

AN ACT

---

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

---

To amend the AIDS Health-Care Response Act of 1986 to remove the court’s ability to collect and release surveillance information and data collected by the Department of Health for statistical and public health purpose concerning incidents of HIV and AIDS within the District of Columbia and to protect HIV surveillance data and information; to amend the District of Columbia Health Occupations Revision Act of 1985 to clarify the role of doulas and to establish criteria for doula certification, and to provide the criteria under which Health Occupations Boards may consider convictions of applicants and those licensed, certified, or registered by a Health Occupations Board; to amend the Department of Health Functions Clarification Act of 2001 to create an Advisory Committee on Maternal Care Professionals; and to amend the Specialty Drug Copayment Limitations Act of 2016 to allow cost sharing to be applied to an insured’s deductible and maximum out of pocket obligations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as “HIV/AIDS Data Privacy Protection and Health Occupation Revision Clarification Amendment Act of 2022”.

Sec. 2. Section 6 of the AIDS Health-Care Response Act of 1986, effective June 10, 1986 (D.C. Law 6-121; D.C. Official Code § 7-1605), is amended to read as follows:

“Sec. 6. Confidentiality of medical records and information.

“The Director shall use the records incident to a case of HIV infection or AIDS reported under this act for statistical and public-health purposes only. Identifying information contained in these records, as well as all identifying information obtained, collected, or created by the Department of Health (“Department”) shall be disclosed by the Director only when essential to safeguard the physical health of others. No person shall otherwise disclose such identifying information unless the person about whom the information pertains gives his or her prior written permission. All identifying information obtained, collected, or created by the Department under this act shall not be discoverable or admissible as evidence in a civil or

criminal action unless the person about whom the information pertains gives his or her prior written permission.”.

Sec. 3. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) Section 101(6C) (D.C. Official Code § 3-1201.01(6C)) is amended to read as follows:

“(6C)(A) "Doula" means an individual certified by the Board of Medicine to provide culturally competent and continuous physical, emotional, and informational support to a birthing parent during pregnancy, labor, birth, and postpartum, including:

“(i) Providing support to pregnant individuals and their families, including surrogates and adoptive parents;

“(ii) Conducting prenatal and postpartum visits;

“(iii) Accompanying pregnant individuals to health care and social service appointments;

“(iv) Connecting individuals to medical, community-based, or government-funded resources, including those addressing social determinants of health; and

“(v) Providing support to individuals following either the loss of pregnancy or birth of a child for up to one year.

“(B) A doula may not:

“(i) Perform clinical tasks or replace trained licensed medical professionals; or

“(ii) Engage in the practice of medicine as defined in section 102(7).

(b) Section 203(a) (D.C. Official Code § 3-1202.03(a)) is amended as follows:

(1) Paragraph (2) is amended as follows:

(A) Strike the phrase “the practice of medicine, the practice of doulas,” and insert the phrase “the practice of medicine,” in its place.

(B) Strike the phrase “and the practice of certified professional midwives with the advice of the Advisory Committee on Certified Professional Midwives.” and insert the phrase “and the practices of doulas and certified professional midwives with the advice of the Advisory Committee on Maternal Care Professionals.” in its place.

(2) Paragraph (8) is amended as follows:

(A) Sub-paragraph (H) is amended by striking the phrase “Advisory Committee on Certified Professional Midwives” and inserting the phrase “Advisory Committee on Maternal Care Professionals” in its place.

(B) Sub-paragraph (I) is amended by striking the period and inserting the phrase “in accordance with guidelines issued by the Advisory Committee on Maternal Care Professionals.” in its place.

(c) Section 503 (D.C. Official Code § 3-1205.03) is amended as follows:

(1) Subsection (a)(1) is amended by striking the phrase “offense that is directly related to the occupation for which the license, registration, or certification is sought, pursuant to a determination made under section 514(f)(2);” and inserting the phrase “offense that is related to the occupation for which the license, registration, or certification is sought;” in its place.

(2) Subsection (e) is repealed.

(d) Section 504 (D.C. Official Code § 3-1205.04) is amended as follows:

(1) The existing subsection (d-1) is redesignated as subsection (d-2).

(2) A new subsection (d-1) is added to read as follows:

“(d-1) An individual applying for a certificate to practice as a doula under this act shall establish to the satisfaction of the Board of Medicine that the individual has:

“(1) Completed a training program from a nationally or internationally recognized certifying body, approved by the Department of Health for training doulas;

“(2) Participated in a minimum of 3 births (either vaginal or cesarean);

“(3) A current Cardiopulmonary Resuscitation certification for both adults and infants; and

“(4) Satisfied any other requirements as determined by rules issued pursuant to section 302.”

(e) Section 509a(d)(10) (D.C. Official Code § 3-1205.09a(d)(10)) is amended by striking the phrase “offense that is directly related to the occupation for which the license is sought, pursuant to a determination made under section 514(f)(2);” and inserting the phrase “offense that is related to the occupation for which the license is sought;” in its place.

(f) Section 514 (D.C. Official Code § 3-1205.14) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) The lead-in language is amended by striking the phrase “the actions” and inserting the phrase “the disciplinary actions” in its place.

(B) Paragraph (4) is amended to read as follows:

“(4) Has been convicted of an offense that is related to the occupation for which the license, registration, or certification is sought or held;”

(2) Subsection (f) is amended to read as follows:

“(f) When determining whether to deny an application or initiate disciplinary action against a person permitted to practice a health occupation regulated by a board for a conviction pursuant to this subsection, a board shall consider:

“(1) Whether the offense is related to the occupation for which the license, registration, or certification is sought or held by considering the duties and responsibilities of the health occupation;

“(2) The nature and seriousness of the offense;

“(3) The length of time that has elapsed since the offense was committed;

**ENROLLED ORIGINAL**

“(4) The age of the person at the time the offense was committed;

“(5) Any evidence produced by the applicant, licensee, registrant, person certified, or person permitted by this act to practice in the District concerning their rehabilitation and fitness, including:

“(A) Evidence as to whether the applicant, licensee, registrant, person certified, or person permitted by this act to practice in the District has recidivated; and

“(B) Evidence demonstrating compliance with any terms and conditions of probation, supervised release, or parole;

“(6) Evidence of work history, particularly any training or work experience related to the occupation; and

“(7) Letters of reference.”.

(3) Subsection (g) is amended to read as follows:

“(g) By January 1 of each year, the Mayor shall submit a report to the Council that includes the following information from the prior fiscal year for each board regulating a health occupation:

“(1) The number of applications for a license, registration, or certification denied based on the applicant’s criminal conviction, including information on which criminal offense formed the basis for the denial, whether the applicant requested a hearing on the notice of intent to deny the application, and whether the applicant was represented by counsel; and

“(2) The number of licensees, registrants, persons certified, or persons permitted by this act to practice in the District whose licenses, registrations, or certifications were revoked or suspended based on the applicant’s criminal conviction, including information on which criminal offense formed the basis for the decision, whether the person requested a hearing on the notice of intent to take disciplinary action, and whether the person was represented by counsel.”.

(g) Section 515 (D.C. Official Code § 3-1205.15) is amended as follows:

(1) Subsection (a)(1)(B) is amended by striking the phrase “offense that is directly related to the occupation for which the license, registration, or certification is held, pursuant to a determination made under section 514(f)(2);” and inserting the phrase “offense that is related to the occupation for which the license, registration, or certification is held;” in its place.

(2) Subsection (b) is amended by striking the phrase “action, the right of the licensee, registrant, person certified, or person permitted by this act to practice in the District to request a hearing, and legal resources available in the District.” and inserting the phrase “action, and the right of the licensee, registrant, or person certified to request a hearing.” in its place.

(h) Section 516(a) (D.C. Official Code § 3-1205.16(a)) is amended by striking the phrase “in person, and shall include information on legal resources available in the District.” and inserting the phrase “in person.” in its place.

(i) Section 519 (D.C. Official Code § 3-1205.19) is amended as follows:

(1) Subsection (a-1) is repealed.

(2) Subsection (d) is amended by striking the phrase “, and shall include information on legal resources available in the District” and inserting a period in its place.

(j) Section 521(b)(1) (D.C. Official Code § 3-1205.21(b)(1)) is amended by striking the phrase “offense that is directly related to the occupation for which the license, registration, or certification was held, pursuant to a determination made under section 514(f)(2),” and inserting the phrase “offense that is related to the occupation for which the license, registration, or certification was held,” in its place.

(k) Section 523 (D.C. Official Code § 3-1205.23) is amended by striking the phrase “offense that is directly related to the occupation for which the license, registration, or certification is held, pursuant to section 514(f)(2),” and inserting the phrase “offense that is related to the occupation for which the license, registration, or certification is held,” in its place.

(l) Section 862(a)(3) (D.C. Official Code § 3-1208.62(a)(3)) is amended by striking the phrase “an offense that is directly related to the practice of veterinary medicine, pursuant to a determination made under section 514(f)(2).” and inserting the phrase “an offense that is related to the occupation for which the license is sought, including an offense for animal cruelty.” in its place.

Sec. 4. Section 4949 of the Department of Health Functions Clarification Act of 2001, effective June 17, 2020 (D.C. Law 23-97; D.C. Official Code § 7-743.09), is amended to read as follows:

“Sec. 4949. Advisory Committee on Maternal Care Professionals.

“(a)(1) There is established an Advisory Committee on Maternal Care Professionals (“Advisory Committee”) to consist of 7 members as follows:

“(A) The Director of the Department of Health, or designee;

“(B) Two certified professional midwives, as that term is defined in section 101(1D) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. law 6-99; D.C. Official Code § 3-1201.01(1D));

“(C) One doula, as that term is defined in section 101(6C) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. law 6-99; D.C. Official Code § 3-1201.01(6C));

“(D) One licensed physician who is an obstetrician certified by the American Board of Obstetrics and Gynecology and who has professional experience working with certified professional midwives or other community-based midwives;

“(E) One certified nurse-midwife or certified midwife, as those terms are defined in section 101(1C) and (1B-i) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. law 6-99; D.C. Official Code § 3-1201.01(1C) and (1B-i)), who has worked in a non-hospital setting or who has professional experience working with certified professional midwives; and

“(F) One consumer member who has experience with either midwifery or doula services.

“(2) Individuals appointed in accordance with paragraph (1) of this subsection who are required to be licensed or certified shall be licensed or certified to practice their respective professions in the District.

“(b) Of the appointees to the Advisory Committee, other than the Director of the Department of Health, 3 shall serve an initial term of 2 years and 3 shall serve an initial term of 3 years. Subsequent appointments shall be for terms of 3 years.

“(c) The Advisory Committee shall advise the Board of Medicine on:

“(1) Certifying doulas and regulating the practice of doulas in the District;

“(2) Regulating the practice of certified professional midwifery in the District and developing guidelines for licensing certified professional midwives that shall:

“(A) Be consistent with the standards of practice and ethical conduct established by the National Association of Certified Professional Midwives and the North American Registry of Midwives (“NARM”); provided, that these practice guidelines shall not be interpreted to set, establish, define, enumerate, or otherwise lower the applicable standard of care for a certified professional midwife or certified nurse-midwife;

“(B) Define expected standards of practice and conduct;

“(C) Specify a process for a certified professional midwife to obtain appropriate screening and testing for clients, including laboratory tests, urinalysis, and ultrasounds;

“(D) Specify a process for a certified professional midwife to obtain and administer antihemorrhagic agents, including:

“(i) Pitocin, oxytocin, misoprostol, and methergine;

“(ii) Intravenous fluids, neonatal injectable vitamin K, newborn antibiotic eye prophylaxis, oxygen, intravenous antibiotics for Group B Streptococcal antibiotic prophylaxis, Rho (D) immune globulin, local anesthetic, epinephrine, and terbutaline for non-reassuring fetal heart tones and cord prolapse pending transport;

“(iii) Globulin, local anesthetic, and epinephrine; and

“(iv) Other pharmaceutical agents, consistent with either the scope of the practice of midwifery, or a prescription issued by a health professional for a patient-client of a midwife, that are approved by the Board of Medicine;

“(E) Authorize medical device distributors and manufacturers to issue breast pumps, compression stockings and belts, and maternity belts to certified professional midwives;

“(F) Require a certified professional midwife to provide each client with a signed informed consent form that describes the certified professional midwife’s qualifications, education, a copy of the certified professional midwife’s emergency plan, whether the certified

professional midwife carries professional liability insurance, and the benefits and risks of birth in the setting of choice of the patient-client, and maintain a record of each patient-client's signed informed consent form;

“(G) Require a certified professional midwife, subject to the consent of the patient-client, to report the patient-client’s data to a national data registry, such as the Midwives Alliance of North America Statistical Registry or the AABC Perinatal Registry;

“(H) Adopt professional continuing education requirements for certified professional midwives consistent with those required by NARM for recertification;

“(I) Establish requirements for peer review consistent with those required by NARM for recertification under which information disclosed for peer review shall be protected in accordance with section 6 of the Medical Records Act of 1978, effective September 29, 1978 (D.C. Law 2-112; D.C. Official Code § 44-805); and

“(J) Require the certified professional midwife to file a birth certificate for each live birth attended by a certified professional midwife, in accordance with section 108 of the Vital Records Modernization Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-164; D.C. Official Code § 7-231.08).

“(d) Guidelines developed pursuant to subsection (c)(2) of this section shall not be interpreted to set, establish, define, enumerate, or otherwise lower the applicable standard of care for a licensed physician, licensed naturopathic physician, certified professional midwife, certified nurse-midwife, certified midwife, doula, or licensed basic or advanced emergency medical technician.

“(e) Guidelines currently approved by the Board of Medicine under section 203 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.03), shall remain in effect until revised guidelines are submitted to and approved by the Board of Medicine.”.

Sec. 5. Section 3a(c) of the Specialty Drug Copayment Limitation Act of 2016, effective March 16, 2021 (D.C. Law 23-252; D.C. Official Code § 48-855.02a(c)), is amended by striking the phrase “insured’s deductible obligation.” and inserting the phrase “insured’s deductible and out of pocket maximum obligations.” in its place.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

**ENROLLED ORIGINAL**

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

---

Chairman  
Council of the District of Columbia

---

Mayor  
District of Columbia