PART C—MISCELLANEOUS PROVISIONS

SEC. 521. Whenever reference is made in any other law or in any regulation to any provision of law which is repealed, modified, amended, or superseded by reason of section 511 of this Act, such reference, unless inconsistent with this Act, shall be held and considered to refer to this Act or the appropriate provision of, or amendment made by, this Act.

SEC. 522. Notwithstanding any provision of this Act and until such time as regulations are issued under this Act, employees shall continue to be paid allowances and differentials in accordance with rules and regulations issued pursuant to the laws in effect immediately prior to the enactment of this Act and such rules and regulations may be amended or revoked in accordance with the provisions of such laws.

26 USC 912.

SEC. 523. (a) Section 912 of the Internal Revenue Code of 1954 (relating to exemption for certain allowances) is amended to read as follows:

"SEC. 912. EXEMPTIONS FOR CERTAIN ALLOWANCES.

"The following items shall not be included in gross income, and shall be exempt from taxation under this subtitle:

"(1) FOREIGN AREAS ALLOWANCES.—In the case of civilian officers and employees of the Government of the United States, amounts received as allowances or otherwise (but not amounts received as post differentials) under—

"(A) title IX of the Foreign Service Act of 1946, as amended (22 U.S.C., sec. 1131 and following),

"(B) section 4 of the Central Intelligence Agency Act of 1949, as amended (50 U.S.C., sec. 403e),

"(C) title II of the Overseas Differentials and Allowances Act, or

"(D) subsection (e) or (f) of the first section of the Administrative Expenses Act of 1946, as amended, or section 22 of such Act.

"(2) COST-OF-LIVING ALLOWANCES.—In the case of civilian officers or employees of the Government of the United States stationed outside the continental United States (other than Alaska), amounts (other than amounts received under title II of the Overseas Differentials and Allowances Act) received as cost-of-living allowances in accordance with regulations approved by the President."

Applicability.

(b) Paragraphs (1) and (2) of section 912 of the Internal Revenue Code of 1954, as amended by subsection (a) of this section, shall apply only with respect to amounts received on or after the date of the enactment of this Act in taxable years ending on or after such date.

Approved September 6, 1960.

Public Law 86-708

September 6, 1960
[S. 1870]

AN ACT

To provide for examination, licensing, and for regulation of practical nurses, and for practical nursing education in the District of Columbia, and for other purposes.

D. C. Practical Nurses' Licensing Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known and may be cited as the "District of Columbia Practical Nurses' Licensing Act".

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

DEFINITIONS

SEC. 2. As used in this Act—

(a) The term "Commissioners" means the Commissioners of the District of Columbia sitting as a board or their authorized agent or agents.

(b) The word "person" includes corporations, companies, associations, firms, partnerships, societies, and schools of practical nursing, as well as natural persons.

(c) The word "she" and the derivatives thereof shall be construed to include the word "he" and the derivatives thereof.

(d) The term "school of practical nursing" means a school or institution for the training of practical nurses.

Exemption of Federal employees.

SEC. 3. This Act shall not apply to any person employed in the District of Columbia by the Federal Government or any agency thereof, while such person is acting in the discharge of her official duties.

Restrictions.

SEC. 4. Nothing in this Act shall be construed to prevent any person from nursing any other person in the District of Columbia, either gratuitously or for hire: *Provided*, That such person so nursing shall not represent herself as being a licensed practical nurse.

SEC. 5. (a) From and after the effective date of this Act, no person shall, in the District of Columbia, in any manner whatsoever, represent herself to be a licensed practical nurse or allow herself to be so represented unless she is licensed in accordance with the provisions of this Act.

"Licensed Practical Nurse."

(b) Any person licensed to practice as a licensed practical nurse in the District of Columbia shall have the right to use the title "Licensed Practical Nurse" and the abbreviation "L.P.N.". No other person shall assume such title or use such abbreviation.

Delegation of authority.

SEC. 6. The Commissioners are hereby vested with full power and authority to delegate, from time to time, to their designated agent or agents, any of the functions vested in them by this Act.

Practical Nurses' Examining Board.

SEC. 7. The Commissioners may establish a Practical Nurses' Examining Board to perform any of the functions vested in the Commissioners by this Act, and, if so established, such Board shall be composed of such number of graduate nurses and practical nurses and possessing such qualifications as the Commissioners shall determine: *Provided*, That the graduate nurse members of such Board shall be in the majority; shall be registered under the Act of February 9, 1907, as amended (D.C. Code, sec. 2-401 et seq.); and shall have had at least five years of experience since graduation in the nursing service: *Provided further*, That all practical nurse members of such Board shall, from and after the expiration of ninety days from the effective date of this Act, be licensed under this Act: *And provided further*, That at least two practical nurse members of such Board shall be present at each meeting of the Board. The members of such Board shall serve for such terms and for such compensation as the Commissioners shall determine.

34 Stat. 887.

Rules and regulations.

SEC. 8. (a) The Commissioners are authorized to adopt from time to time and prescribe such rules and regulations as may be necessary to enable them to carry into effect the provisions of this Act. The Commissioners shall prescribe minimum curricula and standards for schools and for programs preparing persons for licensure under this Act. They may provide for surveys of such schools and programs at such times as they may deem necessary. They shall accredit such schools and programs as meet the Commissioners' requirements and the requirements of this Act. They shall evaluate and approve programs for affiliation. They shall examine, license, and renew the license of any duly qualified applicant.

Studies and investigations.

(b) The Commissioners may make such studies and investigations, and obtain or require the furnishing of such information under oath or affirmation or otherwise, as they deem necessary or proper to assist them in prescribing any regulation or order under this Act, or in the administration and enforcement of this Act, and regulations and orders thereunder. For such purposes, the Commissioners may administer oaths and affirmations, may require by subpena or otherwise the attendance and testimony of witnesses and the production of documents at any designated place. In the event of contumacy or refusal to obey any such subpena or requirement under this section, the Commissioners may make application to the municipal court for the District of Columbia for an order requiring obedience thereto. Thereupon the court, with or without notice and hearing, as it, in its discretion, may decide, shall make such order as is proper and may punish as a contempt any failure to comply with such order in accordance with the provisions of subsection (c), section 5, of the Act of April 1, 1942 (56 Stat. 193, ch. 207; sec. 11-756(c), D.C. Code, 1951 edition).

Qualification requirements.

SEC. 9. (a) Except as provided in section 10, an applicant for a license to practice as a licensed practical nurse shall submit to the Commissioners written evidence, verified by her oath, that the applicant (1) is at least 18 years of age; (2) is of good moral character; (3) is in good physical and mental health, as certified by a physician licensed to practice in the District of Columbia; (4) has completed at least two years of high school or the equivalent thereof as determined by the Commissioners; and (5) has successfully completed an accredited program for the training of licensed practical nurses approved by the Commissioners, or the equivalent thereof as determined by them. The applicant shall meet such other qualification requirements as the Commissioners may prescribe. Except as otherwise provided in this Act, the applicant shall be required to pass a written examination in such subjects as the Commissioners may determine. Each written examination may be supplemented by an oral or practical examination. If the applicant passes such examinations, the Commissioners shall issue to the applicant a license to practice as a licensed practical nurse if they are satisfied that she possesses the required qualifications.

License without examination.

(b) The Commissioners may issue a license to practice as a licensed practical nurse without examination to any applicant who has been duly licensed or registered as a licensed vocational or practical nurse or a person entitled to perform similar service under a different title, by examination, under the laws of a State, territory, or possession of the United States, the Commonwealth of Puerto Rico, or a foreign country, if they are satisfied that the applicant meets the qualifications required of licensed practical nurses in the District of Columbia.

Fee.

(c) An applicant for a license to practice as a licensed practical nurse shall at the time such application is made pay the required fee for an original license. An application shall be closed and filed as closed and incomplete at the end of a year from the time that the application was received if the applicant has failed to take all steps required of her to obtain a license. In order to reopen an application which has been closed or withdrawn, the applicant shall pay the same fee as is required for an original license.

SEC. 10. Upon receipt of an application, accompanied by the required fee for an original license, the Commissioners shall issue a license to practice as a licensed practical nurse, without written examination, to any person who shall make application therefor prior to the expiration of one year immediately following the effective date of this Act: *Provided*, That (A) the Commissioners find that such person (1) is at

least twenty-one years of age; (2) is of good moral character; (3) is in good physical and mental health as certified by a physician licensed to practice in the District of Columbia; (4) has been actively engaged in caring for the sick in the District of Columbia for the year immediately preceding the effective date of this Act; (5) has had three or more years of experience in the care of the sick prior to the effective date of this Act; and (6) has submitted evidence satisfactory to the Commissioners that she is competent to practice as a licensed practical nurse, and (B) either the application is endorsed by two physicians licensed to practice in the District of Columbia who have personal knowledge of the applicant's nursing qualifications and by two persons who have employed the applicant in the capacity of practical nurse, or the applicant is listed on a nurses' registry licensed in the District of Columbia.

Renewal.

SEC. 11. (a) The license of every person licensed under the provisions of this Act shall expire on June 30 of each year and be annually renewed. On or before May 31 of each year, the Commissioner shall mail an application for renewal of license to every person who at the time of such mailing holds a valid license under this Act. The applicant shall, before the following July 1, complete and execute such application and return the same to the Commissioners with the required renewal fee. Upon receipt of such application and fee, the Commissioners shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the year beginning on such July 1 and expire the following June 30. Any licensee who allows her license to lapse by failing to renew the license as provided above, may be reinstated by the Commissioners by showing cause satisfactory to the Commissioners for such failure and on payment of the required fee.

Nonpracticing nurses.

(b) Any person licensed under the provisions of this Act but not so practicing in the District of Columbia shall give written notice of such fact to the Commissioners. Upon receipt of such notice, the Commissioners shall place the name of such person upon the nonpracticing list. While remaining on such list, the person shall not be subject to the payment of any renewal fee and shall not hold herself out as a licensed practical nurse in the District of Columbia. Application for renewal of license and payment of renewal fee for the current year shall be made to the Commissioners by any such person desiring to resume practice as a licensed practical nurse.

Practical nursing schools. Registration.

SEC. 12. (a) Any person conducting or desiring to conduct a school of practical nursing may apply to the Commissioners and submit evidence that such person is prepared to give a course of study of not less than twelve months, including clinical experience, and is prepared to meet the standards prescribed by the Commissioners. Each such person shall pay the required fees at the time such application is made. A survey of such school shall be made by the Commissioners. If, in the opinion of the Commissioners, the requirements for an accredited school of practical nursing are met, they shall approve such school as an accredited school for the training of practical nurses.

Survey of school.

(b) The Commissioners may, whenever they deem it necessary, survey any accredited school of practical nursing in the District of Columbia. If the Commissioners determine that any accredited school of practical nursing does not meet the standards required by this Act and by the Commissioners, notice thereof in writing specifying the defect or defects shall be given to such school. If the defects are not corrected within a reasonable time, such school shall, after hearing, be removed from the list of accredited schools of practical nursing.

Fees.

SEC. 13. (a) The Commissioners are authorized and empowered after public hearing, to determine and from time to time to increase or decrease fees for all services rendered under authority of any provision of this Act, including fees for the following services: (1) For licenses and renewals thereof; (2) for repeat examinations; (3) for the evaluation of each school record of a candidate for admission to a school of practical nursing; (4) for verification of records; (5) for a duplicate license to practice as a licensed practical nurse upon proof acceptable to the Commissioners that the original license has been lost or destroyed; (6) for duplicate certificates of renewal of licenses; (7) for mailing a certificate a second time if no timely notification of change of address has been made; (8) for the proctoring of out-of-State applicants when the examination is held at a time other than the regular examination of the District of Columbia. The Commissioners shall fix such fees in such amounts, as will, in the judgment of the Commissioners, approximate the cost to the District of Columbia of such services.

(b) All moneys collected for fees and charges under this Act shall be paid into the Treasury to the credit of the District of Columbia.

Revocation of license.

SEC. 14. The Commissioners are authorized and empowered to deny, revoke, or suspend any license, or certificate of renewal of license, issued by the Commissioners or applied for in accordance with the provisions of this Act if the applicant or holder thereof—

(1) has been guilty of fraud or deceit in procuring or attempting to procure any license, or renewal thereof provided for in this Act;

(2) has been convicted of a crime involving moral turpitude;

(3) is an intemperate consumer of intoxicating liquors or is addicted to the use of habit-forming drugs;

(4) has been guilty of unprofessional conduct;

(5) has willfully or repeatedly violated any of the provisions of this Act or rules or regulations promulgated by the Commissioners pursuant to authority contained in this Act; or

(6) is mentally incompetent:

Provided, That said denial, revocation, or suspension shall be made only upon specific charges in writing. A certified copy of any such charge and at least five days' notice of the hearing of the same shall be served upon the holder of or applicant for such license. The Commissioners are hereby authorized to furnish a list of names and addresses of persons to whom licenses, or renewal of licenses, have been denied, revoked, or suspended under this section to the board of examiners of a State, territory, or possession of the United States, the Commonwealth of Puerto Rico, or a foreign country, upon written request of such board.

Appeal.

SEC. 15. Any person aggrieved by any final decision or final order of the Commissioners denying, suspending, or revoking any license, or renewal of license, issued or applied for under this Act may obtain a review thereof in the municipal court of appeals for the District of Columbia, and may seek a review by the United States Court of Appeals for the District of Columbia Circuit of any judgment of the Municipal Court of Appeals entered pursuant to its review of any such decision or order, all in accordance with subsection (f) of section 7 of the Act approved April 1, 1942, as added by the Act approved August 31, 1954 (68 Stat. 1048).

56 Stat. 195.
D. C. Code 11-772.

Fraudulently obtaining diploma.

SEC. 16. It shall be unlawful for any person in the District of Columbia to (a) sell or fraudulently obtain or furnish any diploma, license, or record required by this Act, or required by the Commissioners under authority of this Act, or aid or abet in the selling, fraudulently obtaining or furnishing thereof; (b) practice nursing as a licensed practical nurse under cover of any diploma, license, or

record required by this Act or required by the Commissioners under authority of this Act, illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation; (c) use in connection with his or her name any designation tending to imply that he or she is a licensed practical nurse unless licensed so to practice under the provisions of this Act; or (d) practice nursing as a licensed practical nurse during the time his or her license issued under the provisions of this Act shall be suspended or revoked.

Penalty.

SEC. 17. Any person who shall violate any of the provisions of section 5 or 16 of this Act shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $300 or by imprisonment for not more than ninety days.

Prosecution by Corporation Counsel.

SEC. 18. (a) Prosecutions for violations of any provision of section 5 or 16 of this Act shall be conducted in the name of the District of Columbia in the municipal court for the District of Columbia by the Corporation Counsel or any of his assistants.

(b) It shall be necessary to prove in any prosecution or hearing under this Act only a single act prohibited by law or a single holding out or an attempt without proving a general course of conduct in order to constitute a violation.

Saving provision.

SEC. 19. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act, and the application of such provision to other persons and circumstances, shall not be affected thereby.

Appropriation.

SEC. 20. There is hereby authorized to be appropriated out of the revenues of the District of Columbia such sums as may be necessary to pay the expenses of administering and carrying out the purposes of this Act.

Effective date.

SEC. 21. This Act shall take effect one hundred and twenty days after funds are appropriated for the purpose of administering the provisions of this Act.

Approved September 6, 1960.

Public Law 86-709

September 6, 1960
[S. 3415]

AN ACT

To exempt from taxation certain property of the American Association of University Women, Educational Foundation, Incorporated, in the District of Columbia.

American Association of University Women, Educational Foundation, Inc., D. C.
Tax exemption.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the real estate described for assessment and taxation purposes as lot 834 in square numbered 31, in the city of Washington, District of Columbia, owned by the American Association of University Women, Educational Foundation, Incorporated, a District of Columbia corporation, is hereby exempt from all taxation so long as the same is owned, occupied, and used by the American Association of University Women, Educational Foundation, Incorporated, for its educational and other corporate purposes, or is jointly occupied with the American Association of University Women, a Massachusetts corporation organized not for profit, for its educational and other corporate purposes, and is not used for commercial purposes, subject to the provisions of sections 2, 3, and 5 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (56 Stat. 1091; D.C. Code, secs. 46-801b, 47-801c, and 47-801e).

D. C. Code 47-801b.

Effective date.

SEC. 2. The tax exemption authorized by this Act shall take effect on July 1, 1960.

Approved September 6, 1960.