

COUNCIL OF THE DISTRICT OF COLUMBIA

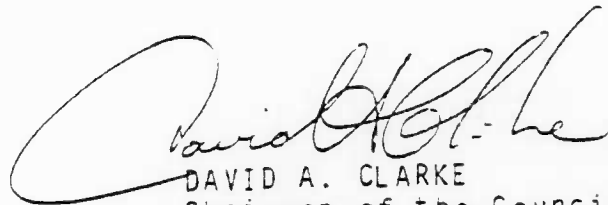
NOTICE

D.C. LAW 5-154

"Ambulatory Surgical Treatment Center Temporary Act of 1984".

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. 5-555 on first and second readings, November 20, 1984 and December 4, 1984, respectively. Following the signature of the Mayor on December 7, 1984, this legislation was assigned Act No. 5-219, published in the January 4, 1985 edition of the D.C. Register, (Vol. 32 page 7) and transmitted to Congress January 8, 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 5-154, effective March 14, 1985.



DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	22,23,24,25,28,29,30,31
February	1,4,5,6,7,19,20,21,22,25,26,27,28
March	1,4,5,6,7,8,11,12,13

D.C. LAW 5 - 1 5 4

EFFECTIVE DATE MAR 1 4 1985

AN ACT

D.C. ACT 5 - 2 1 9

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC 0 7 1984

To amend, on a temporary basis, the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983 to include a delegation of rulemaking authority for ambulatory surgical treatment centers and to authorize the Mayor to suspend or restrict, prior to a hearing, the license of any health-care facility or agency with deficiencies that present a serious and continuing danger to the public health, safety, or welfare.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Ambulatory Surgical Treatment Center Temporary Act of 1984".

Sec. 2. 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.), is amended as follows:

(a) Section 2(a) (D.C. Code, sec. 32-1301(a)) is amended by adding a new paragraph (8) to read as follows:

D.C. Code,  
sec. 32-1301  
(1985 supp.)

"(8) 'Ambulatory surgical treatment center' means a facility or other place, other than a hospital or maternity center, that provides surgical procedures, including family planning procedures, on an outpatient basis. The term 'ambulatory surgical treatment center' shall not apply to a facility, clinic, or professional office used exclusively for dental or oral surgical procedures, or in which a health professional customarily

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performs cystoscopies, proctoscopies, or surgical procedures related to the diagnosis and treatment of minor dermatological or podiatric conditions."

(b) Section 6(d) (D.C. Code, sec. 32-1305(d)) is amended by:

D.C. Code,  
sec. 32-1305  
(1985 supp.)

(1) striking the phrase "(2) suspend or revoke" in the second sentence and inserting "(2) suspend" in its place; and

(2) striking the last two sentences and inserting the following in their place:

"With respect to other facilities and agencies, the Mayor may, prior to a hearing, suspend the license of a facility or agency or convert its license to a provisional or restricted license if he or she determines that existing deficiencies constitute a serious and continuing danger to the health, safety, or welfare of its patients/clients/residents. Upon the suspension or conversion of a license pursuant to this subsection, the Mayor shall immediately give the facility or agency written notice of the action, including a copy of the order of suspension or conversion, a statement of the grounds for the action, and notification that the facility or agency has 72 hours (excluding Saturdays, Sundays, and legal holidays) from the time written notice is received to request an expedited, preliminary review hearing. If the facility or agency fails to communicate, either orally or in writing, a timely request for a preliminary review hearing, the order of suspension or conversion shall remain in effect until

terminated by the Mayor or an unexpedited hearing is held pursuant to procedures adopted under section 5. Upon receipt of a timely request for an expedited, preliminary review hearing, the Mayor shall within 72 hours (excluding Saturdays, Sundays, and legal holidays) provide a hearing to review the reasonableness of the suspension or conversion order. At this hearing, the Mayor shall have the burden of establishing a prima facie case of serious endangerment. The suspension or conversion order shall be either affirmed or vacated at the hearing. In the event an order is affirmed, it shall, unless extended, remain in effect for no longer than 30 calendar days, during which time a final hearing shall be scheduled to consider the appropriateness of revocation or continuing restrictions on licensure. Before expiration of a suspension or conversion order, an extension may be granted for a period not to exceed an additional 30 calendar days upon agreement of all the parties or for good cause shown."

Sec. 3. Repealer Provision.

The D.C. Ambulatory Surgical Treatment Center Licensure Act, effective April 6, 1978 (D.C. Law 2-66; 24 DCR 6836), is repealed.

Sec. 4. Effective Date.

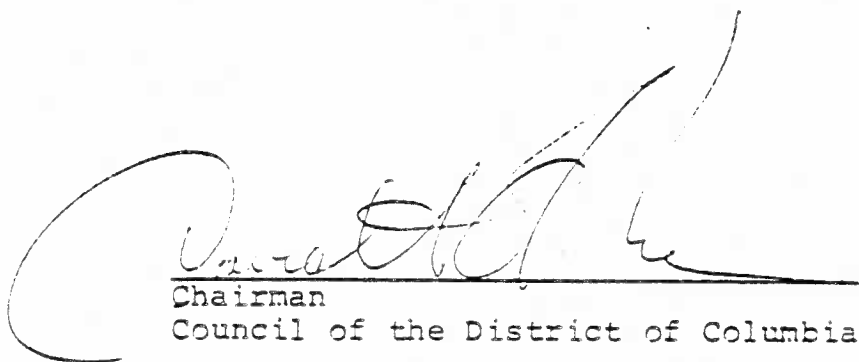
(a) Except as provided in subsections (b) and (c), this act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council to override the veto), as provided in section 602(c)(1) of the

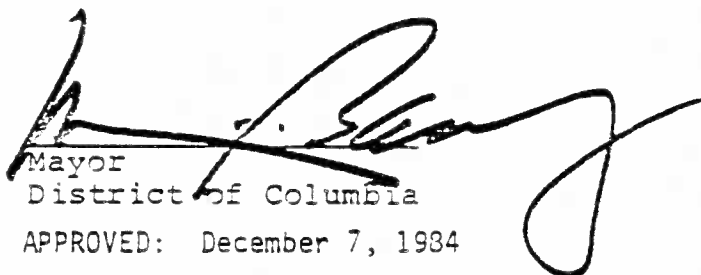
District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).

(b) Section 3 shall not take effect until the Mayor issues rules governing the operation of ambulatory surgical treatment centers; provided, however, that provisions of the Ambulatory Surgical Treatment Center Licensure Act that are inconsistent with provisions of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983 are repealed as of the effective date provided in subsection (a).

(c) This act shall expire on the 180th day of its having taken effect.

Note,  
D.C. Code,  
secs. 32-130  
& -1305  
(1985 supp.)

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED: December 7, 1984



# COUNCIL OF THE DISTRICT OF COLUMBIA

## Council Period Five — Second Session

### RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: 35-555

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 11-20-84

VOICE VOTE: Unanimous

Recorded vote on request

Absent: Crawford

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

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

#### CERTIFICATION RECORD

Secretary to the Council

12/6/84  
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-4-84

VOICE VOTE: Unanimous

Recorded vote on request

Absent: Smith

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

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

#### CERTIFICATION RECORD

Secretary to the Council

12/6/84  
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					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									