DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS for LICENSING OF HEALTH CARE AND COMMUNITY RESIDENCE FACILITIES

Chapter 31 LICENSING OF HEALTH CARE AND COMMUNITY RESIDENCE FACILITIES

3100. General Provisions
3101. Right of Entry and Inspection
3102. License Requirements
3103. Initial Licensure
3104. Licensure Renewal
3105. Complaint Investigations
3106. Approval of Variances
3107. Denial, Suspension, or Revocation of A Health Care Facility License
3108. Summary Suspension and Licensure Conversion, Hearings
3109. Service of Notice
3110. Conduct of Hearings
3111. Findings and Decisions
3112. Reconsideration
3113. Appeals
3114. Fees for Community Residence Facilities And Health Care Facilities.
3199. Definitions

3100. GENERAL PROVISIONS

100.1 The licensing provisions in this chapter shall apply to health care facilities, except hospitals, covered under the District of Columbia Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983 (the "Act"), effective February 24, 1984, D.C. Code, § 32-1301 et seq. (1993 Repl. Vol.).

3101. RIGHT OF ENTRY AND INSPECTION

3101.1 The Director and any other duly authorized official of the Department of Consumer and Regulatory Affairs (hereinafter, the "Department") or of the District Government having jurisdiction over, or responsibility pertaining to any health care facility, or patient or resident in such facilities shall have the right, after presenting credentials of identification and authority issued by the Director or duly authorized representative, either with or without prior notice, to enter the premises of the following:

(a) A health care facility licensed pursuant to the Act and the rules of this title governing the facility;

(b) A facility making application for licensure in order to determine the facility's compliance and verify information; and

(c) Subject to § 3101.5, any unlicensed premises which the Director has reason to believe is being operated or maintained as a health care facility or is in violation of the Act.

3101.2 The authorized official shall conduct the entry and inspection with the least

possible disruption to the patients.

3101.3 The authorized official shall have access to the following:

(a) To records, including patient or resident records;

(b) To staff;

(c) To patients or residents;

(d) To policies and procedures, contracts; and

(e) Any other information necessary to determine the facility's compliance with the Act and the rules of this title.

3101.4 The Director shall not release to the public information concerning the content of a facility's records unless patient or resident names have been deleted.

3101.5 The Director shall not enter or inspect an unlicensed premises without the permission of the owner or person in charge unless a search warrant is first obtained from the District of Columbia Superior Court, pursuant to D.C. Code § 11-941 (1989 Repl. Vol.), authorizing the entry or inspection for the purpose of determining the applicability of and compliance with the Act and this chapter.

3101.6 The Director may refer for appropriate legal action any case involving an unlicensed facility which the director determines is operating as a health care facility.

3102. LICENSE REQUIREMENTS

3102.1 Except as otherwise expressly provided in this chapter or the Act, no person shall operate or hold himself or herself out as operating, a health care facility in the District of Columbia, whether public or private, profit or not for profit, without being licensed as required by the Act, and this chapter.

3102.2 A facility shall submit an application for initial licensure to the Director no later than sixty (60) days prior to the stated date of operation. The license fee shall accompany the application.

3102.3 A facility making application for initial licensure shall obtain a Certificate of Need and a Certificate of Occupancy and shall list approvals on the application. A community residence facility including a group home for mentally retarded persons shall obtain a Certificate of Occupancy only.

3102.4 A facility shall submit an application for licensure renewal to the Director no later than ninety (90) days before the expiration date of the current license. The facility shall submit the license fee with the application.

3102.5 The Director may impose a late application filing fee, in addition to the license fee, on a facility that fails to submit a licensure renewal application within the time prescribed.

3102.6 The Director may conduct background checks on the applicant or licensee to determine his or her suitability or capability to operate or to continue operating a health care facility. Background checks shall consist of, but not be limited to, the following:

(a) Contacts with the police to ascertain criminal convictions;

(b) Verification of licensure status;

(c) Verification of educational credentials;

(d) Verification of residency status; and

(e) Contacts with District and other state officials to determine outstanding warrants, complaints, criminal convictions, and records of malpractice actions.

3102.7 The licensee of a health care facility shall inform the Director of any change in the operation, program, or services of a facility of a degree or character which may affect its licensure within five (5) days of the change. The licensee shall promptly notify the Director of any change in the administrator of the facility.

3102.8 Each license in the licensee's possession shall be the property of the District Government and shall be returned to the Director immediately upon any of the following events:

(a) Suspension or revocation of the license;

(b) Refusal to renew the license;

(c) Forfeiture consistent with § 3102.9; or

(d) If operation is discontinued by the voluntary action of the licensee.

3102.9 The Director shall issue each license only for the premises and person or persons named as applicants in the application and the license shall not be valid for use by any other person or persons or at any place other than that designated in the license. Any transfer as to person or place without the approval of the Director shall cause the immediate forfeiture of the license.

3102.10 The Director shall classify each facility license as regular, provisional or restricted.

3102.11 The Director shall issue the license in the name of the owner and operator.

3102.12 The D.C. Fire Department shall conduct all inspections of a facility to determine compliance with fire safety requirements.

3102.13 The D.C. Fire Department shall determine a facility's compliance or noncompliance with fire safety.

3102.14 The D.C. Fire Department shall submit to the Director the findings from inspections with a determination regarding licensure of a facility. The Director shall incorporate the determination in the licensure recommendation.

3102.15 The D.C. Fire Department shall take action as deemed necessary against a facility for noncompliance with regulations under its jurisdiction.

3102.16 The Director may waive inspection requirements for home care agencies licensed in another jurisdiction if requesting authorization to deliver services within the District of Columbia.

3102.17 Subsections 3102.12 through 3102.15 shall not apply to a home care agency.

3102.18 Each facility shall meet the minimum requirements for insurance as prescribed in the rules governing the operation of the facility.

3102.19 Each facility shall comply with all Certificate of Need requirements. The Director may subject a facility to an adverse action based on failure to comply.

3103. INITIAL LICENSURE

3103.1 Prior to initial licensure of a facility, the Director shall conduct an on-site inspection to determine compliance with the Act, and rules governing the facility.

3103.2 The Director shall send a written report of the findings to the facility no later than fifteen (15) days from the conclusion of the inspection.

3103.3 A facility with deficiencies shall correct them within thirty (30) days upon receipt of the written report prior to the issuance of a license. The facility may submit written proof of correction of deficiencies where appropriate.

3103.4 The Director may conduct a follow-up inspection to determine correction of deficiencies cited within ten (10) days following the thirty (30) day correction period or upon notification from the facility that the deficiencies have been corrected.

3103.5 The Director shall deny the application for licensure for a facility that has not corrected deficiencies. The facility shall reapply for licensure when deficiencies are corrected, or for a more limited license, if appropriate.

3103.6 The Director shall issue a provisional license, not to exceed ninety (90) days, to a facility initially approved.

3103.7 The Director shall conduct an unannounced on-site inspection of the facility within ninety (90) days of operation to assess the facility's continued compliance with the Act and rules governing the facility. The Director shall issue a regular license not to exceed one (1) year to a facility that is in full or substantial compliance.

3103.8 The Director shall renew a provisional license for a facility not in substantial compliance with the Act and rules of this chapter. Facilities taking ameliorative action to correct violations, but without deficiencies that pose a serious and imminent

danger to the public's health, safety and welfare may apply for renewal.

3103.9 The facility shall correct the deficiencies within sixty (60) days and the Director may require the facility to submit a plan of correction.

3103.10 The Director shall conduct an on-site inspection after sixty (60) days to determine correction. The Director shall issue a regular license, not to exceed one (1) year, to the facility if found in substantial compliance.

3103.11 The Director shall not renew a provisional license or grant a regular license to a facility not in substantial compliance, not taking ameliorative action, or with deficiencies that pose a serious and imminent danger to the public's health, safety and welfare.

3104. LICENSURE RENEWAL

3104.1 The Director shall conduct an on-site inspection of a facility to determine compliance with the Act and the rules governing the facility prior to the expiration of the license. Unless otherwise notified, inspections shall be unannounced.

3104.2 The Director may accept private accreditation or federal certification in place of inspecting for licensure compliance for any or all provisions of the Act or the rules, consistent with the requirements contained in § 6(b) of the Act.

3104.3 The Director shall send a written report of the findings to the facility no later than fifteen (15) days from the conclusion of the inspection.

3104.4 Consistent with the Act, its amendments and the rules governing the facility, the Director shall take adverse action against a facility found to have life threatening deficiencies, or a continuing pattern of deficiencies which pose a serious threat to the public's health and safety.

3104.5 The Director may require the facility to submit a written, signed and dated plan of correction to abate deficiencies cited no later than ten (10) days following the receipt of the written report of findings.

3104.6 The Director shall issue a renewal license for a period not to exceed one (1) year to a facility with no deficiencies or with minor deficiencies that can be corrected within thirty (30) days.

3104.7 The Director shall issue a provisional license not to exceed ninety (90) days to a facility that is not in substantial compliance with the Act and the rules of this chapter, but does not have deficiencies that are life threatening or that endanger the public's health and safety.

3104.8 The Director shall issue a regular license not to exceed one (1) year to a facility issued a provisional license pursuant to § 3104.7 that is in full or substantial compliance after ninety (90) days, based on a follow-up inspection.

3104.9 The Director shall renew the provisional license for a facility initially issued a provisional license pursuant to § 3104.7 that is not in substantial compliance after ninety (90) days, but is making significant progress toward correction of deficiencies

cited.

3104.10 The Director may prohibit a facility from accepting new patients and providing a service when he or she finds that the facility has violations of a serious nature, and no substantial corrective action has been taken.

3104.11 Consistent with the Act, its amendments and the rules governing the facility, the Director shall take adverse action against a facility that is not making substantial progress after issuance of the first provisional license, or its renewal, or a restricted license.

3104.12 The Director shall automatically suspend or convert to a provisional or restricted status the license of a facility that loses its federal certification until a determination is made regarding its continued operation and licensure status.

3105. COMPLAINT INVESTIGATIONS

3105.1 The Director may receive any and all complaints alleging violations of the requirements contained in the Act and this chapter, and may conduct unannounced investigations to determine the validity of the complaints.

3105.2 The facility shall permit the Director entry to investigate complaints. The Director shall conduct complaint investigations during time periods and staff shifts consistent with the allegations in the complaint when considered appropriate.

3105.3 The Director shall submit a written report to the facility no later than ten (10) days after the conclusion of the investigation.

3105.4 The Director may require the facility to respond to the written report of findings with a written plan of correction no later than ten (10) days after the receipt of the report.

3105.5 The Director shall communicate the findings of the complaint investigation directly to the facility and complainant if the complaint is received directly by the Department. If the complaint is referred by another governmental agency, the Director shall send its findings to the referring agency. The referring agency shall communicate the findings to the complainant.

3105.6 The Director shall investigate complaint allegations of a life threatening nature or those that represent immediate danger within twenty-four hours (24 hrs.) of receipt of the complaint by the Department. All other complaints shall be investigated by the Director no later than thirty (30) days from their receipt or as considered appropriate.

3105.7 The Director shall immediately suspend or revoke, in accordance with the Act and the rules of this chapter, a provisional or restricted license, if a facility is found to have life threatening deficiencies or deficiencies which seriously endanger the public's health and safety.

3105.8 The Director shall require a facility which is found in violation of the Act and the rules of this chapter, but whose deficiencies are not life threatening or seriously endangering to the public's health, safety and welfare to correct the deficiencies within thirty (30) days from receipt of the complaint investigation report.

3105.9 The Director shall issue a provisional or a restricted license, as appropriate, to a facility that has not corrected deficiencies within thirty (30) days.

3105.10 If appropriate, the Director shall issue a restricted license to a facility which is found to have life threatening deficiencies or deficiencies which seriously endanger the public's health and safety. If not appropriate, the Director shall suspend or revoke the facility's license consistent with the Act and this chapter.

CDCR 3106 (2006)

3106. APPROVAL OF VARIANCES

3106.1 The Director may grant a variance from any of the requirements of the Act and the rules of this chapter, if the applicant can show undue hardship and the variance can satisfy the following conditions:

(a) It is not inconsistent with other provisions of the Act;

(b) It is not deleterious to the public health and safety; and

(c) It would not have the effect of permitting a violation of other laws or regulations of the District of Columbia.

3106.2 A facility requesting a variance shall submit in writing to the Director the following:

(a) The regulatory requirement(s) for which a variance from strict compliance is being requested;

(b) Specific justification as to why the facility cannot meet the requirement(s); and

(c) Alternative measures provided to ensure quality care and services consistent with the Act and this chapter.

3106.3 The Director shall grant a variance only to the extent necessary to ameliorate an undue hardship and only when compensating factors are present to give adequate protection to the public health without impairing the intent and purpose of the Act or the rules of this chapter.

3106.4 If the Director believes that the conditions in § 3106.1 are not met, the Director shall issue a written proposed denial together with advice to the applicant as to his or her right to a hearing on the matter which shall be conducted by the Director in accordance with §§ 3107.3 and 3110.

3106.5 The Director shall maintain a record, open to inspection by the public, of all variances granted. The record shall contain a complete written explanation of the basis for each variance.

3106.6 If a variance is requested from standards established pursuant to §§ 5(a) (3) or (4) of the Act, the Director shall provide the Director, Department of Human Services, with notice and an opportunity to comment before a decision is made.

CDCR 3107 (2006)

3107. DENIAL, SUSPENSION, OR REVOCATION OF A HEALTH CARE FACILITY LICENSE

3107.1 The Director may refuse to issue or renew or may revoke, or may suspend a license issued pursuant to this chapter for one or more of the reasons listed in § 5(a)(2)(f) of the Act.

3107.2 Except for a conversion or summary suspension undertaken pursuant to § 6(d) of the Act, D.C. Code § 32-1305(d), every applicant for or holder of a license, or applicant for reinstatement after revocation, shall be afforded notice and an opportunity to be heard prior to the action of the Director, if the effect of which would be one of the following:

(a) To deny a license for cause which raised an issue of fact;

(b) To suspend a license;

(c) To revoke a license;

(d) To refuse to restore a license;

(e) To issue a limited renewal license; or

(f) To refuse to issue a renewal license for any cause other than failure to pay the prescribed fees.

3107.3 When the Director contemplates taking any action of the type specified in § 3107.2(a) of this chapter, the Director shall give to the applicant a written notice containing the following statements:

(a) That the applicant has failed to satisfy the Director as to the applicant's qualifications;

(b) The respect in which the applicant has failed to satisfy the Director; and

(c) That the denial shall become final unless the applicant files a request for a hearing with the Director within fifteen (15) days of receipt of the notice.

3107.4 When the Director contemplates taking any action of the type specified in §§ 3107.2 (b), (c), (d), (e), and (f) of this chapter, the Director shall give the applicant a written notice containing the following statements:

(a) That the Director has sufficient evidence (setting forth the nature of the evidence), which if not rebutted or explained, justifies taking the proposed action; and

(b) That the Director shall take the proposed action unless within fifteen (15) days of the receipt of the notice the facility files with the Director a written request for a hearing or in the alternative submits documentary evidence for the Director's consideration before the Director takes final action.

3107.5 If the facility does not respond to the notice within the time specified, the Director may, without a hearing, take the action contemplated in the notice. The Director shall inform the applicant, in writing, of the action taken.

3107.6 If the facility chooses to submit documentary evidence but does not request a hearing, the Director shall consider the material submitted and take such action as is appropriate without a hearing. The Director shall notify the facility in writing of the action taken.

3107.7 Grounds for suspension, revocation, limitation, or refusal to issue or renew a license shall include the following:

(a) Failure to meet or maintain the standards required by this chapter or the Act;

(b) Willful submission of false or misleading information to the Director in connection with an application for licensure or related to licensing procedures;

(c) Violation of this chapter, the Act, or other laws and regulations of the District of Columbia or United States relating to the operation of a facility and which are applicable to facilities operating in the District of Columbia;

(d) Failure to allow inspections pursuant to this chapter;

(e) Failure to obey any lawful order of the Director, pursuant to the rules of this chapter;

(f) Conviction and retention of a member of the governing body, a Director, Administrator, the Chief Executive Officer, department head, or other key staff member of a felony involving the management or operation of a facility, or which is directly related to the integrity of the facility or the public health or safety; or

(g) Any act which constitutes a threat to the public's health or safety.

3108. SUMMARY SUSPENSION AND LICENSURE CONVERSION, HEARINGS

3108.1 Notwithstanding any other provision of this chapter, the Director, pursuant to § 6(d)(l) of the Act, D.C. Code § 32-1305(d)(1) (1993 Repl. Vol.), and under conditions described in that section may do the following:

(a) Convert the facility's license to a provisional or restricted license pending satisfactory completion of the inspection pursuant to the rules of this chapter; or

(b) Suspend the facility's license if the Director finds that loss of accreditation or certification was prompted by deficiencies that constitute an immediate or serious and continuing danger to the health or welfare of its patients, clients, or residents.

3108.2 In addition to authority contained in § 3108.1, the Director, pursuant to § 6(d)(2) of the Act, as amended, D.C. Code § 32-1305(d)(2) may suspend the license of any facility or convert its license to a provisional or restricted license if the Director determines that existing deficiencies constitute an immediate or serious and continuing danger to the health, safety, or welfare of its patients, clients, or residents.

3108.3 Upon taking action pursuant to §§ 3108.1 and 3108.2, the Director shall immediately give the facility written notice of the action, including a copy of the order of suspension or conversion, statement of the grounds for the action, and notification that the facility may, within seven (7) business days from the day written notice is received, file with the Director a written request for an expedited hearing with respect to the action.

3108.4 The Director shall convene a hearing within three (3) business days following receipt of the facility's timely request to review the reasonableness of the suspension or conversion.

3108.5 If a summary suspension or conversion hearing is requested, the request or hearing shall not serve to stay the order suspending or converting the license.

3108.6 Except as otherwise noted in this chapter or as provided in § 6(d) (3) of the Act, all procedures relating to hearings as set forth in this chapter shall apply to hearings in summary suspensions and licensure conversions.

3109. SERVICE OF NOTICE

3109.1 Any notice required by this chapter may be served either personally or by certified mail, return receipt requested, directed to the applicant or licensee at the last known address as shown by the records of the Department of Consumer and Regulatory Affairs.

3109.2 If notice is served personally, it shall be considered by the Director to have been served at the time when delivery is made to the applicant or licensee.

3109.3 If notice is served by certified mail, it shall be considered by the Director to have been served on the date written or stamped upon the return receipt showing delivery of the notice to the applicant or licensee, or refusal of the applicant or licensee to receive the notice.

3109.4 In the event that the applicant or licensee is no longer at the last known address as shown by the records of the Department of Consumer and Regulatory Affairs and no forwarding address is available, the notice shall be considered by the Director to have been served on the date the return receipt bearing the notification is received by him or her.

3109.5 If an applicant or licensee scheduled for a hearing does not appear and no

continuance has been or is granted, the Director may hear the evidence of the witnesses who have appeared, and the Director may proceed to consider the matter and render a decision on the basis of the evidence available.

3110. CONDUCT OF HEARINGS

3110.1 Every hearing before the Director shall be open to the public.

3110.2 An applicant or licensee entitled to a hearing shall have the following rights:

(a) To be represented by counsel;

(b) To examine all opposing witnesses on any matter relevant to the issues; and

(c) To have subpoenas issued to compel the attendance of witnesses and the production of relevant books, papers, and documents upon making written request therefore to the Director.

3110.3 In connection with any hearing held pursuant to this chapter, the Director shall have the power to do the following:

(a) To administer oaths or affirmations to witnesses called to testify;

(b) To subpoena respondents and other witnesses and relevant books, papers, and documents;

(c) To take testimony;

(d) To examine witnesses;

(e) To direct the continuance of any case; and

(f) To enter into a consent agreement.

3110.4 In proceedings before the Director, if any person refuses to respond to a subpoena or refuses to take the oath or affirmation as a witness or thereafter refuses to be examined, or refuses to obey any lawful order of the Director contained in his or her decision rendered after hearing, the Director may make application to the proper court for an order requiring obedience thereto.

3110.5 In all proceedings the Director shall receive and consider any evidence or testimony. However, the Director may exclude incompetent, irrelevant, immaterial, or unduly repetitious evidence or testimony.

3110.6 In any proceeding resulting from the Director's contemplated action to deny new licensure or to restore a suspended license or to deny a variance request, the applicant shall have the burden of satisfying the Director of his or her qualifications.

3110.7 In any proceeding resulting from the Director's contemplated action to refuse to renew, to revoke, or to issue a limited renewal license, the Department shall have the burden of proving that such action should be taken.

3110.8 In a summary or conversion action the Department shall have the burden of establishing a prima facie case of immediate or serious and continuing endangerment.

3110.9 In all hearings conducted by the Director, a complete record shall be made of all evidence presented during the course of a hearing. Any party to the proceedings desiring it shall be furnished with a copy of the record, upon payment of the fee prescribed by the Director.

3111. FINDINGS AND DECISIONS

3111.1 The Director shall render a decision, in writing, as soon as practicable, but no later than fifteen (15) calendar days, after the hearing is completed.

3111.2 A summary suspension or emergency licensure conversion shall be either affirmed or vacated at the conclusion of the emergency hearing.

3111.3 The decision of the Director shall contain the following:

(a) Findings of fact made by the Director;

(b) Application by the Director of the Act and this chapter to the facts as found by the Director;

(c) The decision of the Director; and

(d) A statement informing the aggrieved person of his or her appeal rights and the time within which such review must be sought, or in the case of summary suspension or licensure conversion, the date and time for the final hearing if the action is upheld.

3111.4 Within seven (7) business days after the decision is rendered, the Director shall serve upon the applicant, the licensee, or the attorney of record, a copy of the written decision either personally or by certified mail.

3111.5 The Director's decision shall be final unless an appeal is timely filed pursuant to § 3113 or upon receipt of a timely motion the Director reopens the proceedings.

CDCR 3112 (2006)

3112. RECONSIDERATION

3112.1 A petition for reconsideration may be filed by a party within ten (10) days after service of the decision by the Director.

3112.2 Neither the filing nor the granting of that petition shall operate as a stay of a final order unless specifically ordered by the Director. A stay shall be granted only upon good cause which shall consist of unusual or exceptional circumstances.

3112.3 The petition shall state briefly and specifically the following:

(a) The matters of record alleged to have been erroneously decided;

(b) The grounds relied upon; and

(c) The relief sought.

3112.4 If the petition is based in whole or in part on new or additional evidence, the new or additional evidence shall be set forth in an affidavit and accompanied by a statement that the petitioner could not with due diligence have known or discovered the new evidence prior to the date the case was presented to the Director for decision.

3112.5 The Director may, in his or her discretion, permit or require oral argument upon a petition for reconsideration.

3112.6 If, because of accident, illness, or other good cause, a person fails to receive a hearing or fails to appear for a requested hearing, and has been diligent in bringing the matter to the Director's attention, the Director may grant appropriate relief.

3112.7 The Director shall grant or deny a petition for reconsideration within ten (10) days after the filing of the petition. Failure of the Director to act within that period shall be considered a denial of the petition.

3112.8 A facility shall not make a request for reinstatement of a license or for issuance of a new license imposed pursuant to this chapter until one (1) year from the date of Director's decision, unless the Director's decision should provide otherwise.

3112.9 A facility shall not make a request for removal of a restriction imposed pursuant to this chapter until at least ninety (90) days from the date of the Director's decision, unless the Director's decision should provide otherwise.

3113. APPEALS

3113.1 Any adverse decision (except a summary action pursuant to § 3108) by the Director may be appealed to the Board of Appeals and Review by filing a petition with that Board, in accordance with its rules, within fifteen (15) days of the decision of the Director or such other time as the Board by rule may prescribe.

3113.2 In the absence of a timely appeals petition filed pursuant to § 3113.1, the Director's decision shall be final and not subject to appeal.

3113.3 The review by the Board of Appeals and Review shall be on the record of the case established before the Director. There shall be no evidentiary hearing before the Board.

3113.4 The Board shall uphold the Director's decision unless it is arbitrary,

capricious, not supported by substantial evidence or contrary to law.

3113.5 The filing of a petition for review shall not itself stay enforcement of an order.

3113.6 A person aggrieved by an adverse decision of the Director, which is upheld by the Board of Appeals and Review, may seek a review of the Director's decision by the District of Columbia Court of Appeals by filing a petition for review in that Court within thirty (30) days from receipt of the decision of the Board of Appeals and Review or such other time as the Court by rule may prescribe. Failure to seek judicial review in the manner and within the time prescribed by the rules of the D.C. Court of Appeals, shall result in the Director's decision becoming final.

CDCR 3114 (2006)

3114. Fees for community residence facilities and health care facilities.

3114.1 License fees for community residence facilities are as follows:

(a)	1-5 beds	
	Annual Fee	$ 50
	Late Fee	$ 25
(b)	6-10 beds	
	Annual Fee	$ 75
	Late Fee	$ 37.50
(c)	11-20 beds	
	Annual Fee	$ 100
	Late Fee	$ 50
(d)	21-40 beds	
	Annual Fee	$ 150
	Late Fee	$ 75
(e)	41-60 beds	
	Annual Fee	$ 200
	Late Fee	$ 100
(f)	61-80 beds	
	Annual Fee	$ 250
	Late Fee	$ 125
(g)	81-100 beds	
	Annual Fee	$ 300
	Late Fee	$ 150

(h) 101-150 beds

Annual Fee	$ 350
Late Fee	$ 175

(i) 151 or more beds

Annual Fee	$ 400
Late Fee	$ 200

3114.2 License fees for ambulatory surgical treatment centers are as follows:

(a) 1-1000 cases per year

Annual Fee	$ 150
Late Fee	$ 75

(b) 1001-2000 cases per year

Annual Fee	$ 300
Late Fee	$ 150

(c) 2001-3000 cases per year

Annual Fee	$ 450
Late Fee	$ 225

(d) 3001 or more cases per year

Annual Fee	$ 600
Late Fee	$ 300

3114.3 License fees for nursing homes are as follows:

(a) 1-50 beds

Annual Fee	$ 300
Late fee	$ 150

(b) 51-100

Annual Fee	$ 400
Late Fee	$ 200

(c) 101 or more beds

Annual Fee	$ 500
Late Fee	$ 250

3114.4 License fees for intermediate care facilities for mentally retarded persons are as follows:

(a) 1-4 beds

	Annual Fee	$ 50
	Late Fee	$ 25
(b)	5-8 beds	
	Annual Fee	$ 100
	Late Fee	$ 50
(c)	9 or more beds	
	Annual Fee	$ 150
	Late Fee	$ 75

3114.5 A fee in the amount of fifty dollars ($ 50) shall be charged to a community residence facility or a health care facility for each inspection after the first follow-up annual license renewal inspection.

3114.6 A fee in the amount of fifty dollars ($ 50) shall be charged for the validation or duplication of any license.

3199. DEFINITIONS

3199.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Act - D.C. Law 5-48, the District of Columbia Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, as amended, D.C. Code § 32-1301 et seq. (1993 Repl. Vol.).

Administrator - the person who is responsible for the day-to-day operation of the facility to include the Residence Director and the Medical Director.

Certificate of Need - as defined in D.C. Law 3-99.

Department - the Department of Consumer and Regulatory Affairs.

Director - the Director of the Department of Consumer and Regulatory Affairs or the Director's designee.

Facility - a community residence facility, including a group home for mentally retarded persons, nursing home, hospice, home care agency, maternity center, ambulatory surgical facility, or end stage renal dialysis facility.

Person - an individual, firm, partnership, corporation, company, or association and including any administrators, guardians, trustees, directors, and agents.

Provisional License - a license issued to a facility which is not in substantial compliance with all applicable laws and regulations, but which is taking ameliorative action in accordance with a mutually agreed upon timetable to achieve compliance.

Regular License - a license which is issued for one year to a facility which is in compliance with all applicable laws and regulations

Restricted License - a license which permits operation of a facility but prohibits the facility from accepting new residents and patients or from delivering services that it would otherwise be authorized to deliver.

Substantial Compliance - meeting the majority of rules without jeopardizing health and safety.