

**DISTRICT OF
COLUMBIA
MUNICIPAL
REGULATIONS
for
Assisted Living
Administrators**

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of a new Chapter 113 (Assisted Living Administrators) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking establishes standards for the licensure and regulation of the profession of assisted living administrators in accordance with Section 205(b) of the Act, D.C. Official Code § 3-1202.05(b). The rules set the qualification requirements for licensure, practice standards, and continuing education requirements, which also include the Department of Health’s public health priority mandate.

In response to comments that were received on the initial Notice of Proposed Rulemaking, 66 DCR 007184 (June 14, 2019), the Director of the Department of Health updated the proposed rules and a Notice of Second Proposed Rulemaking was published in the *District of Columbia Register* on October 8, 2021, at 68 DCR 010564. No comments were submitted in response to the Notice of Second Proposed Rulemaking during the 30-day comment period and no changes have been made to the text of the rules as proposed in that notice.

The Director took final action to adopt this rulemaking on February 1, 2022, and the rules shall become effective upon publication of this notice in the *District of Columbia Register*.

TITLE 17, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, of the DCMR is amended by adding a new Chapter 113, ASSISTED LIVING ADMINISTRATORS, to read as follows:

CHAPTER 113 ASSISTED LIVING ADMINISTRATORS

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11300 GENERAL PROVISIONS

11300.1 This chapter applies to persons authorized to practice as assisted living administrators and persons applying for or holding a license to practice as assisted living administrators.

11300.2 Chapters 40 (Health Occupations: General Rules) and 41 (Health Occupations: Administrative Procedures) of this title shall supplement this chapter.

11301 TERM OF LICENSE

11301.1 Subject to § 11301.2, a license issued pursuant to this chapter shall expire at 12:00 midnight of June 30 of each even-numbered year.

11301.2 If the Director changes the renewal system pursuant to § 4006.3 of chapter 40 of this title, a license issued pursuant to this chapter shall expire at 12:00 midnight of the last day of the month of the birthdate of the holder of the license, or other date established by the Director.

11302 QUALIFICATIONS

11302.1 Except as otherwise provided in this chapter, an applicant may qualify for a license to practice as an assisted living administrator if the applicant meets one of the following requirements:

- (a) The applicant possesses a bachelor's or higher degree from a long term care administration program accredited by the National Association of Long Term Care Administrator Boards (NAB);
- (b) The applicant possesses a bachelor's or higher degree in assisted living administration, gerontology, health care management, or public health from a post-secondary institution accredited by an accrediting agency recognized by the U.S. Department of Education, other than NAB and has completed three hundred and twenty (320) hours of practicum or relevant work experience in an assisted living facility or nursing home;

- (c) The applicant possesses a bachelor's or higher degree in health-related field such as nursing, medicine, or similar health occupations from a post-secondary institution accredited by an accrediting agency recognized by the U.S. Department of Education and has completed three hundred and twenty (320) hours of practicum or relevant work experience in an assisted living facility or nursing home; or
- (d) The applicant possesses a bachelor's or higher degree in any field other than health from a post-secondary institution accredited by an accrediting agency recognized by the U.S. Department of Education and has completed all of the following:
 - (1) Fifteen (15) semester hours of relevant courses covering core domains as enumerated in § 11302.2;
 - (2) Eighty (80) hours of board-approved assisted living administrator training program consisting of education and training in the core domains as enumerated in § 11302.2; and
 - (3) Four hundred and eighty (480) hours of practicum or relevant work experience in an assisted living facility or nursing home.

11302.2 Relevant courses of education, practicum, relevant work experience, or training in assisted living administration required pursuant to § 11302.1(b), (c), or (d) shall consist of education and training deemed by the Board to sufficiently prepare and enable a person to supervise the operation of an assisted living residence pursuant to the requirements § 10116 of Title 22-B of the District of Columbia Municipal Regulations (DCMR) and include the following core domains:

- (a) Customer care, supports, and services;
- (b) Human resources;
- (c) Finance;
- (d) Environment; and
- (e) Management and leadership.

11302.3 An applicant who possesses a current and valid license in good standing as a nursing home administrator in the District shall be deemed to qualify for a license as an assisted living administrator.

11302.4 Notwithstanding the requirements of §§ 11302 and 11303, an applicant who possesses a current and valid Health Services Executive (HSE) credential offered by the National Association of Long Term Care Administrator Boards (NAB) shall be deemed to qualify for a license as an assisted living administrator.

11303 NATIONAL EXAMINATION

11303.1 Except as otherwise provided in this chapter, an applicant seeking to qualify for a license pursuant to § 11302.1 shall take and pass the National Association of Long Term Care Administrator Boards (NAB) National Residential Care/Assisted Living Administrators Line of Service Examination (“RC/AL” or “RCAL”).

11304 KNOWLEDGE OF THE DISTRICT OF COLUMBIA ASSISTED LIVING ADMINISTRATION JURISPRUDENCE

11304.1 An applicant for an assisted living administrator license shall demonstrate to the Board’s satisfaction that he or she possesses competent knowledge and understanding of the laws and rules pertaining to assisted living administration in the District. The Board may adopt or implement a District of Columbia Assisted Living Administration Jurisprudence Examination or other methods such as mandatory educational sessions to ensure that an applicant meets the requirement of this section.

11305 WAIVER OF EDUCATIONAL AND NATIONAL EXAMINATION REQUIREMENTS

11305.1 Notwithstanding the requirements of §§ 11302.1 and 11303.1, an applicant may be granted an assisted living administrator license if at the time of the application:

- (a) The applicant is currently employed as an assisted living administrator in the District;
- (b) The applicant has worked as an assisted living administrator for at least one (1) year; and
- (c) The applicant submits the application for licensure no later than twelve (12) months from the effective date of this chapter.

11305.2 For the purposes of § 11305.1(a), an applicant who is on approved leave of absence from his or her employment is deemed to be currently employed.

11306 LICENSURE BY ENDORSEMENT

11306.1 Notwithstanding the requirements of § 11302, an applicant may qualify for a license by endorsement if:

(a) The applicant is currently licensed as an assisted living administrator or a nursing home administrator in another U.S. jurisdiction and meets the following requirements:

- (1) Being in good standing with no history of discipline or sanction by an assisted living administrator licensing board or nursing home administrator board in any jurisdiction;
- (2) Having had two (2) years of work experience as an assisted living administrator or nursing home administrator within the previous four (4) years before the date of the application; and
- (3) Meeting the requirement of §§ 11303 and 11304; or

(b) The applicant is currently employed as an assisted living administrator in a U.S. jurisdiction in which an assisted living administrator license is not required and meets the following requirements:

- (1) Having never been subject to any discipline or sanction by any authority with jurisdiction over residential care or assisted living facility;
- (2) Having had two (2) years of work experience as an assisted living administrator within the previous four (4) years before the date of the application; and
- (3) Meeting the requirements of §§ 11303 and 11304.

11307 CONTINUING EDUCATION REQUIREMENTS

11307.1 This section applies to applicants for the renewal, reactivation, or reinstatement of a license but does not apply to applicants for an initial license or for the first renewal of a license after the initial grant.

11307.2 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with § 11308.

11307.3 To qualify for the renewal of a license, an applicant shall have completed, during the two (2)-year period preceding the date the license expires, forty

(40) hours of approved continuing education credit, which shall include:

- (a) Two (2) hours of LGBTQ continuing education;
- (b) One or more of the following topics:
 - (1) Creating a resident-centered environment;
 - (2) Behavior management and cognitive impairment;
 - (3) District of Columbia laws and regulations pertaining to assisted living residences;
 - (4) Finances and operation;
 - (5) Resident abuse/misappropriation and prevention; or
 - (6) Any other topic relevant to the practice of assisted living administration; and
- (c) Ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate.

11307.4 To qualify for the reactivation of a license, a person in inactive status within the meaning of § 511 of the Act (D.C. Official Code § 3-1205.11) (2016 Repl.) who seeks to reactivate his or her license not more than five (5) years after the start of the inactive status shall submit proof of having completed twenty (20) hours of approved continuing education credit meeting the requirements of § 11307.3 for each year that the applicant was not actively licensed, up to a maximum of one hundred (100) hours. At least twenty (20) hours of the continuing education credit shall have been completed in the one (1)-year period prior to the submission of the application.

11307.5 To qualify for the reactivation of a license, a person in inactive status within the meaning of § 511 of the Act (D.C. Official Code § 3-1205.11) (2016 Repl.) who seeks to reactivate his or her license more than five (5) years after the start of the inactive status shall, during a period not more than two (2) years prior to the submission of the application, take and complete eighty (80) hours of Board-approved assisted living administrator training program consisting of education and training meeting the requirement of § 11302.2 and twenty (20) hours of approved continuing education.

- 11307.6 To qualify for the reinstatement of a license, an applicant shall submit proof of having completed twenty (20) hours of approved continuing education credit meeting the requirements of § 11307.3 for each year that the applicant was not licensed, up to a maximum of one hundred (100) hours. At least twenty (20) hours of the continuing education credit shall have been completed in the one (1)-year period prior to the application date.
- 11307.7 A renewal applicant may be required to attest to his or her compliance with the continuing education requirement under § 11307.3.
- 11307.8 The Board may periodically conduct a random audit of its licensees to determine compliance with the continuing education requirement. A licensee selected for audit shall submit proof of his or her continuing education compliance within the allotted time period, which shall not be less than thirty (30) days.
- 11307.9 Satisfactory proof of completion of the required continuing education shall include verifiable evidence of the attendance or completion of a program or activity and that such program or activity is approved or approvable by the Board in accordance with §§ 11308 and 11309.

11308 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

- 11308.1 The Board may approve a continuing education program or activity that the Board has determined to:
- (a) Contribute to the growth of professional competence in the practice of assisted living administration;
 - (b) Be current in its subject matter;
 - (c) Meet professional quality and standards; and
 - (d) Meet the other applicable requirements of this section.
- 11308.2 The Board may approve the following types of continuing education programs or activities:
- (a) An undergraduate or graduate course given at an accredited college or university;
 - (b) A seminar or workshop;
 - (c) An educational program given at a conference;

- (d) In-service trainings;
- (e) Service as a supervisor to a person seeking to accrue practicum or relevant work experience described in § 11302.1(b), (c), or (d)(3);
- (f) Authoring or co-authoring a published book related to assisted living facility or administration; or
- (g) Authoring or co-authoring an article, book review, or abstract in a professional journal or bulletin.

11308.3 A program or activity approved or sponsored by the following organization or entity shall qualify for the continuing education approval of the Board:

- (a) National Association of Long Term Care Administrator Boards (NAB);
- (b) A state board regulating nursing home administration, assisted living administration, or long-term care administration; or
- (c) A state board regulating any health professions so long as the approved program or activity is relevant to the practice of assisted living administration.

11308.4 A sponsor or administrator of a program or activity seeking continuing education approval from the Board shall submit materials and documentation establishing that the program or activity meets the requirements of this section at least thirty (30) days prior to the implementation of the program or activity.

11308.5 A person seeking continuing education credits shall have the burden of verifying whether a program or activity is approved by the Board pursuant to this section prior to attending the program.

11309 CONTINUING EDUCATION CREDITS

11309.1 The Board may grant one (1) credit hour of continuing education for each fifty (50) minutes of approved educational activities.

11309.2 For approved undergraduate or graduate courses, each semester hour of credit shall constitute fifteen (15) hours of continuing education credit, and each quarter hour of credit shall constitute ten (10) hours of continuing education credit.

- 11309.3 The Board may grant continuing education credits to a requestor who serves as an instructor or speaker at an approved program for preparation and presentation time, subject to the following restrictions:
- (a) The maximum amount of credits that may be granted for preparation time shall be equal to the amount of the associated presentation time;
 - (b) If a requestor has previously received credit in connection with a particular presentation, the Board may grant credit for the presentation time only for the subsequent presentation unless it involves either a different subject or substantial additional research concerning the same subject; and
 - (c) The presentation shall have been completed during the period for which credit is claimed.
- 11309.4 The Board may grant continuing education credits under § 11308.2(f) or (g) only if the requestor proves to the satisfaction of the Board that the work has been published or accepted for publication during the period for which credit is claimed.
- 11309.5 The Board may in its discretion grant up to twenty (20) hours of continuing education credits under § 11308.2(e).

11310 STANDARDS OF PRACTICE

- 11310.1 An assisted living administrator shall have full responsibility for operation of and services provided in an assisted living residence, including, but not limited to, resident care and services, personnel, finances, and the assisted living residence physical premises.
- 11310.2 An assisted living administrator shall comply with and be held responsible for ensuring that the assisted living residence is in full compliance with the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000, (D.C. Law 13-127; D.C. Official Code § 44-101.01 *et seq.*), including all supplementing rules and regulations.

11311 TEMPORARY AUTHORIZATION FOR AN UNLICENSED PERSON TO PRACTICE AS AN ASSISTED LIVING ADMINISTRATOR

- 11311.1 It shall not be deemed unlicensed practice of assisted living administration where a person is designated by a licensed assisted living administrator to temporarily assume the administrator's responsibilities in accordance with the relevant provisions of § 10116 of Chapter 101 of Title 22-B of the DCMR.

- 11311.2 A person seeking to accrue practicum or work experience required to qualify for a license in accordance with the relevant provisions of § 11302.1 may practice under the following conditions:
- (a) The person has been found to possess the required education in accordance with the relevant provisions of § 11302.1;
 - (b) The person shall practice under the supervision of a licensed assisted living administrator at all times; and
 - (c) The Board has granted authorization for the person to engage in such practice.
- 11311.3 Authorization to practice pursuant to § 11311.2 shall not exceed four (4) months.
- 11311.4 An assisted living administrator who has designated another person to assume his or her duties in accordance with § 11311.1 or is supervising a person in the practice of assisted living administration in accordance with § 11311.2 shall be fully responsible for the action and performance of the designated person or supervisee.
- 11311.5 A person who meets all of the qualifications to practice as an assisted living administrator and meets the requirements under § 11306 who submits an application for licensure will be allowed to perform the functions of an administrator for one hundred twenty (120) days under the supervision of another licensed assisted living administrator who is employed by or is under contract with the facility.

11399 DEFINITIONS

11399.1 As used in this chapter, the following terms have the meanings ascribed:

Act – the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99, D.C. Official Code §§ 3-1201 *et seq.* (2016 Repl.)).

Assisted Living Administrator – a person licensed or otherwise authorized to practice as an assisted living administrator.

Board - the Board of Long-Term Care Administration, established by § 205 of the Act (D.C. Official Code § 3-1202.05) (2016 Repl.).

Director – the Director of the Department of Health, or the Director’s designee.

LGBTQ continuing education - continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of section 510(b)(5) of the Act (D.C. Official Code § 3-1205.10 (b)(5) (2016 Repl.)).

Licensee – a person licensed to practice assisted living administration in accordance with this chapter.

Requestor – a person seeking continuing education credits in accordance with this chapter.

11399.2 The definitions in § 4099 of chapter 40 of this title are incorporated by reference into and apply to this chapter.