

Vincent C. Gray
Councilmember Vincent C. Gray

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A BILL

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; the Health Occupation revision Act of 1985 to allow health care professionals to practice in the District without a District license 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:

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

43 “(2) The Mayor shall not require an individual practicing health care
44 services pursuant to this section to apply for a District license or certification until August 10,
45 2022.”.

46 Sec. 3. The Emergency Medical Services Act of 2008, effective March 25, 2009 (D.C.
47 law 17-257; D.C. Official Code § 7-2341.01 *et seq.*) is amended by adding a new section 3a to
48 read as follows:

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

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

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

54 “(2) Has not been issued a suspension or revocation order by the District of
55 Columbia.

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

58 “(1) Verify the credentials and license or certification status of the individual in
59 order to ensure compliance with this section, including by confirming that the individual has not
60 been issued a suspension or revocation order by the District;

61 “(2) Implement a process by which the credentials and home jurisdiction license
62 or certification status of any such uncertified emergency medical services provider is routinely
63 verified; and

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

65 “(c) The Mayor shall not require an individual providing emergency medical services
66 pursuant to this section to apply for a District license or certification until August 10, 2022.”.

67 Sec. 4. Section 502 of the District of Columbia Health Occupations Revision Act of
68 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.2) is amended by
69 adding a new subsection (c) to read as follows:

70 “(c)(1) Notwithstanding any other law, an individual may engage in the unlicensed
71 practice of providing healthcare to District residents for a particular health occupation until
72 August 10, 2022, if the individual:

73 “(A) Is licensed in good standing in another jurisdiction in the applicable
74 healthcare occupation;

75 “(B) Has not been issued a suspension or revocation order by a District of
76 Columbia health occupation board; and

77 “(C) Provides healthcare services:

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

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

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

84 “(A) A ambulatory surgical facility, assisted living residence,, community
85 resident facility, group home for person with intellectual disabilities, health professional’s
86 employer, home care agency, hospice, hospital, maternity center, nursing home, or renal dialysis
87 facility, as those terms are defined in section 2(a) of the Health-Care and Community Residence
88 Facility Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law
89 5-48; D.C. Official Code § 44-501(a));

90 “(B) A licensed nursing staffing agency, as set forth in the Nurse Staffing
91 Agency Act of 2003, effective March 10, 2004 (D.C. Law 15-74; D.C. Official Code § 44-
92 1051.01 *et seq.*);

93 “(C) Home support agencies, as set forth at 22-B DCMR 9900 *et seq.*

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

95 “(E) Community-based behavioral health organization; and

96 “(F) Community- based primary care clinic.

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

99 “(A) Verify the credentials and license status of the individual in order to
100 ensure compliance with this subsection, including by confirming that the individual has not been
101 issued a suspension or revocation order by a District of Columbia health occupation board;

102 “(B) Implement a process by which the credentials and home jurisdiction
103 license status of any such individual is routinely verified;

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

106 “(D) Maintain a list of unlicensed individuals being utilized, which shall
107 be made available to the Department of Health for inspection upon demand.

108 “(3) The Mayor shall not require an individual otherwise authorized to engage in
109 the unlicensed practice of providing healthcare to District residents pursuant to this subsection to
110 apply for a license or certification until August 10, 2022.”.

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

113 (a) Subsection 4020.1 is amended as follows:

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

116 (2) Paragraph (c) is repealed.

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

119 Sec. 6. Subsection 573.1 of Title 29 of the District of Columbia Municipal Regulations
120 (29 DCMR § 573) is amended as follows:

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

123 (b) Paragraph (c) is repealed.

124 Sec. 7. Applicability.

125 This act shall apply as of September 22, 2021.

126 Sec. 8. Repeal.

127 The Uniform Emergency Volunteer Health Practitioners Emergency Amendment Act of
128 2021, effective September 1, 2021 (D.C. Act 24-166; 68 DCR 9483) is repealed.

129 Sec 9. Fiscal impact statement.

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

133 Sec. 10. Effective date.

134 This act shall take effect following approval by the Mayor (or in the event of veto by the
135 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
136 90 days, as provided for emergency acts of the Council of the District of Columbia in section
137 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
138 D.C. Official Code § 1-204.12(a)).