

BOARD OF OPTOMETRY

April 20, 2023

9:30 AM

OPEN SESSION

MEETING AGENDA

Hybrid Meeting

Due to the COVID-19 pandemic, the Board will have a hybrid schedule of in person and virtual meetings. Please see the hybrid schedule in the Meetings Dates section of the agenda.

In person meetings will be at 899 North Capitol St., NE, 2nd Floor, Washington, DC 20002. Information on how to access virtual Board meetings is listed below:

This meeting is available by web:

<https://dcnet.webex.com/dcnet/j.php?MTID=m0f081b779d568b61ce2ead942500eced>

This meeting is available by phone:

Call in Number: 1-650-479-3208 or 1-202-860-2110

Access Code: 160 800 4760

Meeting Password: 2EMrsmD7qR9

**BOARD OF OPTOMETRY
 OPEN SESSION MEETING AGENDA
 APRIL 20, 2023**

BOARD MEMBER	
Dr. Lisa Johnson, OD - Chairperson	
Dr. David Reed, OD – Vice-Chairperson	
Dr. LaMia Jones, OD- Board Member	
Mr. Tracy Hammond- Board Member	
Vacant- Board Member	
BOARD STAFF:	
Ericka L. Walker, MSW - Executive Director	
Gregory Scurlock, Compliance Officer	
Mark Donatelli, Board Investigator	
Kathleen Ibeh, Health Licensing Specialist	
LEGAL STAFF:	
Ajay Gohil, Board Attorney	

BOARD OF OPTOMETRY

OPEN SESSION AGENDA

APRIL 20, 2023

CALL TO ORDER AND ROLL CALL	
OS-0420-01	<p><u>Introductions</u></p> <p style="margin-left: 40px;">A. Board Members</p> <p style="margin-left: 40px;">B. Board Staff</p>
OS-0420-02	<p><u>Acceptance of Meeting Agenda</u></p> <p><u>Board Action:</u> Acceptance of April 20, 2023, Open Session Meeting Agenda.</p>
MINUTES AND STAFF REPORTS	
OS-0420-03	<p><u>Executive Directors Report:</u></p> <ul style="list-style-type: none"> • DC Health Updates • Board Newsletter • Oversight Hearing • ARBO 2023 Annual Meeting, June 18 – 20, 2023, Hilton Alexandria Old Town Hotel • Licensed Optometrists: 216 <p>District of Columbia COVID-19 https://coronavirus.dc.gov/vaccine</p> <p>District of Columbia Monkeypox https://dchealth.dc.gov/page/monkeypox</p> <p><u>The Mayor’s Office of Talent and Appointments</u> The Mayor’s Office of Talent and Appointments (MOTA) recruits talented and interested individuals from all eight Wards to serve on District Boards. Link to apply to serve on a Board: https://mota.dc.gov/page/boards-vacancies-or-available-seat</p> <p>Board Meeting Schedule:</p> <ul style="list-style-type: none"> • January 19, 2023 – Cancelled: lack of quorum • April 20, 2023 - Virtual • July 20, 2023 - In Person • October 19, 2023- Virtual

OS-0420-04	<p><u>Board Attorney’s Report:</u> Notice of Final Rule Making COVID-19 VACCINE REQUIREMENTS For Healthcare Workers</p> <p><u>Background:</u> The final rule regarding vaccine requirements removed the term mandate and was published on February 24, 2023. The final rule amends 22 DCMR (Health), Subtitle B (Public Health and Medicine), Ch. 2 (Communicable and Reportable Diseases), Sec. 230 (COVID-19 Vaccination Requirements for Healthcare Workers), Sec. 231 (Exemptions from COVID-19 Requirements for Healthcare Workers), Title 17 (Business, Occupations, and Professionals), Ch. 40 (Health Occupations: General Rules), Sec. 4019 (SARS-CoV-2/COVID-19-Related Obligations of Health Professionals), to include the Novavax COVID-19 vaccine among those vaccines that healthcare workers and other staff can receive to meet the imposed vaccination requirement, and to allow healthcare facilities to determine whether an exemption to the vaccine requirement should be granted to a requesting employee, contractor, volunteer, or privilege or credential holder of that healthcare facility.</p>	
OS-0420-05	<p><u>Board Chair’s Report:</u></p>	
OS-0420-06	<p><u>Open Session Meeting Minutes:</u></p> <p><u>Board Action:</u> Consideration of the Open Session Minutes from October 20, 2022, meeting.</p>	
DISCUSSION AND AGENDA ITEMS		
OS-0420-07	<p>Policy Statement on Diagnostic Pharmaceutical Agent Authority and Therapeutic Pharmaceutical Agent Authority</p> <p><u>BORAD ACTION:</u> No Action</p> <p><u>Background:</u> The District of Columbia Board of Optometry voted at its October 20, 2022 Board meeting to no longer grant sole or singular Diagnostic Pharmaceutical Agent (DPA) authority (as outlined in Board Rule DCMR 17-6412) to optometrists licensed in the District of Columbia. The Board will only be granting Therapeutic Pharmaceutical Agent (TPA) authority (as outlined in Board Rule DCMR 17-6413) to optometrists licensed in the District of Columbia which will also include DPA authority.</p>	

	<p>Accreditation Council on Optometric Education Communication: Timeline for Phase out of Accreditation of Optometric Technician Programs</p> <p><u>BOARD ACTION:</u> No Action</p> <p><u>Background:</u> The attached Memorandum from Accreditation Council on Optometric Education (ACOE) Chair, G. Timothy Petito, O.D., providing members of the communities of interest the timeline associated with the anticipated phase out of the ACOE’s accreditation of Optometric Technician Programs.</p>	
OS-0420-08	<p><u>Consent Agenda</u></p> <p>Board Action: Consideration of the application(s) approved and the items for purposes of review and/or ratification of Board Actions taken since the last meeting.</p> <ol style="list-style-type: none"> 1. Nicole Nguyen 2. Stefan Young 3. Shuayb Akhtar 4. Adel Ibrahim 5. Alethia Love Harris 6. Azim Raja 7. Isayas Tekie 8. Teresa Grillo 9. Anu Chawla 10. Alizzi Stanchel 	
OS-0420-09	<p><u>Board Action:</u> To go into closed session to discuss confidential matters as permitted in DC Official Code § 2-575(b).</p> <p><u>Background:</u> Pursuant to DC Official Code § 2-575(b), the Board will move into the Closed Executive Session portion of the meeting to discuss the following:</p> <ol style="list-style-type: none"> 1. To consult with an attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body, or to approve settlement agreements pursuant to § 2-575(b)(4)(a); 2. Preparation, administration, or grading of scholastic, licensing, or qualifying examinations pursuant to section § 2-575(b)(6); 	

	<p>3. To discuss disciplinary matters pursuant to section § 2-575(b)(9);</p> <p>4. To plan, discuss, or hear reports concerning ongoing or planned investigation of alleged criminal or civil misconduct or violations of law or regulations, if disclosure to the public would harm the investigation pursuant to section § 2-575(b)(14).</p>	
OS-0420-10	<p><u>MOTION TO ADJOURN</u> <u>Board Action:</u> To adjourn the meeting. <u>Background:</u> At the end of every meeting, a motion to adjourn must be made in an open session to close out the business of the Boards.</p>	

This ends the Board of Optometry Open Session Meeting.

The next meeting is scheduled for July 20, 2023 In-person.

**DEPARTMENT OF HEALTH
HEALTH REGULATION AND LICENSING ADMINISTRATION**

BOARD OF OPTOMETRY
AUTHORITY FOR GUIDANCE

OCTOBER 20, 2022
DATE OF POLICY

22-001
POLICY NO.

POLICY STATEMENT

**DIAGNOSTIC PHARMACEUTICAL AGENT AUTHORITY AND THERAPEUTIC
AGENT PHARMACEUTICAL AUTHORITY**

The District of Columbia Board of Optometry voted at its **October 20, 2022** Board meeting to no longer grant sole or singular Diagnostic Pharmaceutical Agent (DPA) authority (as outlined in Board Rule DCMR 17-6412) to optometrists licensed in the District of Columbia. The Board will only be granting Therapeutic Pharmaceutical Agent (TPA) authority (as outlined in Board Rule DCMR 17-6413) to optometrists licensed in the District of Columbia which will also include DPA authority.

**DEPARTMENT OF HEALTH
HEALTH REGULATION AND LICENSING ADMINISTRATION**

BOARD OF OPTOMETRY
AUTHORITY FOR GUIDANCE

OCTOBER 20, 2022
DATE OF POLICY

22-001
POLICY NO.

POLICY STATEMENT

**DIAGNOSTIC PHARMACEUTICAL AGENT AUTHORITY AND THERAPEUTIC
AGENT PHARMACEUTICAL AUTHORITY**

The District of Columbia Board of Optometry voted at its **October 20, 2022** Board meeting to no longer grant sole or singular Diagnostic Pharmaceutical Agent (DPA) authority (as outlined in Board Rule DCMR 17-6412) to optometrists licensed in the District of Columbia. The Board will only be granting Therapeutic Pharmaceutical Agent (TPA) authority (as outlined in Board Rule DCMR 17-6413) to optometrists licensed in the District of Columbia which will also include DPA authority.

ACOE Communication on timeline for anticipated phase out of Accreditation of Optometric Technician Programs

Puljak, Stephanie <spuljak@theacoe.org>

Wed 3/29/2023 5:11 PM

📎 1 attachments (162 KB)

2023 03 Memo re Tech programs phase-out plan.pdf;

CAUTION: This email originated from outside of the DC Government. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@dc.gov for additional analysis by OCTO Security Operations Center (SOC).

Hello –

I would appreciate if you could share this note with your Board members. Thank you!

Please see the attached Memorandum from Accreditation Council on Optometric Education (ACOE) Chair, G. Timothy Petito, O.D., providing members of the communities of interest the timeline associated with the anticipated phase out of the ACOE's accreditation of Optometric Technician Programs.

The Council welcomes any additional comments or questions following review of the memorandum. Please submit them to accredit@theacoe.org.

Stephanie A. Puljak, M.S., M.B.A.

Director, Accreditation Council on Optometric Education

243 N. Lindbergh Blvd., Suite 301

St. Louis, MO 63141

spuljak@theacoe.org | 314.983.4246 | www.theacoe.org



DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Interim Director of the Department of Health, pursuant to Section 1 of An Act To authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved August 11, 1939 (53 Stat. 1408; D.C. Official Code § 7-131)), Mayor's Order 98-141, dated August 20, 1998, 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 the adoption of the following amendments to Chapter 2 (Communicable and Reportable Diseases) of Subtitle B (Public Health and Medicine) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR) and Chapter 40 (Health Occupations: General Rules) of Title 17 (Business, Occupations, and Professionals) of the DCMR.

The rulemaking modifies sections 230 (Mandatory COVID-19 Vaccination for Healthcare Workers) and 231 (Exemptions from Mandatory COVID-19 Vaccination for Healthcare Workers) of Chapter 2 (Communicable and Reportable Diseases) of Subtitle B (Public Health and Medicine) of Title 22 (Health) of the DCMR by including the Novavax COVID-19 vaccine among those vaccines that healthcare workers and other staff can receive to meet the vaccination requirement, eliminates expired deadlines from prior rulemaking, and removes provisions that would subject individual licensees who are covered by the requirement to licensure denial or other disciplinary action for failure to comply with the requirement. Additionally, Chapter 40 (Health Occupations: General Rules) of Title 17 (Business, Occupations, and Professionals) of the DCMR is modified by this rulemaking. Section 231 of Chapter 2 (Communicable and Reportable Diseases) of Subtitle B (Public Health and Medicine) of Title 22 (Health) of the DCMR is amended to allow healthcare facilities, rather than the Department of Health, to determine whether an exemption to the vaccine requirement should be granted to a requesting employee, contractor, volunteer, or privilege or credential holder of that healthcare facility.

The spread of COVID-19 continues to impair the ability of the District's healthcare system to robustly respond to COVID-19 cases and all other healthcare needs. While the rates of infection and hospitalization for COVID-19 in the District of Columbia have stabilized, a revision and clarification of the processes and standards utilized by the Department of Health to continue mitigation of the spread of COVID-19 is necessary to ensure that healthcare facilities will continue to safely provide needed healthcare services through the use of screened and qualified staff. This final rulemaking is necessary to help mitigate the spread of COVID-19.

An emergency version of this rule was adopted by the Interim Director on November 8, 2022 and became effective immediately on that date. A Notice of Emergency and Proposed Rulemaking was published in the *District of Columbia Register* on November 18, 2022 at 69 DCR 014340. Comments on the proposed rulemaking were timely received from Tina Smith Nelson (Managing Attorney, Legal Counsel for the Elderly, (LCE)) and Mark C. Miller (DC Long-Term Care Ombudsman, the Office of the DC Long-Term Care Ombudsman, (ODCLTCO)), jointly. The comments submitted were supportive of the rulemaking and requested the following:

Regarding sections 231.1 and 231.4, LCE and ODCLTCO encouraged an annual review by the Department of Health of all religious and medical exemptions from the COVID-19 vaccine requirements granted by health care facilities regulated by the Department of Health. Specifically, for every year that an individual is employed by the healthcare facility, LCE and ODCLTCO suggested that the individual requesting an exemption should provide the facility with either: (1) documentation memorializing his or her good faith belief that the mandate violates his or her religious views; or (2) written certification from a physician or other licensed healthcare professional that clearly states that it is medically inadvisable for the person to receive a COVID-19 vaccine, as required under the Section. LCE and ODCLTCO encouraged these exemption requests, as well as their approvals or denials, should continue to be reviewed by the Department of Health on an annual basis, as this would ensure compliance with the COVID-19 vaccine requirements and the protection of residents in long-term care facilities, who remain vulnerable to serious complications from the virus. The Interim Director did not accept these comments. The Interim Director finds that the present rules at section 11200 *et seq.* of Subtitle B (Public Health and Medicine) of Title 22 (Health) of the DCMR provide adequate requirements for documentation and review of exemptions for healthcare workers employed, contracted with, or granted privileges or credentials by a healthcare facility regulated by the Department of Health.

After careful consideration of the comments from LCE and ODCLTCO, no changes have been made to the text of the rules as proposed. Other small changes were made to clarify that these rules set forth requirements relating to vaccination against COVID-19 rather than mandates that anyone is actually mandated, without options, to be vaccinated, and to specify that the alternative for a vaccine approved by the World Health Organization (WHO) may include a course of vaccination if that is what the WHO approved.

The Interim Director adopted the rules as final on February 13, 2023. The rules will become effective on the date of publication of this notice in the *District of Columbia Register*.

Chapter 2, COMMUNICABLE AND REPORTABLE DISEASES, of Subtitle B, PUBLIC HEALTH AND MEDICINE, of Title 22 DCMR, HEALTH, is amended as follows:

Section 230, MANDATORY COVID-19 VACCINATION FOR HEALTHCARE WORKERS, is renamed and amended to read as follows:

230 COVID-19 VACCINATION REQUIREMENTS FOR HEALTHCARE WORKERS

230.1 Each of the persons described in § 230.2, unless granted an exemption under § 231 of this chapter, shall:

- (a) Receive the first and second dose of the Pfizer-BioNTech COVID-19 vaccine, or receive a second dose of a different COVID-19 vaccine listed in this subsection, within the time period established in the dosing schedule for the vaccine;

- (b) Receive the first dose and second dose of the Moderna COVID-19 vaccine, or a dose of a different COVID-19 vaccine listed in this subsection, within the time period established in the dosing schedule for the vaccine;
- (c) Receive one (1) dose of the Janssen COVID-19 vaccine; or
- (d) Receive the first and second dose of the Novavax COVID-19 vaccine or receive a second dose of a different COVID-19 vaccine listed in this subsection, within the time period established in the dosing schedule for the vaccine.

230.2

The following persons who have been hired by, employed by, contracted with, or granted privileges or credentials by facilities governed by § 11200 of Subtitle B (Public Health and Medicine) of Title 22 (Health) of the District of Columbia Municipal Regulations (“DCMR”), are subject to the requirements set forth in § 230.1:

- (a) Each person licensed pursuant to section 501(a)(1) of the District of Columbia Health Occupations Revisions Act of 1985 (“Health Occupations Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.01(a)(1)), to practice acupuncture, advanced practice addiction counseling, assisted living administration, audiology, certified midwife, certified professional midwife, chiropractic, cytotechnology, dental hygiene, dentistry, dietetics, histotechnology, home health care administration, marriage and family therapy, massage therapy, medical laboratory technology, medicine, naturopathic medicine, nutrition, nursing home administration, occupational therapy, optometry, pharmaceutical detailing, pharmacy, physical therapy, podiatry, practical nursing, professional counseling, psychology, registered nursing, respiratory care, social work, speech-language pathology, veterinary medicine, or to practice as an anesthesiologist assistant, athletic trainer, personal fitness trainer, pharmacy intern, physician assistant, physical therapy assistant, polysomnographic technologist, occupational therapy assistant, surgical assistant, professional art therapy, or as a trauma technologist, or to practice any other profession for which licensure is required by section 501(a)(1) of the Health Occupations Act (D.C. Official Code § 3-1205.01(a)(1));
- (b) Each person registered pursuant to section 501(a)(2) of the Health Occupations Act (D.C. Official Code § 3-1205.01(a)(2)) to practice as an audiology assistant, dental assistant, nursing assistive personnel (including certified nurse aide and certified home health aide), pharmacy technician, phlebotomist, psychology associate, polysomnographic technician or trainee, speech-language pathology assistant, or speech-language pathology clinical fellow, or to practice any other profession for which registration is required by § 501(a)(2) of the Health Occupations Act (D.C. Official Code § 3-1205.01(a)(2));

- (c) Each person certified pursuant to § 501(a)(3) of the Health Occupations Act (D.C. Official Code § 3-1205.01(a)(3)) to practice as an addiction counselor I, addiction counselor II, advanced practice registered nursing, veterinary technician, or a veterinary euthanasia technician, or to practice any other profession for which certification is required by § 501(a)(3) of the Health Occupations Act (D.C. Official Code § 3-1205.01(a)(3));
- (d) Each person certified pursuant to section 6 of the Emergency Medical Services Act of 2008 (“Emergency Medical Services Act”), effective March 25, 2009 (D.C. Law 17-357; D.C. Official Code § 7-2341.05), to perform the duties of emergency medical services personnel;
- (e) Each person certified pursuant to section 7 of the Emergency Medical Services Act (D.C. Official Code § 7-2341.06) to perform the duties of flight emergency medical services personnel;
- (f) Each person certified pursuant to section 9 of the Emergency Medical Services Act (D.C. Official Code § 7-2341.08) to perform the duties of an emergency medical services instructor; and
- (g) Each person who is an “unlicensed person” as that term is defined by section 2(7) of the Health-Care Facility Unlicensed Personnel Criminal Background Check Act of 1998, effective April 20, 1999 (D.C. Law 12-238; D.C. Official Code § 44-551(7)), regardless of whether the person is an employee or contractor of a “facility,” as that term is defined by section 2(1C) of the Health-Care Facility Unlicensed Personnel Criminal Background Check Act of 1998, effective April 20, 1999 (D.C. Law 12-238; D.C. Official Code § 44-551(1C)). The term “unlicensed person” includes, but is not limited to, unlicensed nurse aides, orderlies, assistant technicians, attendants, home health aides, personal care aides, medication aides, geriatric aides, medical assistants, health technicians, other health aides, housekeeping staff, maintenance staff, and administrative staff.

230.3 An employer or contractor may impose COVID-19 vaccination requirements on its employees and contractors that are stricter than the requirements imposed by this section, such as by requiring its employees and contractors to obtain additional vaccinations against COVID-19 or requiring that unvaccinated employees or contractors be tested regularly for COVID-19.

230.4 An employer or contractor may impose COVID-19 vaccination requirements on its employees and contractors that are stricter than the requirements imposed by this section, such as by requiring its employees and contractors to be vaccinated against COVID-19 by a date earlier than required by this section, not providing an emergency use authorization exemption from the COVID-19 vaccination

requirement, and requiring that unvaccinated employees or contractors be tested regularly for COVID-19.

Section 231, EXEMPTIONS FROM MANDATORY COVID-19 VACCINATION FOR HEALTHCARE WORKERS, is renamed and amended to read as follows:

231 EXEMPTIONS FROM COVID-19 VACCINATION REQUIREMENTS FOR HEALTHCARE WORKERS

231.1 A person who is otherwise required to be vaccinated against COVID-19 pursuant to § 230 shall be exempt from the COVID-19 vaccination requirement if the person is granted an exemption from a healthcare facility governed by § 11200 of Subtitle B (Public Health and Medicine) of Title 22 (Health) of the District of Columbia Municipal Regulations (“DCMR”) that has hired, employed, contracted with, or granted privileges or credentials to the individual, for one of the following reasons:

- (a) The person objects in good faith and in writing that the person’s vaccination against COVID-19 would violate a sincerely held religious belief and the vaccination would in fact violate a sincerely held religious belief of the person;
- (b) The person has obtained and submitted written certification from a physician, or other licensed health professional who may order an immunization, that being vaccinated against COVID-19 is medically inadvisable due to the person’s medical condition and it is in fact medically inadvisable for the person to receive a COVID-19 vaccine due to the person’s medical condition. If the condition making the vaccine medically inadvisable is temporary, the physician or other licensed health professional should specify in the certification the date on which, or the change in condition upon which, taking the vaccine would no longer be medically inadvisable; or
- (c) The person has submitted documentation showing that the person has received a COVID-19 vaccine or a course of vaccination approved by the World Health Organization.

231.2 A person requesting an exemption pursuant to § 231.1 must submit documentation to the healthcare facility governed by § 11200 of Subtitle B (Public Health and Medicine) of Title 22 (Health) of the DCMR that has hired, employed, contracted with, or granted privileges or credentials to the individual, that satisfactorily demonstrates that the exemption is warranted.

231.3 An exemption requested pursuant to § 231.1 shall be effective upon a written document issued by a healthcare facility governed by § 11200 of Subtitle B (Public Health and Medicine) of Title 22 (Health) of the DCMR that has hired, employed,

contracted with, or granted privileges or credentials to the individual, granting the exemption.

231.4 An exemption for the COVID-19 vaccination previously granted by the Director of the District of Columbia Department of Health, or his or her designee, prior to the effective date of this rulemaking, shall remain effective for two (2) years after it is granted. Thereafter, a person who is otherwise required to be vaccinated against COVID-19 pursuant to § 230 shall be exempt from the COVID-19 vaccination requirement if the person is granted an exemption from a healthcare facility governed by § 11200 of Subtitle B (Public Health and Medicine) of Title 22 (Health) of the DCMR that has hired, employed, contracted with, or granted privileges or credentials to the individual.

Chapter 40, HEALTH OCCUPATIONS: GENERAL RULES, of Title 17, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, of the District of Columbia Municipal Regulations is amended as follows:

Section 4019, SARS-CoV-2/COVID-19-RELATED OBLIGATIONS OF HEALTH PROFESSIONALS, is amended to read as follows:

4019 SARS-CoV-2/COVID-19-RELATED OBLIGATIONS OF HEALTH PROFESSIONALS

4019.1 Each person required to be licensed pursuant to section 501(a)(1) of the District of Columbia Health Occupations Revisions Act of 1985 (“Health Occupations Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.01(a)(1)), each person required to be registered pursuant to section 501(a)(2) of the Health Occupations Act (D.C. Official Code § 3-1205.01(a)(2)), and each person required to be certified pursuant to section 501(a)(3) of the Health Occupations Act (D.C. Official Code § 3-1205.01(a)(3)), shall:

- (a) Comply with each Mayor’s Order related to a public emergency, or a public health emergency declared in response to the impacts of COVID-19;
- (b) Comply with each administrative order and each guidance issued by the Department of Health related to SARS-CoV-2 or COVID-19; and
- (c) Not employ or contract with any person after October 1, 2021, who is required to be vaccinated against COVID-19 pursuant to § 230 of Subtitle B (Public Health and Medicine) of Title 22 (Health) of the District of Columbia Municipal Regulations and who is not so vaccinated, unless the person has been granted an exemption from the vaccination requirement pursuant to § 231 of Subtitle B (Public Health and Medicine) of Title 22 (Health) of the District of Columbia Municipal Regulations.