

AN ACT

*Codification
District of
Columbia
Official Code*

2001 Edition

2002 Winter
Supp.

West Group
Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983 to revise criminal and civil penalties and fines for violations of the act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health Care and Community Residence Facility, Hospice and Home Care Licensure Penalties Amendment Act of 2002".

Sec. 2. Section 10 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 § 44-509), is amended as follows:

Amend
§ 44-509

(a) Subsection (a) is amended to read as follows:

"(a) Any person who intentionally impedes a District of Columbia official or employee in the performance of his or her authorized duties under this act, or any rule issued pursuant to this act, shall be subject to a fine not exceeding \$1,000 per day of violation, imprisonment for not more than 90 days, or both. Prosecution shall be in the Superior Court of the District of Columbia by information signed by the Corporation Counsel or one of his or her assistants."

(b) Subsection (e) is amended as follows:

(1) The lead-in language is amended by striking the phrase "Except as provided in paragraphs (2) through (4) of this subsection," and inserting the phrase "Except as provided in paragraphs (2) through (5) of this subsection and subsection (f)(1) of this section," in its place.

(2) A new paragraph (5) is added to read as follows:

"(5) Any person who violates any provision of this act, or any rules or regulations promulgated pursuant to this act, for which a civil fine has not been established pursuant to section 104 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.04), shall be subject to a civil fine in an amount not to exceed that established for the closest existing analogous violation."

(c) A new subsection (f) is added to read as follows:

"(f)(1) Any person who commits a violation of any provision of this act, or any rules or regulations promulgated pursuant to this act, that results in demonstrable harm to a patient, resident, or client of a facility or agency, shall be subject to a fine for each offense not to exceed \$10,000. For each violation, each day of violation shall constitute a separate offense, and the penalties prescribed shall apply to each separate offense. The total fine for a series of related offenses shall not exceed \$100,000. Procedures for adjudication of violations under this subsection shall be those established pursuant to titles I through III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

"(2) Except as provided in subsections (a) and (d) of this section, any person who knowingly violates this act, or any rules or regulations promulgated pursuant to this act, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more than \$25,000, or imprisoned for not more than 180 days, or both. For each violation, each day of violation shall constitute a separate offense, and the penalties prescribed shall apply to each separate offense. Prosecutions for violation of this act pursuant to this subsection shall be brought in the Superior Court of the District of Columbia by the Corporation Counsel for the District of Columbia."

Sec. 3. Fiscal impact statement.

This act shall have no negative fiscal impact. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. 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

ENROLLED ORIGINAL

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