell A. Smith 
 Secretary to the Council

27 November 1989
 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					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

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

CERTIFICATION RECORD

Secretary to the Council

Date