

AN ACT

Codification
District of
Columbia
Official Code

2001 Edition

2009 Summer
Supp.

West Group
Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Health Occupations Revision Act of 1985 to amend the definition of the practice of medicine and to repeal the registration of naturopaths.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Practices of Medicine and Naturopathic Medicine Amendment Act of 2009”.

Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) The table of contents is amended by striking the phrase “Sec. 901. Naturopathy.” and inserting the phrase “Sec. 901. Naturopathy. [Repealed]” in its place.

(b) Section 102(7) (D.C. Official Code § 3-1201.02(7)) is amended to read as follows:

Amend
§ 3-1201.02

“(7)(A) “Practice of medicine” means suggesting, recommending, prescribing, or administering, with or without compensation, any form of treatment, operation, drug, medicine, manipulation, electricity, or any physical, mechanical, or healing treatment by other means, for the prevention, diagnosis, correction, or treatment of a physical or mental disease, ailment, injury, condition, or defect of any person, including:

“(i) The management of pregnancy and parturition;

“(ii) The interpretation of tests, including primary diagnosis of pathology specimens, images, or photographs;

“(iii) Offering or performing a surgical operation upon another person;

“(iv) Offering or performing any type of invasive procedure of the body, whether through a body opening or a cutting of the skin, or otherwise affecting the layer of skin below the stratum corneum, for surgical, therapeutic, or cosmetic purposes, excluding procedures known as body tattooing or body piercing;

“(v) Rendering a written or otherwise documented medical opinion relating to the diagnosis and treatment of a person within the District, or the actual

rendering of treatment to a person within the District, by a physician located outside the District as a result of transmission of the person's medical data by electronic or other means from within the District to the physician or to the physician's agent;

“(vi) Maintaining an office or other place for the purpose of examining persons afflicted with disease, injury, or defect of body or mind;

“(vii) Advertising or representing in any manner that one is authorized to practice medicine; or

“(viii) Using the designation “Doctor of Medicine,” “Doctor of Osteopathy,” “physician,” “surgeon,” “physician and surgeon,” “M.D.,” or “D.O.,” or a similar designation, or any combination thereof, in the conduct of an occupation or profession pertaining to the prevention, diagnosis, or treatment of human disease or condition, unless the designation additionally contains the description of another branch of the healing arts for which one holds a valid license.

“(B) Nothing in this paragraph shall be construed as preventing or restricting other health professionals from offering or undertaking any type of invasive procedure of the body, whether through a body opening or a cutting of the skin, or otherwise affecting the layer of skin below the stratum corneum, for surgical, therapeutic, or cosmetic purposes, if the procedure:

“(i) Has been authorized by a licensed physician; or

“(ii) Is performed by an advanced practice registered nurse, an anesthesiologist assistant, a dentist, a physician assistant, a podiatrist, a practical nurse, a registered nurse, or a surgical assistant who has received the necessary training and experience to perform the procedure in a safe and effective manner.

“(C) Nothing in this paragraph shall be construed as preventing or restricting advanced practice registered nurses from performing their duties as advanced practice registered nurses.”

(c) Section 901 (D.C. Official Code § 3-1209.01) is repealed.

(d) Section 1003(x) (D.C. Official Code § 3-1210.03(x)) is amended by striking the last sentence.

Repeal
§ 3-1209.01
Amend
§ 3-1210.03

Sec. 3. Fiscal impact statement.

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 December

ENROLLED ORIGINAL

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