COUNCIL OF THE DISTRICT OF COLUMBIA

DRAFT RULES OF ORGANIZATION AND PROCEDURE FOR THE COMMITTEE ON HEALTH

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COUNCIL PERIOD 26

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ARTICLE I - DEFINITIONS

Sec. 101. DEFINITIONS

Except as otherwise provided, the definitions contained in section 101 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 26, are incorporated by reference.

In addition, for the purposes of the Committee Rules, the term:

(1) "Chairperson" means the Chairperson of the Committee on Health.

(2) "Committee" means the Committee on Health.

(3) “Committee Rules” means the Rules of Organization and Procedure for the Committee on Health for Council Period 26.

(4) "Council Rules" means the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 26.

(5) “Meeting” means the formal convening of the Committee, other than solely for the purposes of receiving testimony, held at a designated time and place for the purpose of transacting public business, including official action of any kind.

(6) “Member” means a member of the Committee on Health.

(7) “Minutes” means the written, audio, electronic, or video recording of the actions and proceedings of the Committee, which may consist of a summary of Committee discussion and debate, and a description of each action taken including amendments, motions, or orders on which a vote was taken and the vote of each member concerning the action.

(8) “Quorum” means three members of the Committee, except as provided in section 601(c).

(9) “Testimony” means the oral or written statement of a witness.

(10) “Witness” means a person who shall appear or is appearing before the Committee whether voluntarily or by mandatory process.

ARTICLE II - ORGANIZATION OF THE COMMITTEE

Sec. 201. CHAIRPERSON

The Chairperson shall be the presiding officer of the Committee. The Chairperson shall designate a member to act as temporary Chairperson when the Chairperson is absent or recuses herself from certain items before the Committee.

Sec. 202. COMMITTEE STAFF

(a) Committee Staff. The Chairperson shall assign, remove, and determine Committee staff with the approval of the Committee, pursuant to section 406(b)(3)(B) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.06(b)(3)(B)).

(b) Additional Resource Persons. Additional persons not to be compensated by Council funds may be retained by the Chairperson.

ARTICLE III - RESPONSIBILITIES OF THE COMMITTEE

Sec. 301. MATTERS UNDER THE PURVIEW OF THE COMMITTEE

The Committee on Health is responsible for matters concerning health, including environmental health and health equity; and the regulation of health occupations and professions and health care inspectors.

Sec. 302. AGENCIES UNDER THE PURVIEW OF THE COMMITTEE

The following agencies and entities come within the purview of the Committee on Health:

- All of the advisory committees and professional boards serving the Department of Health or Department of Behavioral Health
- Cedar Hill Regional Medical Center
- Council on Physical Fitness, Health, and Nutrition
- Department of Behavioral Health
- Department of Health
- Department of Health Care Finance
- Deputy Mayor for Health and Human Services
- District of Columbia Health Benefit Exchange Authority
- Food Policy Council
- Health Information Exchange Policy Board
- Metropolitan Washington Regional Ryan White Planning Council
- Not-For-Profit Hospital Corporation

ARTICLE IV - COMMITTEE MEETINGS

Sec. 401. REGULAR MEETINGS

(a) Time. Regular meetings of the Committee shall be held on the second Monday of each month at 3:00 p.m. except during periods of Council recess and legal holidays. The Chairperson shall circulate a notice of the date, hour, and location and/or virtual meeting information for all Committee meetings to all members of the Council at least 24 hours before the date of the meeting, along with a copy of the agenda of the meeting and draft of any measures to be considered, unless at least four members of the Committee agree to a shorter notice.

(1) In accordance with Council Rules, the Chairperson shall circulate a notice at least 48 hours before the date of the meeting for regular meetings of the Committee held in the last two months of the Council Period when an agenda for a Committee meeting contains more than three bills.

(b) Place. Regular meetings of the Committee shall be held in person, virtually, or in hybrid format, unless another format is designated by the Chairperson.

(c) Recess and Rescheduling. The Chairperson may recess any regular meeting then in progress to another time, date, or location and/or virtual platform. The Chairperson may reschedule any future regular meeting provided that each member and the Secretary to the Council are notified at least 24 hours in advance of the scheduled meeting.

(d) Cancellation. The Chairperson may cancel a regularly scheduled meeting. To cancel a regularly scheduled meeting, the Chairperson shall provide at least 24 hours written notice of the cancellation to each Councilmember and the Secretary to the Council unless the circumstances necessitating the cancellation preclude the provision of such notice.

(e) Agenda.

(1) The agenda and drafts of any measures to be considered shall be circulated to the members at least 24 hours prior to the meeting of the Committee, and copies shall be provided to all Councilmembers.

i. In accordance with Council Rules, the Chairperson shall circulate an agenda at least 48 hours before the date of the meeting for regular meetings of the Committee held in the last two months of the Council Period when an agenda for a Committee meeting contains more than three bills.

(2) The Committee staff shall prepare the agenda at the direction of the Chairperson. The Chairperson shall set the agenda for all meetings, except special meetings called by a majority of the members.

(3) The Chairperson may prepare a consent agenda for each Committee meeting which shall include bills and proposed resolutions that the Chairperson believes will be adopted by unanimous vote. Adoption of the consent agenda shall be considered at the beginning of the committee meeting. Any member may strike a bill or proposed resolution from the consent agenda.

Sec. 402. SPECIAL AND ADDITIONAL MEETINGS

(a) Special Meetings.

(1) Special meetings may be called by filing a written request with the Committee Director for a special meeting signed by no fewer than three members. The Committee Director shall notify the Chairperson and the other members of the filing of the request.

(2) The Chairperson shall call the special meeting within three business days of the written request and shall specify the date, hour, location and/or virtual meeting information, and agenda of the meeting.

(3) If the Chairperson does not call the requested meeting, a majority of the members may file a written notice with the Committee Director that a special meeting will be held, specifying the date, location or virtual meeting information, and agenda for the meeting. Immediately upon the filing of the notice, the Committee staff shall notify all members of the Committee as provided for in subsection (c) of this section.

(b) Additional Meetings.

(1) The Chairperson may call additional meetings.

(2) The Chairperson may cancel a scheduled additional meeting. To cancel a scheduled additional meeting, the Chairperson shall provide at least 24 hours written notice of the cancellation to each Councilmember and the Secretary of the Council.

(c) Notice.

(1) Whenever an additional or special meeting is called, the Committee staff shall notify each member in writing, at least 24 hours before the special meeting, unless at least four members of the Committee agree to a shorter notice. The

notice shall state the date, hour, and location or virtual meeting information for the meeting.

(2) Any materials related to the agenda items shall be made available to the members by the close of business of the working day prior to the meeting.

(3) No matters shall be considered at any special meeting except those stated in the written request and notification.

(4) Additional or special meetings to consider emergency matters may be called upon shorter notice, if this shorter notice is agreed upon in writing by at least four of the Committee members and the basis for the emergency is stated fully in the notice.

Sec. 403. PROCEDURES FOR MEETINGS

(a) Order of Business for Regular Meetings. Subject to subsection (c) of this section, the Committee shall conduct business for regular meetings of the Committee in the following order:

(1) Call to order;

(2) Ascertainment of the presence of a quorum by the Chairperson;

(3) Consent Agenda, if any;

(4) Consideration of proposed reports on and markup of pending measures assigned to the Committee;

(5) New business; and

(6) Adjournment.

(b) Order of Business for Special and Additional Meetings. The Committee shall take up business in the following order at a special or additional meeting:

(1) Call to order at the date, hour, and location and/or virtual platform set forth in the notice of the meeting;

(2) Ascertainment of the presence of a quorum by the Chairperson; and

(3) If a quorum is present, consideration of business in the order set forth in the meeting notice.

(c) Proceeding Out of Order. The Chairperson or presiding member may, without objection or upon the vote of a majority of the members present and voting, take up any item of business out of order.

(d) Recognition of Non-Councilmembers. The Chairperson or presiding member may recognize a member of the public or a District government employee when the participation of the person would, in the judgment of the Chairperson or presiding member, enhance the understanding of the matter under consideration by the Committee.

Sec. 404. MINUTES OF MEETINGS

The Committee Director shall ensure that there are minutes of every meeting. The minutes shall consist of a summary of Committee discussion and debate, and a description of all Committee action. The minutes shall include a description of each amendment, motion, order, or other proposition on which a roll call vote was taken, the name of each member voting for and against the amendment, motion, order or proposition, and the names of those members present and voting. Unless the Committee specifically directs otherwise, minutes need not be taken of hearings before the Committee, except for electronic recording.

ARTICLE V - REVIEW OF REPORTS ON PROPOSED LEGISLATION

Sec. 501. APPROVAL OF MEASURES

The Committee may not report out a measure or recommendation on a matter assigned to the Committee unless a quorum is present at the time of approval. If an amendment is orally moved during a Committee meeting, it shall, upon request by a member, be reduced to writing and read by the Committee Director or other staff of the Committee and made available for public inspection as soon as practicable. At the discretion of the Committee Chair, a fiscal impact statement issued by the Council budget office shall be made available by the member offering the oral or written amendment to the Committee.

Sec. 502. REPORTS ON BILLS AND PROPOSED RESOLUTIONS

(a) Draft Reports. Each bill or resolution shall be accompanied by a draft report when it is considered by the Committee.

(b) Contents of Reports. Each adopted report on a bill or proposed resolution shall be in writing, signed by the Chairperson, accompanied by the final bill or resolution, and shall contain the following information, in the order listed:

(1) A section stating the measure's purpose and effect (or background and need), which includes the Committee's reasoning;

(2) A chronology of action, including the date:
   i. Of introduction;
   ii. That the notice of intent to act on the measure was published in the Register;
   iii. That the notice of hearing or roundtable was published in the Register;
   iv. Of a hearing or roundtable on the measure; and
   v. Of the Committee meeting at which the measure and report was adopted;

(3) The position of the Executive, if any, on the measure;

(4) The Committee's response to each relevant issue and concern raised in a recommendation adopted by a resolution of an affected Advisory Neighborhood Commission, if any, that has been provided to the Committee before the close of the record;

(5) A list of witnesses who testified at the hearing, or who submitted a statement for the record before close of the record and a brief summary of each witness's position;

(6) An explanation of the impact on existing provisions of law that the measure would modify or affect;

(7) A summary of the fiscal impact;

(8) A detailed section-by-section analysis of the measure's provisions;

(9) A summary of the racial equity impact, if an assessment has been provided by the Council Office on Racial Equity, and the Committee's response;

(10) Any additional information that the committee decides to include; and

(11) A summary of the Committee's markup of the measure, including:
   i. Dissenting, separate, and individual views of committee members, if members stated their views;
   ii. A record of the results of a voice vote or, if a roll-call vote, the votes to adopt the legislation and the motion to adopt the report; and
   iii. Any recorded votes on amendments to the measure or other motions.

(c) Attachments to Reports. Attached to each report, in the following order, shall be:

(1) The measure, as introduced, along with any transmittal letter, if applicable (but not necessarily any other attachments to the introduction), and the Secretary's memorandum of referral;

(2) Any written statements or materials that the committee decides to attach;

(3) The Racial Equity Impact Assessment, if one has been issued pursuant to Council Rule 311;

(4) As required by Council Rule 309, a fiscal impact statement;

(5) The tax abatement financial analysis conducted pursuant to D.C. Official Code § 47-4701, if applicable;

(6) As required by Council Rule 310, a legal sufficiency determination;

(7) If reporting a bill repealing or amending existing law, a comparative print showing, by italic, underscore, strikethrough, or other typographical device, the changes proposed; except, that when a new section, or greater part is being added, such as a new chapter or title, a comparative print shall not be required but a reference to the new section or part shall be included in the committee report; and

(8) A committee print that states the number of the measure and, in the top left- hand corner of the measure, the name of the committee, the date of the committee markup, and the words "committee print".

Sec. 503. SUPPLEMENTAL, MINORITY, AND ADDITIONAL VIEWS

If, at the time of approval of any measure by the Committee, any member of the Committee gives notice of intent to file supplemental, minority, or additional views, that member shall have not less than five days (excluding legal holidays) in which to file his or her views in writing. Such views shall be filed with the Committee Director and shall be included in the report of the Committee on that measure.

ARTICLE VI - HEARINGS AND INVESTIGATIONS

Sec. 601. HEARING REQUIREMENTS

(a) All hearings or roundtables of the Committee shall be called by the Chairperson or her designee.

(b) The Committee shall hold a hearing before passage of any bill. A hearing shall not be required where a hearing on the same or similar bill was held in a prior Council period.

(c) The Committee may hold a hearing or roundtable before the passage of a proposed resolution if called by the Chairperson.

(d) The Committee shall hold a hearing when required by law and the Committee may hold a hearing on any matter relating to the affairs of the District that is properly

within the Committee's jurisdiction as provided for in section 235 of the Council Rules.

(e) Unless a hearing is required by law, the Committee may hold a roundtable on any matter relating to the affairs of the District that is properly within the Committee's jurisdiction as provided for in section 235 of the Council Rules.

Sec. 602. HEARING PROCEDURES

(a) Notice. Written notice of Committee hearings shall be given in the manner provided for in section 423 of the Council Rules. Written notice of Committee roundtables shall be circulated to all Councilmembers not less than 24 hours before the roundtable. In addition, the Committee shall circulate to all members, at least 24 hours before the date of the hearing, copies or a link to the following:

(1) Notice of the hearing, including date, time, and place of the hearing;

(2) A draft witness list;

(3) If the hearing is on a bill or resolution, a copy of the bill or resolution being considered; and

(4) Any additional information that the Chairperson directs to be included.

(b) Open Hearing. Each hearing shall be open to the public, unless a majority of the Committee agrees that the hearing falls under one of the reasons for closed meetings outlined in Council Rule 375.

(c) Quorum. One member of the Committee constitutes a quorum for the taking of testimony and the receiving of evidence at a hearing.

(d) Questioning of Witnesses.

(1) The questioning of a witness before the Committee shall proceed in the order that Committee members arrived, followed by non-Committee members.

(2) The first round for questioning shall be ten minutes unless the Chairperson announces a longer or shorter period.

(3) The Chairperson shall decide whether to allow for additional round or rounds, and the time allowed for each Councilmember for questioning during these rounds.

(4) A witness may be questioned, with the consent of the Chairperson or presiding member, by Committee staff or authorized Council staff or by counsel advising the Committee.

(e) Hearing Decorum.

(1) No witness may address a member except through the Chairperson or presiding member, except when responding to a direct question of a member.

(2) A witness shall confine his or her remarks to the question under discussion and shall avoid making negative personal comments.

(3) The Chairperson or presiding member shall maintain order during the meeting and if, in her opinion, the removal of any member of the public is necessary to maintain order, the Chairperson or presiding member may, after warning, order the removal of any disorderly person.

(f) Records. Committee staff shall be responsible for keeping one set of all written hearing testimony (including comments received prior to the record being closed) in unmarked condition. This set shall be filed with the Secretary of the Council as the hearing record. The Chairperson may request additional documents from a witness to be added to the record.

(g) Recess. A hearing may be recessed to another time, day, and location and/or virtual platform by the Chairperson or member presiding over the hearing. The recessed time, day, and place shall be sufficient public notice.

Sec. 603. RIGHTS OF WITNESSES

(a) Right to Counsel. Any witness who appears before the Committee has the right to be represented by counsel.

(b) Right to Make Opening Statement. Any witness who testifies at a hearing of the Committee may submit an opening statement that shall be placed in the record of the hearing. The Chairperson or presiding member may permit a witness to read the statement at the hearing.

(1) A witness appearing on his or her own behalf, or appearing on behalf of a bona fide organization, shall be afforded at least 3 minutes to make an opening statement.

(2) A witness representing the executive branch of the District of Columbia government shall be afforded 10 minutes to make an opening statement.

(3) The Chairperson or presiding member may afford more or less time to a witness in the interest of efficiency, fairness, or sound administration of the hearing.

Sec. 604. TESTIMONY UNDER OATH

The Mayor and all agency witnesses shall be affirmed or sworn to give truthful testimony. Other witnesses may be affirmed or sworn to give truthful testimony.

Sec. 605. DEPOSITIONS

The Committee may authorize a Committee member, Committee staff, or Counsel advising the committee to take the testimony of witnesses by oral or written deposition.

Sec. 606. INVESTIGATIONS

The Committee may investigate any matter relating to the affairs of the District of Columbia that comes under the jurisdiction of the Committee. The Committee may also direct another person to investigate a matter within the Committee's jurisdiction.

Sec. 607. ISSUANCE OF SUBPOENAS

Subject to Council Rules, the Committee may require the attendance and testimony of witnesses and the production of documents, papers, and other tangible items through the use of its subpoena power. If a subpoena is issued and the person named on the subpoena does not respond, the Committee may, by resolution, refer the matter to the Council for referral to the Superior Court of the District of Columbia.

Sec. 608. REPORT TO SECRETARY REGARDING USE OF SUBPOENA

Prior to issuing a subpoena, the Committee shall submit a report to the Secretary of the Council outlining the nature and scope of the investigation and the type of information sought through the use of the subpoena.

Sec. 609. SERVICE OF SUBPOENAS

Subpoenas shall be served personally on the witness or his or her designated agent in one of the following ways, which may be attempted concurrently or successively:

(a) By a special process server, at least 18 years of age, designated by the Committee from among the staff appointed by the Secretary to the Council who are not directly involved in the investigation; or

(b) By a special process server, at least 18 years of age, engaged by the Committee or the Council for this purpose.

Sec. 610. ENFORCEMENT OF SUBPOENAS

The Committee may refer to the Council any case of contumacy by any person subpoenaed to appear before the Committee.

Sec. 611. RIGHT TO ASSERT PRIVILEGES

(a) Any witness has the right to refuse to answer any question which might tend to incriminate him or her by claiming his or her Fifth Amendment privilege against self-incrimination, other Constitutional privileges, or statutory or common law privileges recognized in the Superior Court of the District of Columbia.

(b) If a witness asserts a privilege, the Chairperson or presiding member shall inquire into the witness's reasons for claiming the privilege. If the Chairperson or presiding member determines that the claim of privilege is not warranted, he or she shall direct the witness to answer the question. A witness's continued claim of privilege in the face of an order by the Chairperson or presiding member to answer a specific question constitutes contumacy by the witness.

Sec. 612. NOTIFICATION OF RIGHTS

Where a witness under subpoena is not represented by counsel, the Chairperson or presiding member shall advise the witness of his or her privilege against self-incrimination.

Sec. 613. RIGHT TO TRANSCRIPT

A witness under subpoena is entitled to receive, at the cost of producing it, a written transcript or a transcription of his or her testimony in connection with an investigation.

Sec. 614. RIGHTS OF PERSONS WHO ARE SUBJECTS OF INVESTIGATIONS

Any person who is the subject of an investigation authorized under section 601 of the Council Rules may submit written questions for the cross-examination of other witnesses at public hearings held by the Committee. With the consent of the members present and voting, those questions may be put to the witness by any member, by any authorized staff member, or by counsel advising the Council or the Committee.

Sec. 615. RIGHTS OF PERSONS IDENTIFIED IN INVESTIGATIONS

Any person who is named or specifically identified in connection with an investigation and who believes that the testimony or other evidence or comment by a member of the Council or a Committee or its staff does not comport with the truth may file a sworn statement of facts relevant to the testimony or other evidence or comment that is at issue.

ARTICLE VII - NOTICE PROVISION

Sec. 701. NOTICE

If there is no specific requirement for the giving of notice of any Committee action, meeting, or hearing, notice may be given by one of the following methods:

(a) Posting notice in prominent places in 1350 Pennsylvania Avenue, N.W., or other public buildings or public posting places;

(b) Publication in one or more newspapers of general circulation;

(c) Publication in the *District of Columbia Register*;

(d) Mailing notice to an established mailing list of organizations and individuals as maintained by the Secretary of the Council;

(e) Use of other news media;

(f) E-mail; or

(g) Any other manner the Committee considers appropriate.

ARTICLE VIII - RULES

Sec. 801. RULES OF THE COUNCIL

All of the Rules of the Council are and shall be considered rules of the Committee and except where the context dictates to the contrary the term "Council" means "Committee," the term "Member" or "Member of the Council" means "Member of the Committee," the term "Chairperson" means "Chairperson of the Committee," and the term "Secretary" means "Committee Director or other Committee staff." Whenever there is inconsistency between these rules and the Council Period 26 Rules, the Council Rules shall govern.

Sec. 802. AMENDMENT

These rules may be amended by a majority of the Committee at any Committee meeting. Notice of the proposed amendment shall be in writing, signed by the proposer, and circulated to each member at least five days prior to the meeting at which the proposed amendment is to be considered.

Sec. 803. FILING WITH THE COUNCIL SECRETARY

Upon the adoption of these rules or any future amendments, the Committee staff shall file a copy of the final rules or amendments with the Secretary to the Council.

Sec. 804. EFFECTIVE PERIOD

These Rules shall be effective until superseded by Rules of Organization and Procedure for the Committee on Health adopted in a succeeding Council Period, unless modified by a majority of the Committee members during Council Period 26.