



MURIEL BOWSER
MAYOR

May 14, 2020

The Honorable Phil Mendelson
Chairman, Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, N.W., Suite 504
Washington, D.C. 20004

Dear Chairman Mendelson:

Enclosed for consideration and approval by the Council is the "Home Support Agency Rulemaking Approval Resolution of 2020" and its attendant rulemaking to supplement the Home Care Regulations pursuant to Sections 2(b) and 5(a) of the Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984, D.C. Law 5-48, D.C. Official Code §§ 44-501(b) and 44-504(a).

This resolution would approve rulemaking, adopted by the Department of Health to create a new chapter 99 of Title 22B of the District of Columbia Municipal Regulations for Home Support Agencies. The Director of the Department of Health determined that Home Support Agencies are needed to provide non-medical services to persons who require assistance with day-to-day activities.

The Department investigated complaints in addition to communicating with individuals, providers and relevant associations and discovered that there are thousands of persons who need non-medical health-care in terms of day-to-day activities – assistance with clothing, feeding, bathing and toileting, for example. Many District of Columbia residents are receiving these services for cash payments from groups that may not be licensed nor trained to deliver them. In some cases, the service providers were actually licensed for a different purpose and were not providing safe and healthy services.

We propose to provide the opportunity for our aging population in particular to benefit from quality aide care in their homes. The rulemaking provides that aides providing hands-on care for remuneration will be licensed and trained to provide such care consistent with written policies in accordance with which District clients can receive non-medical care that is safe and healthy.

I urge the Council to take prompt and favorable action on the enclosed legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser", written over a vertical line.

Muriel Bowser
Mayor


Chairman Phil Mendelson
at the request of the Mayor

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following resolution, which was referred to the Committee on _____.

To approve rules proposed by the Department of Health to protect the public by establishing regulations for Home Support Agencies that will provide non-medical health-care services to persons who require services in their homes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the "Home Support Agency Rulemaking Approval Resolution of 2020."

Sec. 2. Pursuant to section 5(a) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984, D.C. Law 5-48, D.C. Official Code, sec. 44-504(a) and in accordance with Mayor's Order 98-137, the Council approves the rulemaking adopted by the Department of Health on an emergency basis on _____, creating a new chapter 99 of Title 22-B of the District of Columbia Municipal Regulations to establish regulations for home support agencies to meet the needs of persons who require non-medical health-care services in their homes.

Sec. 3. Fiscal impact.

The Council adopts the fiscal impact statement in the committee report of the Budget Director as the fiscal impact statement required by section 4a of the General

1 Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C.
2 Official Code § 1-301.47a).

3 Sec. 4. The Council shall transmit a copy of this resolution, upon its adoption, to
4 the Mayor, the Director of the Department of Health, and the Administrator of the Office
5 of Documents and Administrative Issuances.

6 Sec. 5. This resolution shall take effect immediately.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL

ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division



MEMORANDUM

TO: Alana Intrieri
Executive Director
Office of Policy and Legislative Affairs

FROM: Brian K. Flowers
Deputy Attorney General
Legal Counsel Division

DATE: August 27, 2019

SUBJECT: Certification of Legal Sufficiency of Draft Resolution, the "Home Support
Agency Rulemaking Approval Resolution of 2019"
(AR-19-504)

This is to Certify that this Office has reviewed the above-referenced resolution and has found it to be legally sufficient. If you have any questions regarding this certification, please do not hesitate to contact me at 724-5524.



Brian K. Flowers

DEPARTMENT OF HEALTH
NOTICE OF FINAL RULEMAKING

The Director of the Department of Health ("DOH"), pursuant to the authority set forth in section 5(a) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code, § 44-504(a)) ("Act"), and in accordance with Mayor's Order 98-137, dated August 20, 1998, hereby gives notice of the addition of a new Chapter 99 (Home Support Agencies) of Title 22 (Health), Subtitle B (Public Health and Medicine) of the District of Columbia Municipal Regulations.

The emergency and proposed rulemaking was published for comment in the *D. C. Register* on November 1, 2019. A second emergency rulemaking was published in the *D.C. Register* on April 3, 2020. No changes were made to the rules as proposed. DOH will advise on the comments that were submitted on the proposed regulations, as follows, citing the text of the regulation, the comment and commenter, and the response:

1. The rules require that before a licensee takes on a client the licensee shall conduct an assessment by a registered nurse to determine whether the needs of the client are within the scope of the licensee. Five associations commented that the assessment can be conducted within forty-eight hours of first contact. Five associations made this comment – Life Matters, Smith Life Homecare, D. C. Coalition on Long Term Care, Home Care Partners and Maryland National Capital Home Care Association (MNCHCA). 22B DCMR § 9910.4. DOH has determined the assessment has to take place before a person becomes a client.
2. Each licensee must staff an office in the District for eight hours a day. MNCHCA, Family & Nursing Care and Life Matters commented that being accessible by phone should suffice. Department response: DOH did not adopt this recommendation because the request would impose a minimum standard that is not reasonable to impose. 22B DCMR § 9901.
3. Records shall be kept in the office and the government shall have access in two hours or within a longer time if reasonable. Life Matters commented, asking what is a reasonable time. Department response: A reasonable time can be worked out between the government and licensee. 22B DCMR § 9901.5.
4. At least 30 days prior to relocation the licensee shall notify the clients and staff of the change in writing. Life Matters noted that writing should include emails. Department response: DOH's interpretation of "in writing" includes emails. 22B DCMR § 9901.7(c).
5. A licensee's application for licensure shall include a list of management personnel. Life Matters wants D.C. Health to specify who management personnel is. Department response: The licensee should specify and support this information. 22B DCMR § 9902.3(k).

The Department will conduct an on-site visit when deciding whether to license an applicant. Life Matters wants to know the standard for operating. Department response: The regulations exemplify what the Department expects in operation. 22B DCMR § 9902.6.

Each license shall be for one year. Life Matters commented that a one-year license is too burdensome. Department response: Consistent with DOH's other healthcare licenses, the license shall be for one year. 22B DCMR § 9903.5.

The Department will issue only one license for a licensee at one premises and if there is a change in location the licensee must get a license for the new location. In addition, when there is a modification in ownership a new license must be issued. Life Matters commented that this is not clear; however, the needed information will appear on the license. Department response: The licensee has the responsibility of proving ownership. In addition, ownership will be confirmed under the laws of corporations or whatever the relevant guidance is. 22B DCMR §§ 9903.8 and 9903.9.

The governing body shall review every complaint and review policies annually. Life Matters suggests a sampling. Family & Nursing Care does not agree that policies should be reviewed annually. Department response: The Department chooses to use review of every complaint and policies by the relevant licensing board or authority annually as part of its licensing and oversight functions. 22B DCMR §§ 9906.2(c)(2) and 9906.2(c)(e).

6. The Director should be available during the business day. Life Matters believes he or she should be able to delegate authority. The response is the next provision in the regulations which allows the Director to delegate. 22B DCMR § 9907.2.
7. The Client Service Coordinator shall participate in all aspects of services. Life Matters states that this is too much for one person. There can be more than one as long as those persons are qualified. 22B DCMR § 9907.7(c).
8. A licensee shall maintain accurate personnel records including resumes and certifications of previous employees. Life Matters commented a record of experience should be sufficient. The Department recommends you request the required information and document it and what you might have accepted instead. 22B DCMR §§ 9909.2 and 9909.2(f).
9. Each employee shall be screened for communicable disease in accordance with the CDC guidelines. Life Matters wants the guideline specified. The Department requires licensees to screen employees for communicable diseases according to guidelines issued by the federal Centers for Disease Control and Prevention, as those guidelines may be amended from time to time. 22B DCMR § 9909.7.
10. The home support agency shall notify each individual requesting services from the home support agency of the availability or unavailability of services, and the reason(s) therefor, within forty-eight (48) hours after the referral or request for services. Provider should be

able to waive 48 hours. Department response: Forty-eight hours should be standard and consistent among providers. 22B DCMR § 9910.5.

11. A home support agency shall maintain records on each person requesting services whose request is not accepted. The records shall be maintained for at least one (1) year from the date of non-acceptance and shall include the nature of the request for services and the reasons for not accepting the client. If some of this information is not available, is that sufficient. Department response: Yes, but agencies are strongly encouraged to document the regulations requirements. 22B DCMR § 9910.6.
12. A registered nurse shall develop a service plan on admission based upon the initial assessment of the client and in accordance with Section 9917.4. Life Matters and Home Care Partners commented that an assessment by a registered nurse is not necessary in all cases. Department response: An assessment is required in order to determine the needs of the client. 22B DCMR § 9913.2.
13. Department authorities shall have access to home support agency records at all times. Life Matters comments that it would need a written request from the government. Department response: The government should have access at all times as required by law. 22B DCMR § 9915.7.
14. Each home support agency shall develop policies to ensure that each client who receives personal care services, has [the right] [t]o refuse all or part of any service and to be informed of the consequences of refusal. This provision may be interpreted as a client can refuse any requirement commented, Life Matters. Department response: Clients have the right to refuse a service; however, the agency has to make clear what the requirements are. 22B DCMR § 9916.2(g).
15. Written policies on client rights and responsibilities shall be made available to the general public. Life Matters wants the statement to only be available to clients. Department response: The public should be privy to an agency's policies. 22B DCMR § 9916.5.
16. The licensee shall respond to each complaint within fourteen days and shall investigate each complaint. Life Matters commented that every complaint should not trigger an investigation. Department response: Licensee's policies can explain what its reaction will be to each situation as long as explanations for investigations are reasonable. 22B DCMR § 9917.5.
17. A home support agency may offer personal care services and shall employ qualified home health aides pursuant to 17 DCMR § 9300 *et seq.* to perform those services. Life Matters suggests time be changed to complete training. Department response: Rules are enforced by the Board of Nursing. 22B DCMR § 9918.1.
18. The client record or minutes of case conferences shall establish that effective interchange, reporting, and coordinated client evaluation and planning occurs. Life Matters questions

whether licensees are required to have conferences. Department response: Include minutes of conferences if you have them. 22B DCMR § 9919.3.

19. Home health aides shall be supervised by a registered nurse, on-site at least every 90 days. A registered nurse must also evaluate a client's service plan at least every ninety (90) days. Maryland National Capital Home Care Association, Home Care Partners, Family & Nursing Care and D.C. Coalition on Long Term Care believe the client should be able to waive the supervision in addition to it is expensive for providers. In addition, the D.C. Coalition on Long Term Care believes ninety (90) days is too often for an evaluation; it should be a year. Department response: Client cannot waive when and how the licensee is regulated. A registered nurse is needed to evaluate a change in condition. The Department believes ninety (90) days is appropriate for an evaluation. 22B DCMR §§ 9918.2 and 9913.4.
20. Family & Nursing Care suggests "personal care services" be changed to "home support" wherever it appears so that readers do not assume services are provided by personal care aides. Department response: The term "personal care services" is defined adequately and clearly.
21. Make sure employees are screened for communicable disease within six months before hire. Family & Nursing Care and the D.C. Coalition for Long Term Care commented that the screening should be done within a year of hiring. Department response: The District's rule is that the screening should be done within six months of hire, except as emergency infectious disease conditions may warrant more recent testing as specified in a notice from the Department of Health, the licensing Board, or other authority 22B DCMR § 9909.6.
22. Licensee shall provide services in accordance with a client service plan. Family & Nursing Care comments that clients should be able to waive parts of the plan. Department response: The licensee and the client shall agree to the plan and the licensee shall follow it thereafter. 22B DCMR § 9911.1(a).
23. Admission data shall include next of kin. Family & Nursing Care commented that next of kin should not be requested if not a contact. Department response: Next of kin should be provided if information is applicable. 22B DCMR § 9914.2.
24. If a client is not satisfied with a provider's response to a complaint, a provider shall respond to the client's dissatisfaction in writing within 30 days. Included in the response should be information on how to contact other relevant agencies to file a complaint. Family & Nursing Care states this is too burdensome. The Department cautions that it is our position to protect clients as much as possible. 22B DCMR § 9917.6.
25. The home support agency shall report all incidents involving a client occurring in the presence of staff to the Department within forty-eight (48) hours in addition to other reporting requirements prescribed by law. Family & Nursing Care commented that this is too burdensome. Department response: Providers must be responsible for reporting

incidents. As a licensee the provider should take responsibility for protecting clients and assisting the government in regulating and learning from the processing of incidents. 22B DCMR § 9917.7.

26. The licensee shall investigate all incidents and forward a written report to the Department within thirty (30) days of the date the licensee became aware of the incident. Family & Nursing Care commented that providers should have more than thirty (30) days. Department response: Providers should keep in mind that the timeframe begins to run when an employee becomes aware of the incident. The Department did not adopt the recommendation because the Department did not determine that there is a need to increase the time. 2B DCMR § 9917.8.
27. Each home health aide shall be supervised by a registered nurse. On-site supervision of personal care services shall take place at least once every ninety (90) days. Family & Nursing Care states that clients should be allowed to waive the supervision. The Department has concluded that home health aides shall be supervised by a registered nurse on-site at least every ninety (90) days. 22B DCMR § 9918.2.
28. Each operating office shall have a separate address and license. The Coalition on Long Term Care commented that separate licensing is discouraging to licensees. Department response: Licenses are location-specific consistent with 22B DCMR Chapter 31. 22B DCMR § 9901.3.
29. Each provider shall keep records of clients and employees. Records shall also include complaint investigations and policies and procedures. Records shall be stored in the operating office in paper or electronic form. D.C. Coalition on Long Term Care commented that the regulations do not specify back up space for electronic storage. Department response: The law specifies electronic documentation as an option. 22B DCMR § 9901.4.
30. You must be a registered nurse in order to be Director of an agency. The D.C. Coalition on Long Term Care stated that you should not have to be a registered nurse in order to be Director. The Department did not accept this recommendation because the next provision states you can be qualified by other experience. 22B DCMR § 9907.5.
31. If the Director is not a registered nurse the agency shall have a Client Service Coordinator. This requirement is extreme according to D.C. Coalition on Long Term Care. Department response: This requirement ensures a responsible, knowledgeable person is responsible. 22B DCMR § 9907.6.
32. At the time of initial hire, employees shall be screened for communicable disease in accordance with guidelines of the CDC. D.C. Coalition on Long Term Care asks what is a communicable disease and which guidelines apply. Department response: This is a transmittable infection by direct contact. Following the guidelines will help you determine what is communicable. 22B DCMR §§ 9909.7 and 9909.8.

33. Each facility shall develop policies and procedures including matters dealing with medical orders, living wills and durable powers of attorney. Coalition for Long Term Care states the licensee should be able to document the lack of these documents. The Department interprets the regulations to be in agreement with the comment. 22B DCMR § 9910.1.
34. The regulations require a written or verbal notice of discharge a certain time before discharge and under certain circumstances. The D.C. Coalition on Long Term Care wants an additional provision added that states the provider does not have to give notice of discharge if the client stops paying. The Department does not adopt this comment because a notice of discharge is required whenever the discharge is involuntary on the part of the client. Hearing rights are triggered whether the client pays or not. 22B DCMR § 9912.2. *Also see* D.C. Law 6-108.
35. The agency should maintain a record of the client's medication list. The D.C. Coalition on Long Term Care states an agency is non-medical and should not have this responsibility. Department response: The agency should maintain documentation and should encourage administration. It may be integral to a client's health. 22B DCMR §§ 9914.2(j).
36. The agency shall have an adequate number of registered nurses to supervise the implementation of personal care services. The D.C. Coalition on Long Term Care commented that there is a shortage of nurses and they are too costly. The Department supports this rule as essential to the protection of clients. 22B DCMR § 9918.3.
37. The definitions of Client Service Coordinator and Client service plan include the term registered nurse. The D.C. Coalition on Long Term Care states because an agency is non-medical the use of registered nurses is inappropriate. Department response: Nurses, among other things, gauge which situations become medical and supervise others as well. 22B DCMR § 9999.1.
38. The definition of personal care services - services that are limited to individual assistance with or supervision of activities of daily living, companion services, homemaker services, reporting changes in client's condition, and completing reports. Personal care services do not include skilled services. The Coalition on Long Term Care commented that the definition includes activities that are not personal care services. Department response: These regulations define what personal care services are in relation to home support agencies. 22B DCMR § 9999.1.

The Department appreciates each responder to the proposed rules. We understand that the public is taking the need for regulation in this area very seriously. The Department, in considering the comments, has determined that the regulations as they appear represent the most appropriate operational approach to home support agencies at this time. They are first and foremost to be applied for persons who need day-to-day care in their homes and to be applied by the persons providing assistance with non-medical day-to-day needs. We are cognizant of the fact that most

clients need assistance because they are long term and so too is the reality that we, as the government must monitor the line between non-medical and medical needs.

The Director has determined that a new licensure category is required for home support facilities that only provide these non-medical health care services. These rules establish this category of facility and state the processes and requirements for licensure.

This rulemaking will become final upon publication in the *D.C. Register*.

Title 29 (Health), Subtitle B (Public Health and Medicine) is amended by adding a new Chapter 99 (Home Support Agencies) to read as follows:

CHAPTER 99 HOME SUPPORT AGENCIES

9900	GENERAL PROVISIONS
9901	OPERATING OFFICE
9902	APPLICATION FOR LICENSURE
9903	LICENSURE
9904	LICENSE FEES
9905	INSURANCE
9906	GOVERNING BODY
9907	DIRECTOR
9908	POLICIES AND PROCEDURES
9909	PERSONNEL
9910	ADMISSIONS
9911	CLIENT SERVICE AGREEMENT
9912	DISCHARGES, TRANSFERS, AND REFERRALS
9913	CLIENT SERVICE PLAN
9914	CLIENT RECORDS
9915	RECORDS RETENTION AND DISPOSAL
9916	CLIENT RIGHTS AND RESPONSIBILITIES
9917	MANAGEMENT OF COMPLAINTS AND INCIDENTS
9918	PERSONAL CARE SERVICES
9919	COORDINATION OF SERVICES
9999	DEFINITIONS

9900 GENERAL PROVISIONS

- 9900.1 These regulations are implemented pursuant to sections 2(b) and 5 of the Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983 ("Act"), effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ 44-501(b) and 44-504(a)).
- 9900.2 Each home support agency serving one or more clients in the District of Columbia shall be licensed and shall comply with the requirements in this chapter and, except as otherwise provided herein, with the regulations in Chapter 31 of Title 22-B of the District of Columbia Municipal Regulations ("DCMR"), which

contains provisions on inspections, licensing and enforcement actions pertaining to facilities authorized under the Act.

9900.3 Each home support agency shall comply with all other applicable federal and District laws and regulations.

9901 OPERATING OFFICE

9901.1 Each home support agency shall maintain an operating office within the District of Columbia. This office shall be staffed at least eight (8) hours per business day.

9901.2 The business hours of the operating office shall be posted publicly so that they are visible from the outside of the office. The home support agency shall maintain a public website that provides, at a minimum, the home support agency's business hours, services provided, ownership information, key personnel, and contact information that includes a phone number and email address.

9901.3 A separate license shall be required for each operating office maintained by a home support agency.

9901.4 Each operating office shall either store at the office in paper form or have immediately available electronically the following records:

- (a) Client records for all clients served within the District of Columbia;
- (b) Personnel records for all employees;
- (c) Home support agency policies and procedures;
- (d) Incident reports and investigations; and
- (e) Complaint reports and investigations.

9901.5 All other records and documents required under this chapter and other applicable laws and regulations that are not maintained within the operating office shall be produced for inspection within two (2) hours after a request by the Department, or within a shorter time if the Department so specifies.

9901.6 Each home support agency shall post its license in a conspicuous place within the operating office.

9901.7 Prior to any change in office location, a home support agency shall:

- (a) Notify the Department in writing at least sixty (60) days prior to the change;

- (b) Provide the following documentation to the Department:
 - (1) The new address;
 - (2) A copy of the lease agreement for the new office location, if applicable;
 - (3) A certificate of insurance reflecting the new address;
 - (4) A certificate of occupancy reflecting the new address;
 - (5) A Clean hands certificate in accordance with the D.C. Official Code § 47-2861 *et seq.*; and
 - (6) A Certificate of Good Standing for a corporation to be obtained from the Office of the Registrar of Corporations at the Department of Consumer and Regulatory Affairs; and
- (c) Notify clients and staff in writing at least thirty (30) days prior to the change.

9901.8 The operating office shall be open to employees, clients, client representatives, and prospective clients and their representatives during business hours.

9902 APPLICATION FOR LICENSURE

9902.1 Applications for licensure shall be processed in accordance with this section and Chapter 31 of Title 22-B of the DCMR.

9902.2 The submission of an application does not guarantee that the Department will issue a license.

9902.3 Applicants for licensure shall submit the following information to the Department as part of the application:

- (a) The names, addresses, and types of all entities owned or managed by the applicant;
- (b) A copy of the applicant's operating policies and procedures manual for the home support agency;
- (c) The identity of each officer and director of the corporation, if the entity is organized as a corporation, including name, address, phone number, and email;

- (d) A copy of the Articles of Incorporation and Bylaws, if the entity is organized as a corporation;
- (e) A copy of the Partnership Agreement and the identity of each partner if the entity is organized as a partnership, including name, address, phone, number, and email;
- (f) A copy of the Articles of Formation and Operating Agreement, if the entity is organized as a limited liability company;
- (g) The identity of the members of the governing body, including name, address, phone number, and email;
- (h) The identity of any officers, directors, partners, managing members or members of the governing body who have a financial interest of five percent (5%) or more in an applicant's operation or related businesses, including name, address, phone number, and email;
- (i) Disclosure of whether any officer, director, partner, employee, or member of the governing body has a felony criminal record;
- (j) The name of the Director who is responsible for the management of the home support agency and the name of the Client Service Coordinator, if applicable;
- (k) A list of management personnel, including their credentials; and
- (l) Any other information required by the Department.

9902.4 Each applicant shall be responsible for submitting a complete application, including all information required pursuant to § 9902.3. The Department reserves the right to return an incomplete application to the applicant: The return of an incomplete application to the applicant shall not be considered a denial of the application.

9902.5 If the Department returns the application with identified deficiencies:

- (a) The applicant shall have thirty (30) days to correct the identified deficiencies and return the application to the Department; and
- (b) If the applicant resubmits the application to the Department and has not corrected all the deficiencies, the application shall be deemed incomplete and returned to the applicant. The applicant shall have the option of filing a new application along with a new processing fee.

9902.6 As part of its review of a home support agency's application, the Department shall conduct an on-site walk through of the business location to verify that the office is capable of operating.

9903 LICENSURE

9903.1 At the beginning of a home support agency's license year, the Department shall issue a provisional license for a period of ninety (90) days to each home support agency that has completed the application process consistent with these regulations, has passed the on-site walk through by the Department, and whose policies and procedures demonstrate compliance with the rules and regulations pertaining to home support agency licensure.

9903.2 A provisional license shall permit a home support agency to hire staff and establish a client caseload;

9903.3 To be eligible for a permanent license, the home support agency shall:

- (a) Obtain and demonstrate that the home support agency has a client census equal to or greater than five (5) clients by the end of the ninety (90) day provisional license period;
- (b) Notify the Department that it has a client census of at least five (5) clients;
- (c) Complete an on-site survey during the provisional license period, provided they have a demonstrated client census of five (5) or more clients; and
- (d) Demonstrate during the on-site survey, that it meets the definition of a home support agency in these regulations, complies with these regulations, and is in operation and caring for clients.

9903.4 The Department may, at its discretion, renew a provisional license for up to an additional ninety (90) days in order for the licensee to meet the definition of a home support agency, have a demonstrated client census of five (5) or more clients, and come into substantial compliance with these regulations:

- (a) The Department shall designate the conditions and the time period for the renewal of a provisional license;
- (b) An initial provisional license issued to a home support agency that is not in substantial compliance with these regulations following an on-site survey by the Department shall not be renewed unless the Department approves a corrective action plan for the home support agency; and

- (c) If a home support agency is not in substantial compliance with these regulations after two (2) provisional license periods, the home support agency shall be denied a permanent license.

9903.5 The Department shall grant a permanent license for a period of twelve (12) months, including the provisional license period, to a home support agency that the Department has determined meets the definition of a home support agency, complies with these regulations, and has a demonstrated client census of five (5) or more clients.

9903.6 An existing licensed home support agency shall apply for renewal of its license at least ninety (90) days prior to its expiration.

9903.7 A renewal license shall not be issued to a home support agency that at the time of renewal:

- (a) Does not meet the definition of a home support agency as contained within these regulations;
- (b) Is not in substantial compliance with these regulations as determined by the Department;
- (a) Does not have a demonstrated client census of five (5) or more clients; or
- (d) Has one or more deficient practice which presents an immediate threat to the health and safety of its clients.

9903.8 A home support agency that undergoes a modification of ownership or control is required to re-apply for licensure as a new home support agency.

9903.9 The Department shall issue each license only for the premises and the person or persons named as applicant(s) in the license application. The license shall not be valid for use by any other person or at any place other than that designated in the license. Any transfer of the home support agency to a new person or place without the approval of the Department shall result in the immediate forfeiture of the license.

9903.10 A home support agency licensed pursuant to this chapter shall not use the word "health" in its title.

9904 LICENSE FEES

9904.1 License fees for home support agencies shall be based upon a census of clients served in the District of Columbia at the time of applying for the issuance or renewal of a license. The fees shall be as follows:

(a)	Initial Application Processing Fee	\$1200
(b)	License Fee	\$400
(c)	1 – 50 Clients Annual Renewal Processing Fee	\$800
(d)	51 – 150 Clients Annual Renewal Processing Fee	\$1400
(e)	151 – 350 Clients Annual Renewal Processing Fee	\$2200
(f)	351 or more Clients Annual Renewal Processing Fee	\$2600
(g)	Duplicate of License	\$100
(h)	Late Fee for Renewal Application	\$100

9905 INSURANCE

9905.1 Each home support agency shall maintain the following minimum amounts of insurance coverage:

- (a) Blanket malpractice insurance for all professional employees in the amount of at least one million dollars (\$1,000,000) per incident; and
- (b) Comprehensive general liability insurance covering personal property damages, bodily injury, libel and slander in the amount of at least one million dollars (\$1,000,000) per incident or occurrence and two million dollars (\$2,000,000) aggregate.

9906 GOVERNING BODY

9906.1 Each home support agency shall have a governing body that shall be responsible for the operation of the home support agency.

9906.2 The governing body shall:

- (a) Establish and adopt by-laws, policies, and procedures governing the operation of the home support agency;
- (b) Designate a full-time Director who is qualified in accordance with Section 9907 of this chapter;

- (c) Review and evaluate, on an annual basis, all policies and procedures governing the operation of the home support agency to ensure that services promote client care that is appropriate, adequate, effective and efficient. This review and evaluation shall include the following:
 - (1) A review of feedback from a representative sample consisting of either ten percent (10%) of total District of Columbia clients or forty (40) District of Columbia clients, whichever is less, regarding services provided to those clients; and
 - (2) A review of all complaints and incidents involving the home support agency, including the nature of each complaint or incident, the home support agency's response, and the resolution;
- (d) A written report of the results of the evaluation shall be prepared and shall include recommendations for modifications of the home support agency's overall policies or practices, if appropriate; and
- (e) The evaluation report shall be acted upon by the governing body at least annually. The results of the action taken by the governing body shall be documented, maintained, and available for review by the Department.

9907 DIRECTOR

- 9907.1 The Director shall be responsible for managing and directing the home support agency's operations, serving as a liaison between the governing body and staff, employing qualified personnel, and ensuring that staff members are adequately and appropriately trained.
- 9907.2 The Director shall be available at all times during the business hours of the home support agency.
- 9907.3 The Director shall designate, in writing, a similarly qualified person to act in the absence of the Director.
- 9907.4 The home support agency shall advise the Department in writing within fifteen (15) days following any change in the designation of the Director.
- 9907.5 The Director shall:
 - (a) Be a registered nurse licensed in the District of Columbia; or
 - (b) Have training and experience in health services administration, including at least one (1) year of supervisory or administrative experience in health services or related health programs.

9907.6 If the Director is not a registered nurse, the home support agency shall also have a full-time Client Service Coordinator appointed by the Director who is a registered nurse licensed in the District of Columbia.

9907.7 The Client Service Coordinator, or the Director if the Director is a registered nurse, shall:

- (a) Be responsible for implementing, coordinating and assuring the quality of client services;
- (b) Be available at all times during the business hours of the home support agency;
- (c) Participate in all aspects of services provided, including the development of clients' service plans and the assignment of qualified personnel; and
- (d) Provide general supervision and direction of the services offered by the home support agency.

9907.8 The Director, Client Service Coordinator, or an individual designated by the Director in writing, must be on-call outside of the home support agency's business hours.

9908 POLICIES AND PROCEDURES

9908.1 Each home support agency shall develop and implement written operational policies and procedures that govern the day-to-day operations of the home support agency. These policies and procedures shall be approved by the governing body and shall be available for review by the Department.

9908.2 The home support agency's written policies and procedures shall govern the following topics, at a minimum:

- (a) Personnel;
- (b) Admission and denials of admission;
- (c) Discharges and referrals;
- (d) Coordination of services;
- (e) Records retention and disposal;
- (f) Client rights and responsibilities;
- (g) Complaint process;

- (h) Each service offered;
- (i) Billing for services;
- (j) Supervision of services;
- (k) Infection control; and
- (l) Management of incidents.

9908.3 Staff shall be oriented towards the written policies and procedures. The written policies and procedures shall be readily available for use by staff at all times.

9908.4 Written policies and procedures shall be available to clients, prospective clients, and client representatives, upon request.

9909 PERSONNEL

9909.1 Each home support agency shall have written personnel policies that shall be available to each staff member and shall include the following:

- (a) The terms and conditions of employment, including but not limited to wage scales, hours of work, personal and medical leave, insurance, and benefits;
- (b) Provisions for an annual evaluation of each employee's performance by appropriate supervisors;
- (c) Provisions pertaining to probationary periods, promotions, disciplinary actions, termination and grievance procedures;
- (d) A position description for each category of employee; and
- (e) Provisions for orientation, periodic training or continuing education, and periodic competency evaluation.

9909.2 Each home support agency shall maintain accurate personnel records, which shall include the following information for each employee:

- (a) Name, address and social security number;
- (b) Current professional license, registration, or certification, if any;

- (c) Resume of education, training certificates, skills checklist, and prior employment, and evidence of attendance at orientation and in-service training, workshops or seminars;
- (d) Documentation of current CPR certification, if required;
- (e) Health certification as required by Section 9909.7 of this Chapter;
- (f) Verification of previous employment;
- (g) Documentation of reference checks;
- (h) Copies of completed annual evaluations;
- (i) Documentation of any required criminal background check;
- (j) Documentation of all personnel actions;
- (k) A position description signed by the employee;
- (l) Results of any competency testing;
- (m) Documentation of acceptance or declination of the Hepatitis Vaccine; and
- (n) Documentation of insurance, if applicable.

- 9909.3 Each home support agency shall comply with the Health-Care Facility Unlicensed Personnel Criminal Background Check Act of 1998, effective April 20, 1999 (D.C. Law 12-238; D.C. Official Code § 44-551 *et seq.*), for its employees who are not licensed, certified or registered in accordance with the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*) ("HORA"), and shall ensure that employees who are licensed, registered, or certified in accordance with the HORA are in compliance with the criminal background check requirements of D.C. Official Code § 3-1205.22.
- 9909.4 Each home support agency shall maintain its personnel records for all personnel serving clients within the District of Columbia in its operating office in paper form or have these records immediately available electronically.
- 9909.5 Each employee shall have a right to review his or her personnel records.
- 9909.6 At the time of initial employment, the home support agency shall verify that the employee, within the six months immediately preceding the date of hire, has been screened for and is free of all communicable diseases, except that the Department

of Health, the licensing board or another authority can determine that an emergency exists and require testing a shorter time than six months before hire..

9909.7 Each employee shall be screened for communicable diseases according to the guidelines issued by the federal Centers for Disease Control and Prevention, and shall be certified free of communicable diseases.

9909.8 No employee may provide personal care services, and no home support agency may knowingly permit an employee to provide personal care services, if the employee:

- (a) Is under the influence of alcohol, any mind-altering drug or combination thereof; or
- (b) Has a communicable disease which poses a confirmed health risk to clients.

9909.9 Each employee who is required to be licensed, certified or registered to provide services in the District of Columbia shall be licensed, certified or registered under the laws and rules of the District of Columbia.

9909.10 Each home support agency shall document the professional qualifications of each employee to ensure that the applicable licenses, certifications, accreditations or registrations are valid.

9909.11 Each home support agency shall ensure that each employee presents a valid home support agency identification prior to entering the home of a client.

9910 ADMISSIONS

9910.1 Each home support agency shall develop and implement written policies on admissions, which shall include, at a minimum, the following:

- (a) Admission criteria and procedures;
- (b) A description of the services provided;
- (c) The amount charged for each service;
- (d) Policies governing fees, payments and refunds;
- (e) Execution and location of client advance directives (living will and durable power of attorney for health care), as applicable;
- (f) Execution and location of client Medical Orders for Scope of Treatment ("MOST"), as applicable;

- (g) Communication with the client representative, if applicable;
- (h) Client service agreements; and
- (i) Client consent for interagency sharing of information.

9910.2 A written summary of the home support agency's admissions policies, including all of the items specified at Section 9909.1 of this chapter, shall be made available to each prospective client upon request, and shall be given to each client upon admission.

9910.3 The home support agency shall only admit those individuals whose needs can be met by the home support agency.

9910.4 Each home support agency shall conduct an initial assessment by a registered nurse to ensure that the client does not require services outside of the scope of personal care services. The assessment shall include a home visit and a review of information provided by the prospective client or the client representative and any other pertinent data and shall take place prior to the time that personal care services are initially provided to the client. The assessment must determine whether the home support agency has the ability to provide the necessary services in a safe and consistent manner.

9910.5 The home support agency shall notify each individual requesting services from the home support agency of the availability or unavailability of service, and the reason(s) therefor, within forty-eight (48) hours after the referral or request for services.

9910.6 A home support agency shall maintain records on each person requesting services whose request is not accepted. The records shall be maintained for at least one (1) year from the date of non-acceptance and shall include the nature of the request for services and the reasons for not accepting the client.

9911 CLIENT SERVICE AGREEMENT

9911.1 There shall be a written service agreement between each client and the home support agency. The agreement shall:

- (a) Specify the services to be provided by the home support agency, including but not limited to:
 - (1) Frequency of visits including scheduled days and hours;
 - (2) Accompaniment and/or transportation agreements as appropriate;

- (3) Procedures for emergency medical response; and
 - (4) Conditions for discharge and appeal;
- (b) Specify the procedure to be followed when the home support agency is not able to keep a scheduled client visit;
- (c) Specify financial arrangements, which shall minimally include:
 - (1) A description of services purchased and the associated cost;
 - (2) An acceptable method of payment(s) for services;
 - (3) An outline of the billing procedures, including any required deposits, if applicable;
 - (4) A requirement that all payments by the client for services rendered shall be made directly to the home support agency or its billing representative and no payments shall be made to or in the name of individual employees of the home support agency; and
 - (5) The home support agency's policies for non-payment;
- (d) Identify the client representative, if applicable;
- (e) Specify the home support agency's emergency contact information during both business and non-business hours;
- (f) Specify the number for the Department of Health's Complaint Hotline;
- (g) Be signed by the client or client representative, if applicable, and the representative of the home support agency prior to the initiation of services;
- (h) Be given to the client or client representative, if applicable, and a copy shall be kept in the client record; and
- (i) Be reviewed and updated as necessary to reflect any change in the services or the financial arrangements.

9912

DISCHARGES, TRANSFERS, AND REFERRALS

- 9912.1 Each home support agency shall develop and implement written policies that describe discharge, transfer, and referral criteria and procedures, including timeframe for discharge, transfer, or referral if a need for services beyond personal care services is identified.

9912.2 Each client shall receive written notice of discharge or referral no less than seven (7) days prior to the action. The seven (7) day written notice shall not be required, and oral notice may be given at any time, if the transfer, referral or discharge is the result of:

- (a) A medical or social emergency;
- (b) A physician's order to admit the client to an in-patient facility;
- (c) A determination by the home support agency that the referral or discharge is necessary to protect the health, safety, or welfare of the home support agency's staff; or
- (d) The refusal of further services by the client or the client representative.

9912.3 Each home support agency shall document activities related to discharge, transfer, or referral planning for each client in the client's record.

9913 CLIENT SERVICE PLAN

9913.1 The home support agency shall provide services in accordance with a written client service plan in agreement with the client or client representative, if applicable.

9913.2 A registered nurse shall develop a service plan on admission based upon the initial assessment of the client and in accordance with Section 9917.4.

9913.3 The service plan shall include at least the following:

- (a) The scope and types of services, frequency and duration of services to be provided, including any diet, equipment, and transportation required;
- (b) Parameters related to services provided pursuant to Section 9917.4(e)-(f) of this chapter;
- (c) Functional limitations of the client;
- (d) Activities permitted; and
- (e) Safety measures required to protect the client from injury.

9913.4 A registered nurse shall review and evaluate the service plan at least every ninety (90) days.

9913.5 A copy of the service plan shall be available to the client or client representative upon request.

9913.6 The personnel assigned to each client shall be oriented to the service plan.

9914 CLIENT RECORDS

9914.1 Each home support agency shall establish and maintain a complete and accurate client record of the services provided to each client in accordance with this chapter and accepted professional standards and practices.

9914.2 Each client record shall include the following information related to the client:

- (a) Admission data, including name, address, date of service inquiry, date of birth, sex, next of kin, name and contact information of the client representative (if applicable), date accepted by the home support agency to receive services, and source of payment;
- (b) Source of referral;
- (c) Initial assessment and on-going evaluation;
- (d) Signed client services agreement;
- (e) Advance directives (living will and durable power of attorney for health care), if applicable;
- (f) General Power of Attorney or Guardianship, if applicable;
- (g) MOST, if applicable;
- (h) Service plan;
- (i) History of sensitivities and allergies;
- (j) Medication list;
- (k) Service delivery notes signed and dated as appropriate by staff;
- (l) Documentation of supervision of personal care services;
- (m) Documentation of discharge planning, if appropriate;
- (n) Discharge summary, including the reason for termination of services and the effective date of discharge;

- (o) Documentation of coordination of services, if applicable;
- (p) Communications between the home support agency and all health care professionals involved in the client's care; and
- (q) Documentation of training and education given to the client and the client's caregivers.

9915 RECORDS RETENTION AND DISPOSAL

- 9915.1 Each home support agency shall maintain a records system that shall include the following:
- (a) Written policies that provide for the protection, confidentiality, retention, storage, and maintenance of home support agency records; and
 - (b) Written procedures that address the transfer or disposition of home support agency records in the event of dissolution of the home support agency.
- 9915.2 If a home support agency is dissolved and there is no identified new owner, the home support agency records shall be retained either electronically or in paper form so as to be retrievable upon request by the client or the client representative for a period of five (5) years following the date of dissolution. The records shall be produced to the client or client representative within thirty (30) days of receipt of a request and at no cost to the client or the client representative.
- 9915.3 Each home support agency shall inform the Department and each client in writing, within thirty (30) days of dissolution of the home support agency, of the location of the client records and how each client may obtain his or her records.
- 9915.4 A home support agency shall maintain client records for at least five (5) years after the date of discharge of the client.
- 9915.5 A home support agency shall maintain records of complaints and incidents for a minimum of five (5) years.
- 9915.6 A home support agency shall maintain the personnel records of each staff member for at least five (5) years after the date of termination or separation.
- 9915.7 Department authorities shall have access to home support agency records at all times.

9916 CLIENT RIGHTS AND RESPONSIBILITIES

- 9916.1 Each home support agency shall develop a written statement of client rights and

responsibilities that shall be given, upon admission, to each client who receives personal care services or the client representative, if applicable.

9916.2

Each home support agency shall develop policies to ensure that each client who receives personal care services has the following rights:

- (a) To be treated with courtesy, dignity, and respect;
- (b) To control his or her own household and life style;
- (c) To be informed orally and in writing of the following:
 - (1) Services to be provided by the home support agency, including any limits on service availability;
 - (2) The amount charged for each service, and procedures for billing and non-payment;
 - (3) Prompt notification of acceptance, denial or reduction of services;
 - (4) Complaint process; and
 - (5) The telephone number of the Complaint Hotline maintained by the Department;
- (d) To receive services consistent with the service agreement and with the client's service plan;
- (e) To participate in the planning and implementation of his or her personal care services;
- (f) To receive services by competent personnel who can communicate with the client;
- (g) To refuse all or part of any service and to be informed of the consequences of refusal;
- (h) To be free from mental and physical abuse, neglect, and exploitation by home support agency employees;
- (i) To be assured confidential handling of client records as provided by law;
- (j) To be educated about and trained in matters related to the services to be provided;

- (k) To voice a complaint or other feedback to the Department or the home support agency in confidence and without fear of reprisal from the home support agency or any home support agency personnel, in writing or orally, including an in-person conference if desired, and to receive a timely response to a complaint as provided in these rules; and
- (l) To have access to his or her own client records.

9916.3 Each home support agency shall inform all clients that they have the right to make complaints and to provide feedback concerning the services rendered by the home support agency to the Department, in confidence and without fear of reprisal from the home support agency or any home support agency personnel, in writing or orally, including an in person conference if desired.

9916.4 Each home support agency shall develop a statement of client responsibilities regarding the following:

- (a) Treating home support agency personnel with respect and dignity;
- (b) Providing accurate information when requested;
- (c) Informing the home support agency when instructions are not understood or cannot be followed;
- (d) Cooperating in making a safe environment for care within the home; and
- (e) Providing prompt payment for services.

9916.5 Written policies on client rights and responsibilities shall be made available to the general public.

9916.6 The home support agency shall take appropriate steps to ensure that all information is conveyed, pursuant to these rules, to any client who cannot read or who otherwise needs accommodations in an alternative language or communication method. The home support agency shall document in the client's records the steps taken to ensure that the client has been provided effectively with all required information.

9917 MANAGEMENT OF COMPLAINTS AND INCIDENTS

9917.1 Each home support agency shall develop and implement policies and procedures for receiving, processing, documenting, and investigating complaints and incidents.

9917.2 A complaint may be presented to the home support agency orally or in writing.

- 9917.3 A written summary of the complaint process shall be given to the client or client representative upon acceptance or denial of services.
- 9917.4 The telephone number of the Complaint Hotline maintained by the Department shall be posted in the home support agency's operating office in a place where it is visible to all staff and visitors.
- 9917.5 Each home support agency shall respond to each complaint received by it within fourteen (14) days of receipt, shall investigate the complaint as soon as reasonably possible, and shall, upon completion of the investigation, provide the complainant with the results of the investigation.
- 9917.6 If the client indicates that he or she is not satisfied with the response, the home support agency shall respond in writing within thirty (30) days from the client's expression of dissatisfaction. The response shall include the telephone number and address of all District government agencies with which a complaint may be filed and the telephone number of the Complaint Hotline maintained by the Department.
- 9917.7 The home support agency shall report all incidents involving a client occurring in the presence of staff to the Department within forty-eight (48) hours in addition to other reporting requirements prescribed by law.
- 9917.8 The home support agency shall investigate all incidents. The home support agency shall forward a complete investigation report to the Department within thirty (30) days of the occurrence or of the date that the home support agency first became aware of the incident.
- 9917.9 Each home support agency shall develop and implement a system of documenting complaints and incidents, which shall reflect all complaint, incident, and investigative activity for each year, and which shall include, for each complaint or incident:
- (a) The name, address and phone number of the complainant or client involved in the incident, if known;
 - (b) If the complaint is anonymous, a statement so indicating;
 - (c) The date on which the complaint is received or the incident occurred;
 - (d) A description of the complaint or incident, including the names of any staff involved;
 - (e) The date on which the investigation is completed;
 - (f) Whether the complaint is substantiated; and

- (g) Any subsequent action taken as a result of the complaint or incident, and the date on which the action was taken.

- 9917.10 Each home support agency shall report any action taken by, or any condition affecting the fitness to practice of, a registered nurse or home health aide that might be grounds for enforcement or disciplinary action under HORA or Home Health Aide Regulations of Chapter 93 of Title 17 of the District of Columbia Municipal Regulations to the Department within five (5) business days of the home support agency's receipt of the relevant information.
- 9917.11 The Department may receive and investigate a complaint alleging violation of any provision of this chapter and may investigate any incident.
- 9917.12 Based on a licensee's or applicant's violation of any provision of this chapter, the Department may initiate an enforcement action which may include license denial, license suspension, license summary suspension, or license revocation.
- 9917.13 As an alternative to denial, suspension, or revocation of a license when a home support agency has numerous deficiencies or a serious single deficiency with respect to the standards established under this chapter, the Director may:
 - (a) Issue a provisional license if the home support agency is taking appropriate ameliorative action in accordance with a mutually agreed upon timetable; or
 - (b) Issue a restricted license that prohibits the home support agency from accepting new clients or delivering certain specified services that it would otherwise be authorized to deliver, if appropriate ameliorative action is not forthcoming.
- 9917.14 A provisional or restricted issued under this section may be granted for a period not exceeding ninety (90) days, and may be renewed no more than once.
- 9917.15 When a provisional or restricted license has expired the Department may choose to initiate enforcement action in accordance with this section.

9918 PERSONAL CARE SERVICES

- 9918.1 A home support agency may offer personal care services and shall employ qualified home health aides pursuant to 17 DCMR § 9300 *et seq.* to perform those services.
- 9918.2 Each home health aide shall be supervised by a registered nurse. On-site supervision of personal care services shall take place at least once every ninety (90) days.

9918.3 The home support agency shall have an adequate number of registered nurses to supervise the implementation of personal care services.

9918.4 Personal care services may include the following:

- (a) Basic personal care including bathing, grooming, dressing, and assistance with toileting;
- (b) Assisting with incontinence, including bed pan use, changing urinary drainage bags, protective underwear, and monitoring urine input and output;
- (c) Assisting the client with transfer, ambulation, and exercise as prescribed;
- (d) Assisting the client with self-administration of medication;
- (e) Reading and recording temperature, pulse, and respiration;
- (f) Measuring and recording blood pressure, height, and weight;
- (g) Observing, recording, and reporting the client's physical condition, behavior, or appearance;
- (h) Meal preparation in accordance with dietary guidelines, and assistance with eating;
- (i) Implementation of universal precautions to ensure infection control;
- (j) Tasks related to keeping the client's living area in a condition that promotes the client's health and comfort;
- (k) Accompanying or transporting the client to medical and medically-related appointments, to the client's place of employment, and to recreational activities;
- (l) Assisting the client at his or her place of employment;
- (m) Shopping for items related to promoting the client's nutritional status and other health needs; and
- (n) Providing companion services.

9919 **COORDINATION OF SERVICES**

- 9919.1 A home support agency shall develop and implement policies and procedures relating to:
- (a) The delineation of services provided by the home support agency when the home support agency coordinates services within the home support agency or with another provider; and
 - (b) Notification to the client or client representative of the home support agency's responsibilities to coordinate services when appropriate.
- 9919.2 Personnel providing services shall communicate with each other to assure their efforts effectively complement one another and support the objectives outlined in the client service plan.
- 9919.3 The client record or minutes of case conferences shall establish that effective interchange, reporting, and coordinated client evaluation and planning occurs.

9999 DEFINITIONS

- 9999.1 For the purposes of this chapter, the following terms shall have the meanings ascribed below:

Admission - A home support agency's acceptance of client to provide personal care services.

Business day - Monday through Friday between the hours of 8:00am and 6:00pm, excluding public holidays.

Business hours - The hours during the day in which business operations are commonly conducted in the operating office by the licensee.

Client - The individual receiving home support agency services as defined in this chapter.

Client record - A written account of all services provided to a client by the home support agency, as well as other pertinent information necessary to provide care.

Client representative - A person designated in writing by the client in the service agreement or a person acting in a representative capacity under a durable power of attorney, durable power of attorney for health care, or guardianship pursuant to District law, or other legal representative arrangement.

Client Service Coordinator - A registered nurse who is sufficiently qualified to provide general supervision and direction of the services offered by the home support agency and who has at least one (1) year administrative or supervisory experience in personal care, home health care, or related health programs.

Client service plan - A written plan developed by the registered nurse in agreement with the client or client representative, if applicable, that specifies the tasks that are to be performed by the aide primarily in the client's residence. The written plan specifies scope, frequency, and duration of services.

Companion services - Non-healthcare related services, such as cooking, housekeeping, errands, and social interaction.

Complaint - Any occurrence or grievance reported by a client or client representative related to the nature of the services provided by the home support agency.

Department - The District of Columbia Department of Health.

Director - The individual appointed by the governing body to act on its behalf in the overall management of the home support agency.

Full-time - Employment period by the home support agency, at minimum, during each of the home support agency's established business days.

Governing body - The individual, partnership, group, or corporation designated to assume full legal responsibility for the policy determination, management, operation, and financial liability of the home support agency.

Home health aide - A person who performs home health and personal care services, and who is qualified to perform such services pursuant to Chapter 93 of Title 17 of the District of Columbia Municipal Regulations.

Home support agency - An entity licensed in accordance with this chapter that employs home health aides to provide personal care services to clients.

Incident - Any occurrence that results in significant harm, or the potential for significant harm, to a client's health, welfare, or well-being. Incidents include an accident resulting in significant injury to a client, death, misappropriation of a client's property or funds, or an occurrence requiring or resulting in intervention from law enforcement or emergency response personnel.

License - Formal permission granted by the Department to act as a home support agency in accordance with law.

Licensee - The individual or entity to whom the Department has granted formal permission to act as a home support agency in accordance with law.

Modification of ownership and control - The sale, purchase, transfer or re-organization of ownership rights.

Medical Orders for Scope of Treatment (MOST) Form - A set of portable, medical orders on a form issued by the Department that results from a client's or a client representative's informed decision-making with a health care professional pursuant to D.C Official Code § 21-2221 *et seq.*

Operating Office - The physical location at which the business of the home support agency is conducted and at which the records of personnel, clients, incidents, and complaints of the home support agency are stored either electronically or physically.

Personal care services - Services that are limited to individual assistance with or supervision of activities of daily living, companion services, homemaker services, reporting changes in client's condition, and completing reports. Personal care services do not include skilled services.

Registered nurse - An individual who is currently licensed to practice nursing under the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*)

Service delivery notes - Documentation of the duties or tasks completed per shift by a home health aide, nursing supervision, and any other pertinent information related to the provision of services.