

DEPARTMENT OF HEALTH

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Interim Director of the Department of Health (“Department”), pursuant to Section 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1203.02(14)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of her adoption, on an emergency basis, of the following amendments to Section 4007 (Temporary Licenses) of Chapter 40 (Health Occupations: General Rules) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (“DCMR”).

The impacts of COVID-19 on the District of Columbia’s (“District’s”) public health and healthcare infrastructure extend beyond the immediate epidemiological impacts of the virus. During the District’s initial phases of the public health emergency, COVID-19 related hospitalizations surged causing a shift in the overall healthcare landscape in the District impacting hospital and non-hospital based healthcare. Healthcare worker absenteeism due to COVID-19 isolation and quarantine increased healthcare organizations’ dependence on staffing agencies and temporary workers. Psychological stress contributed to high rates of turnover in the public health and healthcare workforce in the District and the national capital region, leading to record high vacancy rates in critical public health and healthcare roles in the District’s hospitals, long-term care facilities, intermediate care facilities, home health agencies, emergency medical service agencies, behavioral health organizations, and ambulatory care settings. The current environment continues to require public health and healthcare organizations to expand workforce recruitment and retention efforts, including the use of temporary staffing organizations with pools of qualified health professionals duly licensed throughout the United States. This emergency and proposed rulemaking will decrease unnecessary barriers to the temporary license process without undermining the process of verifying that healthcare professionals are credentialed as qualified and competent. Specifically, the amendments will enable individuals submitting a new application who are licensed, registered, or certified in another jurisdiction and are in good standing in any jurisdiction in which the person holds a license, registration, or certification to be issued temporary licenses, registrations, or certifications. The amendments also repeal the requirement that a separate application and fee be submitted for a temporary license. Due to the continued increased need for healthcare professionals, emergency action is necessary for the preservation of the health and welfare of the residents of the District of Columbia.

This emergency rulemaking was adopted by the Interim Director on May 18, 2023 and became effective immediately on that date. The emergency rulemaking will expire one hundred twenty (120) days from the date of adoption on September 15, 2023, or upon publication of a final rulemaking in the *District of Columbia Register*, whichever occurs first.

The Interim Director also gives notice of her intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days from the date of publication of this notice in the *District of Columbia Register*.

Title 17, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, of the DCMR is amended as follows:

Chapter 40, HEALTH OCCUPATIONS: GENERAL RULES, is amended as follows:

Section 4007, TEMPORARY LICENSES, is amended as follows:

Subsection 4007.4 is amended to read as follows:

- 4007.4 A board may issue a temporary license pursuant to this section only to the following persons:
- (a) An applicant for a new license who is licensed in another jurisdiction of the United States and is applying for licensure by reciprocity or endorsement;
 - (b) An applicant who meets all qualifications for a license except for the successful completion of an examination and who has applied to take the next scheduled examination pursuant to § 4002;
 - (c) An applicant who has submitted an application for a new license and is licensed and in good standing in another jurisdiction; or
 - (d) An applicant who has satisfied all other requirements of the Director for the issuance of a temporary license as determined in writing.

Subsection 4007.6 is repealed.

All persons desiring to comment on the subject matter of this emergency and proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*, to Phillip Husband, General Counsel, Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 6th Floor, Washington, D.C. 20002 or by email at Phillip.Husband@dc.gov. Copies of the proposed rules may be obtained between the hours of 8:00 a.m. and 4:00 p.m. at the address listed above, or by contacting Angli Black, Paralegal Specialist, at Angli.Black@dc.gov, (202) 442-5977.