

## **3102 LICENSE REQUIREMENTS**

- 3102.1 Except as otherwise expressly provided in these rules 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 these rules.
- 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.

SOURCE: Final Rulemaking published at 39 DCR 5098, 5099 (July 10, 1992).