

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 District government rules;
 - (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 records, including patient or resident records, to staff, to patients or residents, to policies and procedures, contracts, and any other information necessary to determine the facility's compliance with the Act and District rules.
- 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, 2001 Ed. §11-941, authorizing the entry or inspection for the purpose of determining the applicability of and compliance with the Act and District rules.
- 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.

SOURCE: Final Rulemaking published at 39 DCR 5098 (July 10, 1992).