

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Uniform Emergency Volunteer Health Practitioners Act of 2010 to allow qualified volunteer health care professionals and licensed health care providers to practice in the District without a District license until August 10, 2022; the Emergency Medical Services Act of 2008 to allow an individual to provide emergency medical services without a District license or certification until August 10, 2022; and the Health Occupation revision Act of 1985 to allow health care professionals to practice in the District without a District license, registration, or certification until August 10, 2022; and to make conforming amendments to the District of Columbia Municipal Regulations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Preserve Our Healthcare Workforce Emergency Amendment Act of 2021”.

Sec. 2. Section 6 of the Uniform Emergency Volunteer Health Practitioners Act of 2010, effective July 1, 2010 (D.C. Law 18-184; D.C. Official Code § 7-2361.05), is amended as follows:

(a) Subsection (a) is amended by striking the phrase “While an emergency declaration is in effect,” and inserting the phrase “Except as provided in subsection (a-1) of this section, while an emergency declaration is in effect,” in its place.

(b) A new subsection (a-1) is added to read as follows:

“(a-1)(1) Notwithstanding any provision of law, including section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) (“Public Emergency Act”), or whether an emergency declaration is in effect, a volunteer health practitioner qualified under subsection (a) of this section or a licensed health care provider as described in section 5a of the Public Emergency Act may practice in the District until August 10, 2022.”.

“(2)(A) The Mayor shall not require an individual practicing in the District pursuant to this subsection to apply for a District license or certification prior to March 31, 2022; and

“(B) Any temporary license or certification issued by the Mayor shall not expire before August 10, 2022.

“(3) A volunteer health practitioner qualified under this subsection may not practice in District without being fully vaccinated against COVID-19 unless granted a medical or religious exemption by the Department of Health.”.

Sec. 3. The Emergency Medical Services Act of 2008, effective March 25, 2009 (D.C. Law 17-357; D.C. Official Code § 7-2341.01 *et seq.*), is amended by adding a new section 3a to read as follows:

“Sec. 3a. Exemption from licensure or certification.

“(a) Notwithstanding any other law, an individual may provide emergency medical services without a District license or certification until August 10, 2022, if the individual:

“(1) Is licensed or certified in good standing in their home jurisdiction to provide emergency medical services;

“(2) Has been fully vaccinated against COVID-19 or has been granted a medical or religious exemption from vaccination by the Department of Health (“Department”); and

“(3) Has not been issued an order limiting or restricting the individual’s ability to provide emergency medical services in any state or jurisdiction.

“(b) An emergency medical services agency utilizing the services of an individual providing emergency medical services pursuant to this section shall:

“(1) Verify the credentials and license or certification status of the individual in order to ensure compliance with this section, including by confirming that the individual has not been issued a suspension or revocation order by the District and verifying that the individual has been fully vaccinated for COVID-19 or has received an exemption from vaccination by the Department;

“(2) Implement a process by which the credentials and home jurisdiction license or certification status of the individual is routinely verified; and

“(3) Ensure proper supervision of any services being provided by such individual.

“(c)(1) The Mayor shall not require an individual providing emergency medical services pursuant to this section to apply for a District license or certification prior to March 31, 2022~~;~~; and

“(2) Any temporary license or certification, including a limited reciprocity certification, issued by the Mayor shall not expire before August 10, 2022.”.

Sec. 4. Section 502 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.02), is amended by adding a new subsection (c) to read as follows:

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“(c)(1) Notwithstanding any other law, an individual may engage in the practice of providing healthcare to District residents for a particular health occupation without a District license, registration, or certification until August 10, 2022, if the individual:

“(A) Is licensed, registered, or certified, and in good standing in another jurisdiction in the applicable health occupation;

“(B) Has been fully vaccinated against COVID-19 or has been granted a medical or religious exemption from vaccination by the Department of Health (“Department”);

“(C) Has not been issued an order limiting or restricting the individual’s ability to practice their profession in any state or jurisdiction; and

“(D) Provides healthcare services:

“(i) At a licensed or certified healthcare entity, which may include telehealth services; or

“(ii) To an established patient who has returned to the District, and the individual is providing continuity of care to the patient by telehealth in accordance with applicable laws and regulations.

“(2) For purposes of this subsection, the term “healthcare entity” means:

“(A) An ambulatory surgical facility, assisted living residence, community resident facility, group home for persons with intellectual disabilities, home care agency, hospice, hospital, maternity center, nursing home, or renal dialysis facility, as those terms are defined in section 2(a) of 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. Official Code § 44-501(a));

“(B) A licensed nursing staffing agency, as set forth in the Nurse Staffing Agency Act of 2003, effective March 10, 2004 (D.C. Law 15-74; D.C. Official Code § 44-1051.01 *et seq.*);

“(C) A home support agency, as set forth in 22-B DCMR § 9900 *et seq.*;

“(D) An adult day health program, as set forth in 29 DCMR § 9700 *et seq.*;

“(E) A community-based behavioral health organization; or

“(F) A community-based primary care clinic.

“(3) A healthcare entity utilizing the services of an individual practicing pursuant to this subsection shall:

“(A) Verify the credentials and license, registration, or certification status of the individual to ensure compliance with this subsection, including by confirming the individual has been fully vaccinated against COVID-19 or received an exemption from vaccination by the Department and that the individual has not been issued a suspension or revocation order by a District of Columbia health occupation board;

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“(B) Implement a process by which the credentials, vaccination status, and home jurisdiction license, registration, or certification status of any such individual is routinely verified;

“(C) Ensure proper supervision of any services being provided by the individual; and

“(D) Maintain a list of individuals practicing pursuant to this subsection being utilized, which shall be made available to the Department for inspection upon demand.

“(4)(A) The Mayor shall not require an individual practicing in the District pursuant to this subsection to apply for a District license, certification, or registration prior to March 31, 2022.”; and

“(B) Any temporary license, registration, or certification issued by the Mayor shall not expire before August 10, 2022.”.

Sec. 5. Section 4020 of Title 17 of the District of Columbia Municipal Regulations (17 DCMR § 4020) is amended as follows:

(a) Subsection 4020.1 is amended as follows:

(1) The lead-in language is amended by striking the phrase “October 31, 2021,” and inserting the phrase “August 10, 2022,” in its place.

(2) Paragraph (b) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(3) Paragraph (c) is repealed.

(b) Subsection 4020.2 is amended as follows:

(1) Paragraph (b) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph (c) is amended by striking the period and inserting the phrase “.” in its place.

(3) New paragraphs (d), (e), and (f) are added to read as follows:

“(d) Adult day health programs, as set forth at 29 DCMR § 9700 *et seq.*;

“(e) Community-based behavioral health organizations; and

“(f) Community-based primary care clinics.”.

(c) Subsection 4020.10 is amended by striking the phrase “October 31, 2021,” and inserting the phrase “August 10, 2022,” in its place.

Sec. 6. Subsection 573.1 of Title 29 of the District of Columbia Municipal Regulations (29 DCMR § 573.1) is amended as follows:

(a) The lead-in language is amended by striking the phrase “October 31, 2021,” and inserting the phrase “August 10, 2022,” in its place.

(b) Paragraph (a) is amended by striking the semicolon and inserting the phrase “; and” in its place.

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(c) Paragraph (b) is amended by striking the phrase “; and” and inserting a period in its place.

(d) Paragraph (c) is repealed.

Sec. 7. Repealer.

The Uniform Emergency Volunteer Health Practitioners Emergency Amendment Act of 2021, effective September 1, 2021 (D.C. Act 24-166; 68 DCR 9483), is repealed.

Sec. 8. Applicability.

This act shall apply as of September 22, 2021.

Sec 9. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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).

Sec. 10. 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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia