

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 6-66

"Student Health Care Act of 1985".

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. 6-135 on first and second readings, September 10, 1985, and September 24, 1985, respectively. Following the signature of the Mayor on October 9, 1985, this legislation was assigned Act No. 6-89, published in the November 1, 1985, edition of the D.C. Register, (Vol. 32 page 6086) and transmitted to Congress on October 10, 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 6-66, effective December 3, 1985.

  
DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

October	10,11,16,17,18,21,22,23,24,25,28,29,30,31
November	1,4,5,6,7,8,12,13,14,15,18,19,20,21,22
December	2

EFFECTIVE DATE DEC 03 1985

D.C. ACT 6 - 89

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCT 09 1985

To require that all pre-kindergarten, elementary, and secondary school students in the District of Columbia are periodically given comprehensive physical and dental examinations and that the results of these examinations are documented by certificates of health and dental health placed in a school health file maintained for each student; and to amend the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Student Health Care Act of 1985".

Sec. 2. Definitions.

For the purposes of this act:

(1) "Adult student" and "minor student" mean those terms as they are defined in section 499 of the Board of Education Rules, effective July 29, 1977 (5 DCMR 2099).

(2) "Certified nurse practitioner" means a registered nurse who is licensed in the United States or its territories, has had postgraduate education and training in pediatrics, adolescent medicine, or the assessment and care of school-aged children, and is certified as a nurse practitioner by the American Nurses' Association, the National Board of Pediatric Nurse Practitioners and Associates, or any other certifying organization acceptable

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New,  
D.C. Code,  
sec. 31-23  
(1986 supp

to the Mayor.

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

(4) "Physician" means an individual who is licensed to practice medicine in the United States or its territories and has had postgraduate education or training in pediatrics or adolescent medicine.

Sec. 3. Examination requirements; certificates of health and dental health.

New,  
D.C. Code,  
sec. 31-230  
(1986 supp

(a) Except as provided in section 4, whenever a student attending public or private school in the District enters pre-kindergarten, kindergarten, and the 1st, 3rd, 5th, 7th, 9th, and 11th grades, he or she shall furnish the school with a certificate of health completed and signed by a physician or certified nurse practitioner who has examined the student not more than 150 calendar days before his or her first day of school. The examination shall cover all items required by the certificate of health form for the student's particular age group.

(b) The Mayor shall establish requirements for periodic dental examinations and the submission of certificates of dental health for elementary and secondary school students.

(c) The Mayor shall develop standard forms for certificates of health and dental health and shall make blank forms available in sufficient quantities to carry out the purposes of this act. The certificate of health form shall contain at a minimum all items required by the American Academy of Pediatrics for each relevant age group.

(d) Except as provided in section 4, the Mayor may require that pre-kindergarten, elementary, and secondary school students who participate in special programs or have been exposed to certain hazards meet examination requirements in addition to those established by this act.

Sec. 4. Exemption for religious beliefs.

Certificates of health and dental health shall not be required under this act, and no physical or dental examination shall be required by the Mayor, if a minor student's parent or guardian or an adult student submits in good faith a written, notarized statement to the principal or other appropriate school official affirming that the examination(s) in question would violate the established tenets and practices of the parent's, guardian's, or student's church or religious denomination.

New,  
D.C. Code  
sec. 31-23  
(1986 supp

Sec. 5. Notice of noncompliance; attendance unaffected.

No student shall be excluded from school on account of his or her failure to furnish a required certificate of health or dental health. If a certificate of health or dental health is not furnished when required, the principal or other appropriate school official shall give both oral and written notice to a minor student's parent(s) or guardian or an adult student that submission of the certificate is required by law. The notice shall explain how to contact the public health authorities for the purpose of having the student examined if private health care is not available or desired. If after 30 calendar days the student

New,  
D.C. Code,  
sec. 31-23  
(1986 supp

has still not furnished the required certificate of health or dental health, the principal or other appropriate school official shall inquire into whether the student has had an examination. If the student has not been given an examination and none is scheduled, the principal or other appropriate school official shall notify the public health authorities, who shall make prompt and, if necessary, continuing efforts to secure the consent of the parent(s), guardian, or adult student so that the student may as soon as possible be given the required examination(s) either in a public health facility or at school.

Sec. 6. Examination by public health authorities;  
indigency.

New,  
D.C. Code,  
sec. 31-23  
(1986 supp

A fee, based on rates to be established by the Mayor, shall be charged to a minor student's parent(s) or guardian or an adult student when the student has been examined by public health authorities pursuant to this act and the parent(s), guardian, or adult student is not indigent. The Mayor shall define "indigency" under this section and may establish a sliding scale of partial payment based on the parents', guardian's, or adult student's reasonable ability to pay some of the examination costs. Under no circumstances shall a student be excluded from school pending the payment of a fee imposed under this section.

Sec. 7. Duty to obtain treatment.

New,  
D.C. Code,  
sec. 31-230  
(1986 supp.

If a student is excluded from school pursuant to An Act To authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of

communicable and preventable diseases, approved August 11, 1939 (53 Stat. 1408; D.C. Code, sec. 6-117 et seq.), it shall be his or her responsibility if an adult student, and the responsibility of his or her parent(s) or guardian if a minor student, to obtain any treatment necessary for him or her to resume attendance at school. If private health care is not available or desired, the Mayor shall ensure that the necessary treatment is made available by public health authorities after obtaining the consent of the parent(s), guardian, adult student, or, when authorized by District law, minor student. Fees shall be determined in the same manner as provided in section 6.

Sec. 8. Student health files.

New,  
D.C. Code,  
sec. 31-23  
(1986 supp

(a) The Board of Education, with respect to public school students, and the Mayor, with respect to private school students, shall establish uniform procedures requiring elementary and secondary schools in the District to maintain health files for each student. Each student's health file shall contain all health-related documents submitted by or on behalf of the student.

(b) A student's health file and all certificates of health and dental health furnished pursuant to this act shall be confidential and subject to inspection, disclosure, and use only as provided by applicable District and federal law.

Sec. 9. Joint administration by Mayor and Board of Education; rules.

New,  
D.C. Code,  
sec. 31-23  
(1986 supp

The Mayor and the Board of Education shall jointly

administer this act and each shall issue rules 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.), to carry out its purposes.

Sec. 10 Protection from liability.

New,  
D.C. Code,  
sec. 31-23  
(1986 supp

Neither the District government or its agencies, officials, and employees nor any private school or its officials and employees shall be subject to civil or criminal liability for failing to recognize or communicate a need for treatment from information contained in a student's health file, or to obtain treatment for a student solely on account of such information.

Sec. 11. Amendment.

D.C. Code,  
sec. 32-1307  
(1986 supp

Section 8(c) 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. Code, sec. 32-1307(c)), is amended by striking the phrase "National Association of Pediatric Nurse Associates and Practitioners" and inserting the phrase "National Board of Pediatric Nurse Practitioners and Associates" in its place.

Sec. 12. Effective date; applicability delayed.

(a) 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)).

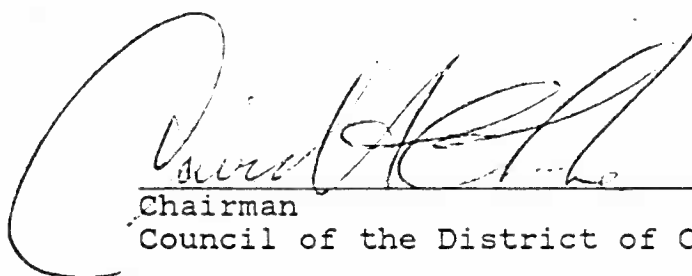
(b) The applicability of this act shall be delayed  
until:

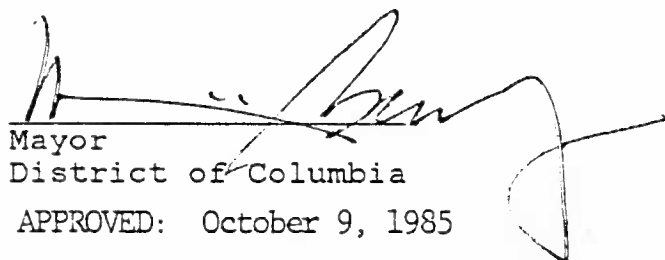
Note,  
D.C. Code,  
sec. 31-23  
to -2309,  
32-1307  
(1986 supp

(1) The 1986-87 school year for students entering  
pre-kindergarten, kindergarten, and the 1st grade.

(2) The 1987-88 school year for students entering  
the 3rd, 5th, and 7th grades; and

(3) The 1988-89 school year for students entering  
the 9th and 11th grades.

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED: October 9, 1985





COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Six - First Session

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B 6-135

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 9-10-85

VOICE VOTE: Unanimous

Recorded vote on request

Absent: Wilson and Winter

ROLL CALL VOTE: - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B., COUNCIL MEMBER, AYE, NAY, N.V., A.B., COUNCIL MEMBER, AYE, NAY, N.V., A.B. Rows include CHMN. CLARKE, CRAWFORD, JARVIS, KANE, MASON, RAY, ROLARK, SCHWARTZ, SHACKLETON, SMITH, JR., SPAULDING, WILSON, WINTER.

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

CERTIFICATION RECORD

Secretary to the Council (Signature)

Date: 9/30/85

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 9-24-85

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

ROLL CALL VOTE: - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B., COUNCIL MEMBER, AYE, NAY, N.V., A.B., COUNCIL MEMBER, AYE, NAY, N.V., A.B. Rows include CHMN. CLARKE, CRAWFORD, JARVIS, KANE, MASON, RAY, ROLARK, SCHWARTZ, SHACKLETON, SMITH, JR., SPAULDING, WILSON, WINTER.

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

CERTIFICATION RECORD

Secretary to the Council (Signature)

Date: 9/30/85

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE: - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B., COUNCIL MEMBER, AYE, NAY, N.V., A.B., COUNCIL MEMBER, AYE, NAY, N.V., A.B. Rows include CHMN. CLARKE, CRAWFORD, JARVIS, KANE, MASON, RAY, ROLARK, SCHWARTZ, SHACKLETON, SMITH, JR., SPAULDING, WILSON, WINTER.

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

CERTIFICATION RECORD

Secretary to the Council

Date