

MEMORANDUM

TO: Home Care Agencies Providers

FROM: Ranada Cooper *RC*
Associate Director
Office of Health Facilities

DATE: November 16, 2022

SUBJECT: **Signatory Authority of Advanced Practice Registered Nurses**

This is a notice to you from DC Health, Health Regulation and Licensing Administration (HRLA), that will serve to clarify signatory authority of advanced practice registered nurses (APRNs) in relation to Home Care Agency (HCA) plans of care.

The current Home Care Agency regulations (effective as of March 19, 2004) state that “[t]he plan of care shall be approved by the patient’s physician.” 22-B DCMR § 3914.2.

In contrast, D.C. Official Code § 3-1206.04 (last amended on February 17, 2018, by D.C. Law 22-60) provides that an APRN may:

1. Initiate, monitor, and alter drug therapies;
2. Initiate appropriate therapies or treatments;
3. Make referrals for appropriate therapies or treatments;
4. Perform additional functions within his or her specialty determined in accordance with rules and regulations promulgated by the board; and
5. Sign, certify, stamp, or endorse all documents that require a signature by a physician, in place of a physician, provided it is within the scope of their authorized practice.

Because statutes take legal precedence over regulations when there is a contradiction, D.C. Official Code § 3-1206.04 supersedes 22-B DCMR § 3914.2. Pursuant to D.C. Official Code § 3-1206.04, APRNs may also sign off on home health/care orders or patient plans of care. Therefore, contrary to the current language of 22-B DCMR § 3914.2, an HCA plan of care shall be approved by the patient’s physician or an APRN.

DC Health will update 22-B DCMR § 3914.2 to eliminate the conflict with existing law. In the meantime, please be advised that 22-B DCMR § 3914.2 will be enforced in conjunction with D.C. Official Code § 3-1206.04. Accordingly, HRLA will not issue deficiencies when APRNs exercise signatory authority with respect to HCA care plans.

If you have any questions or need further information, please contact Vanessa L. Mattox, RN Program Manager at vanessa.mattox@dc.gov or at (202) 442-4751.