TITLE XX. CHILDHOOD LEAD POISONING SCREENING AND REPORTING

Sec. 2001. Short title.

This title may be cited as the "Childhood Lead Poisoning Screening and Reporting Act of 2002".

Sec. 2002. Definitions.

For the purposes of this title, the term:

(1) "Child" or "Children" means an individual or individuals under the age of 6 years.

(2) "Elevated blood lead level" means an excessive absorption of lead concentration in whole blood of 10 mg/dl (micrograms of lead per deciliter) or greater.

(3) "Health care facility" means any institution providing individual care or treatment of diseases or other medical, physiological or psychological conditions, including, but not limited to, hospitals, clinics, laboratories, nursing homes, or homes for the aged or chronically ill, but excluding private medical offices.

(4) "Health care provider" means a physician, clinic, hospital, or neighborhood health center, licensed by the District of Columbia, that is responsible for providing primary care and coordinating referrals, when necessary, to other health care providers.

(5) "Lead-poisoned child" means a child with a confirmed blood lead level equal to or greater than 15 micrograms of lead per deciliter of blood, or such other lower threshold as the United States Centers for Disease Control and Prevention may establish.

(6) "Person" means an individual, a corporation, a partnership, firm, conservator, receiver, trustee, executor, or legal representative.

Sec. 2003. Childhood lead screening and reporting requirements.

(a) Each health care provider or facility shall inform the parent or guardian of every child under the age of 6 years in the District of Columbia, served by the provider or facility, of the requirement for periodic blood tests for lead poisoning as provided in this title and rules implementing this title.

(b) A health care provider or facility shall, unless parental consent is withheld or an identical test has already been performed within the last 12 months, perform a blood test for lead poisoning on every child who resides in the District of Columbia as part of a well-child care visit, once between ages 6 months and 9 months, and a second time between ages 22 months and 26 months. If a child's age exceeds 26 months, and a blood lead screening has not been performed, the child shall be screened twice prior to the age of 6 years.

(c) The laboratory that performed the tests pursuant to subsection (b) of this section shall forward all test results to the health care provider or facility where the blood sample was taken, and to the Mayor.

(d) The health care provider or facility shall forward all elevated blood lead level results immediately to the child's parent or guardian. Upon request of the Child's parent or guardian, the health care provider for facility shall provide written evidence of testing for lead poisoning that includes the date of the test and the tests results.

(e) The Mayor, pursuant to section 2006, shall issue rules governing the conditions under which a health care provider or facility shall administer additional lead screening tests exceeding the requirements of subsection (b) of this section, and the process for reporting lead screening results.

(f) Any agreement or contract entered into by the Medical Assistance Administration to provide its services through a health insuring or a managed care organization shall include a requirement for the organization to provide screening and reporting services pursuant to the provisions of this section and the rules implementing this section, or to provide reimbursement for those services.

(1) The agreement or contract shall explicitly include the provision of medical case management and other follow-up treatment of a Medicaid-enrolled, lead-exposed child as may be required to protect the child's health, or reimbursement for that management and treatment.

(2) The Medical Assistance Administration shall provide for coverage and reimbursement of an environmental investigation and source control measures necessary to eliminate any lead-based paint hazard to which a Medicaid-enrolled, lead-poisoned child is exposed in the child's home environment, including, but not limited to, paint stabilization and cleanup of any dust-lead hazard.

(g) The Mayor shall issue an annual report to the Council summarizing and analyzing the lead screening results obtained pursuant to this title. The report shall include recommendations based on or pertaining at a minimum to:

(1) The extent of compliance with the requirements of this section; and

(2) The incident and prevalence rates of childhood lead poisoning in the District of Columbia.

Sec. 2004. Enforcement.

(a) If the Mayor has reason to believe that there has been a violation of this title or of the regulations issued pursuant to this title, the Mayor may:

(1) Give written notice of the alleged violation, which shall include the provision of the law or regulation alleged to be violated, the facts alleged to constitute a violation, and an order that necessary corrective action be taken within a specified time set forth in the notice; or

(2) Impose civil or criminal fines and penalties in accordance with section 2005.

(b) Any party adversely affected by an action taken pursuant to subsection (a) of this section is entitled to a hearing before the Mayor upon filing with the Mayor, within 15 days from the date of the action, a written request for a hearing. The hearing shall be held in accordance with the requirements of Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat.1204; D.C. Official Code § 2-501 et seq.).

Sec. 2005. Penalties.

(a) Any person who fails to comply with any of the provisions of this title shall be subject to a fine not to exceed $5,000 for each violation. Each and every day of the violation shall constitute a separate violation and the penalties prescribed shall be applicable to each separate violation unless otherwise indicated.

(b) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this title or the rules issued under authority of this title 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.).

(c) Any person knowingly or willfully violates this title shall, in addition to or in lieu of any civil penalty which may be imposed for the violation, be subject, upon conviction, to a fine of not more than $5,000 for each day of violation, or to imprisonment of not more than one year, or both.

Sec. 2006. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), shall issue rules to implement the provisions of this title. The Mayor is authorized to adopt, in whole or in part, guidelines issued by the Centers for Disease Control and Prevention and may consider such other materials relating to lead poisoning prevention, testing, and treatment, as deemed appropriate.

Sec. 2007. Fiscal impact statement.

Funds are sufficient in the fiscal Year 2002 through Fiscal Year 2005 budget and financial plan to implement this title because no additional staff or resources will be required. This title will have no effect on General Fund revenue.