

MEMORANDUM

TO: Nurse Staffing Agencies

FROM: Ranada Cooper
Associate Director
Office of Health Facilities

DATE: March 27, 2024

SUBJECT: Jurisdictional Approval for Nurse Staffing Agencies

This is a notice from DC Health, Health Regulation and Licensing Administration (HRLA), Office of Health Facilities, Intermediate Care Facilities Division (ICFD) that will explain the jurisdictional approval requirement for licensure as a nurse staffing agency (NSA) in the District of Columbia.

Last year, DC Health's Intermediate Care Facilities Division (ICFD) introduced a new rule: applicants must provide a Certificate of Occupancy (COO) or a similar document to get approval. As a result, DC Health's ICFD realizes it needs to clarify this rule because many current and potential licensees have questions about it. Specifically, applicants and licensees from outside the District of Columbia are unsure how it applies to them.

For new applicants, 22-B DCMR § 4901.2(c) and (d) provides:

As part of its initial application for licensure, the applicant must submit to the Department all information listed as required in section 4 of the Act, and the following other information:

(c) If the applicant's District of Columbia operations headquarters is located within the District of Columbia, a copy of the Certificate of Occupancy issued by the District of Columbia government to the applicant for that premises;

(d) If the applicant's District of Columbia operations headquarters is located outside of the District of Columbia, a copy of each document certifying the responsible jurisdiction's approval of the use of that location or premises as a nurse staffing agency, including approval related to the appropriate zoning, building and fire codes, if applicable[.]

For facilities seeking renewal of a license, 22-B DCMR §§ 4901.7 and 4901.8 would apply. 22-B DCMR § 4901.7 provides:

Each applicant for licensure intending to operate in premises located within the District of Columbia must comply with all applicable District of Columbia laws and regulations regarding zoning, fire safety and building construction for all agency premises before an initial or renewal license will be issued.

22-B DCMR § 4901.8 provides:

Each applicant for licensure intending to operate in premises located outside the District of Columbia must provide proof of compliance with the applicable jurisdiction's laws regarding zoning, fire safety and building construction for all agency premises as part of the agency's application for an initial or renewal license.

Pursuant to these regulations, all applicants, whether for renewal or initial licensure, must demonstrate their compliance with applicable laws governing zoning, fire safety, and building construction for all agency premises, whether located inside or outside of the District. If an NSA is in the District, the applicant or licensee must submit a valid COO issued by the D.C. Department of Buildings, or its predecessor. Because other jurisdictions may have differing requirements and/or issuances to reflect a business's compliance with zoning, fire safety, and building construction laws or codes, an NSA that operates or intends to operate outside of the District must present a COO, or substantially equivalent documentation, that has been duly issued by the appropriate state or county authority of the jurisdiction where the premises of the NSA are located. Lease and tax documents would not be sufficient to meet this requirement.

A currently licensed NSA that has not previously submitted a COO or other equivalent documentation for its premises must submit the appropriate documentation upon submission of a renewal application. Licensees who have previously submitted a COO or the equivalent may, as part of the renewal application, submit a self-attestation indicating that their premises comply with all applicable laws and regulations regarding zoning, fire safety, and building construction. Please note that DC Health reserves the right to request a COO or its equivalent from a licensed NSA at any time. If the renewal application is not submitted with the appropriate jurisdictional approval, renewal of the application will not be granted.

All new applicants are expected to submit the appropriate jurisdictional approval for review and acceptance.

If you have any questions or need further information, please contact the Intermediate Care Facilities Division via email at icfd@dc.gov.