



DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 44. CHARITABLE AND CURATIVE INSTITUTIONS

SUBTITLE I. HEALTH RELATED INSTITUTIONS

CHAPTER 12. SUBSTANCE ABUSE TREATMENT AND
PREVENTION

Current as of November 19, 2008

§ 44-1201. Definitions

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

(2) "Drug" means any of the controlled substances enumerated in § 48-902.04, § 48-902.06, § 48-902.08, § 48-902.10, or § 48-902.12.

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

(4) "Qualified health professional" means a person licensed to practice in the District as a physician, psychiatrist, registered nurse, or independent clinical social worker, pursuant to Chapter 12 of Title 3.

(5) "Resident" means any person who lives in the District voluntarily and not for a temporary purpose and has no intention of presently removing himself or herself from the District. Temporary absence from the District, with subsequent returns to the District, or intent to return when the purposes of the absence have been accomplished shall not interrupt continuity of residence. For the purposes of this chapter, residency shall not depend upon the reason that the individual entered the District except that it may bear on whether he or she is in the District for a temporary purpose.

(6) "Substance abuse" means a pattern of pathological use of a drug or alcohol that causes impairment in social or occupational functioning or produces physiological dependency evidenced by physical tolerance or physical symptoms when the drug or alcohol is not used.

(7) "Treatment facility" means the substance abuse treatment facility established pursuant to § 44-1203.

§ 44-1202. Eligibility for treatment for substance abuse

(a) Each District resident who meets the requirements of this section shall be eligible for treatment for substance abuse at the treatment facility, regardless of his or her ability to pay, subject to the restriction in § 44-1208, if the resident:

(1) Applies for treatment or is referred for treatment by a court of competent jurisdiction; and

(2) Has been examined by a qualified health professional who has determined that the individual needs treatment for substance abuse in a nonhospital residential setting.

(b) Any minor, pregnant woman, or the parent, guardian, or other person who has legal custody of a minor and who meets the requirements of this section shall have priority for admission to the treatment facility over any single adult who does not have a minor child.

(c) The determination of an individual's need for treatment may be made by a qualified health professional on duty at the treatment facility or by any other qualified health professional who has examined the individual prior to the individual's application or referral for admission.

§ 44-1203. Establishment of substance abuse treatment facility

(a) Within one year from March 15, 1990, the Mayor shall establish a comprehensive substance abuse treatment facility to provide residential and outpatient treatment for persons who suffer from substance abuse, regardless of a person's ability to pay.

(b) The treatment facility shall be under the management of a director who shall be a qualified health professional appointed by the Mayor.

(c) The treatment facility shall have an initial space and staff capacity to admit at least 250 individuals for inpatient treatment and provide appropriate follow-up treatment on an outpatient basis, except that a minimum of 150 additional beds shall be authorized if federal funds are available to fund the additional beds. The treatment facility subsequently shall be expanded based upon the need and the availability of funds.

(d) The treatment facility shall be centrally managed, but may be physically located at more than one site, if the director determines that separate sites are necessary to provide the most effective treatment.

(e) The treatment facility shall be subject to the certification requirements established by § 44-1204.

§ 44-1203.01. Privatization of residential substance abuse treatment

(a) Notwithstanding any provision of § 44-1203, the Mayor shall contract out the operation of the substance abuse Residential Short Stay and Detoxification Facilities programs that are currently operated by the Addiction, Prevention, and Recovery Administration ("APRA") and, when appropriate, priority shall be given to locating such facilities on the campus of the D.C. General Hospital. The affected employees of APRA shall be given the opportunity to compete in this privatization, which shall be carried out in accordance with §§ 2-301.05b and 2-301.05c [repealed].

(b) Any amount of funding necessary for costs of severance pay related to the contracting out of the operation of the substance abuse Residential Short Stay and Detoxification Facilities program shall be paid from the administrative costs of the Addiction, Prevention, and Recovery Administration. No money for severance pay related to the contracting out shall be taken from any program funding allocated for substance abuse treatment services, including the \$ 3 million increase allocated by the Council for community based substance abuse treatment services.

§ 44-1204. Certification requirements

(a) Any public or private person, partnership, corporation, association, charitable organization, or other legally-constituted entity, whether for profit or not for profit, that provides or offers to provide nonhospital residential or outpatient treatment for substance abuse shall be certified by the Mayor as a condition of operation and shall operate in compliance with the standards necessary to maintain certification. The Mayor may certify a facility as qualified to provide nonhospital residential treatment, outpatient treatment, or both.

(b) To qualify for certification, a substance abuse treatment facility shall demonstrate to the satisfaction of the Mayor that the treatment facility meets the standards established by § 31-3106(c)(1), (2), and (3).

(c) In addition to the requirement set forth in subsection (b) of this section, a substance abuse treatment facility that offers or proposes to offer nonhospital residential treatment shall demonstrate to the satisfaction of the Mayor that it has the staff, space, and financial resources to provide each

patient with a sufficient number of consecutive days of nonhospital residential care to treat the substance abuse disorder that the patient experiences.

(d) In addition to the requirement set forth in subsection (b) of this section, a substance abuse treatment facility that offers or proposes to offer outpatient treatment shall demonstrate to the satisfaction of the Mayor that it has the staff, space, and financial resources to provide each patient with a sufficient number of treatment sessions on a regular schedule to treat the substance abuse disorder that the patient experiences.

(e) The Mayor, after the provision of notice and an opportunity for a hearing in accordance with § 2-509, shall suspend or revoke the certification of a substance abuse treatment facility upon a determination by the Mayor that the substance abuse treatment facility is not in substantial compliance with the requirements of subsection (b) and subsection (c) or (d) of this section, whichever is applicable. If the Mayor suspends certification of a treatment facility pursuant to this subsection, the period of suspension shall be for a fixed period of time and shall be specified by the Mayor in the suspension order.

(f) The penalty for the operation of a substance abuse treatment facility without the certification required by this section shall be:

(1) A civil fine of not less than \$ 100 for each day of operation without certification; and

(2) Revocation of the certificate of occupancy issued by the Department of Consumer and Regulatory Affairs for the premises occupied by the substance abuse treatment facility.

(g) Any certification issued pursuant to this section shall be issued as a Public Health: Health Care Facility endorsement to a basic business license under the basic business license system as set forth in subchapter I-A of Chapter 28 of Title 47.

§ 44-1205. Financial assistance program

(a) There is established within the District government a program to provide financial assistance to any person or organization that applies for financial assistance to conduct a program of substance abuse prevention in accordance with the applicable provisions of Unit A of Chapter 3 of Title 2.

(b) Any person or organization that applies for financial assistance from the District government to conduct a program of substance abuse prevention, education, or counseling, as a condition of receiving assistance, shall demonstrate to the satisfaction of the Mayor that:

(1) The program has been developed in consultation with a qualified health professional;

(2) The content of written, audiovisual, or other information to be provided through the program is accurate, current, and consistent with established medical or scientific findings;

(3) The program will be carried out in accordance with a systematic written plan that shall include goals, timetables, and specific methods to measure the progress and effectiveness of achieving the established goals; and

(4) The program meets any other criteria established by rules issued pursuant to § 44-1207(c).

(c) The requirements of § 44-1204 and subsection (b) of this section shall not apply to:

(1) A hospital licensed by the District government pursuant to Chapter 5 of this title; or

(2) A health professional licensed pursuant to Chapter 12 of Title 3, who provides outpatient substance abuse treatment to private patients within the scope of the practice of the health occupation that he or she is licensed to practice.

§ 44-1206. Substance abuse prevention campaign

(a) The Mayor shall establish and implement a public education campaign intended to prevent substance abuse.

(b) The public education campaign shall incorporate, at a minimum, the following:

(1) The dissemination of statistics and other information that illustrate the dangers of drug use and alcohol abuse;

(2) The dissemination of information about the symptoms of substance abuse and dependence;

(3) The dissemination of information about methods to treat substance abuse and the availability and cost of treatment facilities in the District;

(4) The dissemination of literature designed for different age groups and levels of education published by the District government for distribution on a regular basis at public places deemed appropriate by the Mayor;

(5) A series of print, audio, and audiovisual substance abuse education messages to be provided on a continuing basis to all newspapers, magazines, radio and television stations, and other mass communications media in the District for use as public service announcements or advertisements;

(6) Community forums offered by the District government in conjunction with professional organizations, community organizations, or individual volunteers to be conducted on a regular basis at schools, recreation centers, civic and community centers, and other similar facilities; and

(7) A speaker's bureau of qualified personnel available to speak, lead discussions, and present written or audiovisual material at school and community programs.

(c) All print, audio, and audiovisual material distributed in conjunction with the public education campaign shall include the names, addresses, and telephone numbers of appropriate treatment facilities in the District.

(d) The Mayor shall implement the public education campaign in a manner that promotes the coordination of efforts by participating agencies and the District of Columbia Public Schools.

§ 44-1207. Fees and fines; rules

(a) The Mayor, by rule, shall establish a graduated, need-based, schedule of fees to charge individuals who receive treatment at the treatment facility established pursuant to § 44-1203. The Mayor, by rule, shall establish a schedule of fees for the certification required by § 44-1204.

(b) The director of the treatment facility may file claims for payment for services provided to an individual who is a beneficiary of a policy or contract of health insurance that provides coverage for drug treatment services.

(c) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue any other rules necessary to implement the provisions of this chapter.

(d) Except as provided in § 44-1204(f), civil fines, penalties, and fees may be imposed as sanctions for any infraction of the provisions of this chapter, or the rules issued under authority of this chapter, pursuant to Chapter 18 of Title 2. Adjudication of any infractions shall be pursuant to Chapter 18 of Title 2.

§ 44-1208. Limitations on benefits

Nothing in this chapter shall be construed to create an entitlement to substance abuse treatment during any fiscal year if no funds remain available to the District government under a District government or federal appropriation that has been enacted for the specific purpose of providing substance abuse treatment services or unless the person has the ability to pay.

§ 44-1209. Impact on insurance coverage

Nothing in this chapter shall be construed to relieve any insurer from providing the coverage required by Chapter 31 of Title 31.

§ 44-1210. Appropriations

Sufficient funds to carry out the requirements of this chapter are authorized to be appropriated out of the general revenues of the District of Columbia.