

AN ACT

*Codification
District of
Columbia
Code
2001 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To require, on a temporary basis, an autopsy to be performed on all deceased wards of the District of Columbia government and residents of certain residential facilities who have not been diagnosed as terminally ill by a physician and to require the submission of an unusual incident report for persons who are wards of the District of Columbia government or residents of residential facilities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Mandatory Autopsy for Deceased Wards of the District of Columbia and Mandatory Unusual Incident Report Temporary Act of 2000".

Sec. 2. For the purposes of this act, the term:

(1) "Unusual incident" means any incident that results in injury or illness to a ward or resident of a nursing home, community residence facility, or group home for mentally retarded persons, as those terms are defined in section 2 of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983 ("Health Facilities Act").

(2) "Ward" means any person in the official custody of the District government, on a temporary or permanent basis, because of neglect, abuse, mental illness, or mental retardation.

Sec. 3. Within 72 hours of the person's death, the Chief Medical Examiner for the District of Columbia shall either perform, or arrange for a qualified pathologist to perform, an autopsy on the body of any person who dies while a ward of the District of Columbia ("District") government or while a resident of a community residence facility or group home for mentally retarded persons, as those terms are defined in the Health Facilities Act, if the person has not been diagnosed as terminally ill by a physician.

Sec. 4. (a) Any person who operates a nursing home, community residence facility, or group home for mentally retarded persons, as those terms are defined in the Health Facilities Act, shall immediately notify the Department of Health and the Inspector General for the

District of Columbia of any unusual incident. The Department of Health and the Inspector General shall take action to investigate the report within 72 hours of receipt of the report and take appropriate action upon completion of the investigation, including action to summarily suspend, suspend, revoke, or restrict the license to operate the facility or to impose civil fines, penalties, and related costs pursuant to titles I through III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985.

(b) Any person who operates a nursing home, community residence facility, or group home for mentally retarded persons, as those terms are defined in the Health Facilities Act, shall immediately notify the District of Columbia Metropolitan Police Department ("MPD") of any unusual incident that involves abuse or death of a resident or other incidents deemed appropriate. The MPD shall investigate the unusual incident involving abuse or death immediately upon notification and recommend appropriate action upon completion of the investigation.

Sec. 5. This act shall be subject to the availability of appropriations

Sec. 6. This act shall have no fiscal impact.

Sec. 7. (a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, override of the veto by the Council), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87

ENROLLED ORIGINAL

Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.
(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia