

16-3608. Home Care Agency Infractions.

3608.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 22 DCMR § 3900.2 (operating a home care agency without a license);
- (b) 22 DCMR § 3900.3 (failure of existing agency to apply for licensure within time specified).

3608.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 22 DCMR § 3900.4 (failure to provide at least one required service);
- (b) 22 DCMR § 3900.5 (failure to maintain an operating office within the District of Columbia and to staff that office at least 8 hours per day, Monday through Friday);
- (c) 22 DCMR § 3900.6 (failure to maintain required records within District of Columbia office or to produce records for inspection as specified);
- (d) 22 DCMR § 3900.8 (failure to comply with other applicable federal and District laws and rules);
- (e) 22 DCMR § 3901 (failure to comply with insurance requirements);
- (f) 22 DCMR § 3904 (failure to have a qualified Director or failure of Director to carry out responsibilities);
- (g) 22 DCMR § 3907.8 (knowingly permitting an employee under the influence of drugs or alcohol or carrying a communicable disease to provide home care services);
- (h) 22 DCMR § 3907.9 (failure to ensure that an employee is properly licensed, certified, or registered to provide services);
- (i) 22 DCMR § 3908.3 (failure to properly evaluate a request for home care services);
- (j) 22 DCMR § 3914.1 (failure to develop a patient plan of care);
- (k) 22 DCMR § 3914.2 (failure to obtain physician approval of patient plan of care);
- (l) 22 DCMR § 3916.1 (failure to periodically review, evaluate, and report to physician on skilled care services);
- (m) 22 DCMR § 3916.3 (failure to provide skilled services in accordance with plan of care);
- (n) 22 DCMR § 3917 (failure to comply with requirements concerning skilled nursing services);

(o) 22 DCMR § 3918 (failure to comply with requirements concerning psychiatric nursing services);

(p) 22 DCMR § 3919 (failure to comply with requirements concerning monitoring services);

(q) 22 DCMR § 3920, except § 3920.5 (failure to comply with requirements concerning intravenous therapy services); or

(r) 22 DCMR § 3924 (failure to comply with requirements concerning restrictions on service to patients requiring special care).

3608.3 Violation of any of the following provisions shall be a Class 3 infraction:

(a) 22 DCMR § 3903 (failure to establish a governing body or failure of governing body to comply with specified requirements);

(b) 22 DCMR § 3905 (failure to develop, implement, and make available policies and procedures);

(c) 22 DCMR § 3906 (failure to comply with requirements concerning contractor agreements);

(d) 22 DCMR § 3907.2 (failure to maintain accurate and complete personnel records);

(e) 22 DCMR § 3907.4 (failure to maintain personnel records within District of Columbia office or to produce records for inspection as specified);

(f) 22 DCMR § 3907.6 (failure to verify that new employee has been screened for and is free of communicable disease);

(g) 22 DCMR § 3907.7 (failure to ensure that employee is screened for and certified free of communicable disease annually);

(h) 22 DCMR § 3907.10 (failure to document professional qualifications of employee or care provider);

(i) 22 DCMR § 3908.3 (failure to comply with requirements concerning admission policies, procedures and recordkeeping);

(j) 22 DCMR § 3909 (failure to comply with requirements concerning discharge, transfer or referral);

(k) 22 DCMR § 3910 (failure to comply with requirements concerning records retention and disposal);

(l) 22 DCMR § 3911 (failure to comply with requirements concerning clinical records);

(m) 22 DCMR § 3914, except § 3914.1 and § 3914.2 (failure to comply with requirements concerning content of patient plan of care);

- (n) 22 DCMR § 3915 (failure to comply with requirements concerning home health aide and personal care aide services);
- (o) 22 DCMR § 3916.2 (failure to develop and implement policies for documentation of coordination of skilled services);
- (p) 22 DCMR § 3920.5 (failure to comply with policies and procedures requirements for intravenous therapy);
- (q) 22 DCMR § 3921 (failure to comply with requirements concerning nutritional support services);
- (r) 22 DCMR § 3922 (failure to comply with requirements concerning occupational therapy services);
- (s) 22 DCMR § 3923 (failure to comply with requirements concerning physical therapy services);
- (t) 22 DCMR § 3925 (failure to comply with requirements concerning speech language pathology services); or
- (u) 22 DCMR § 3926 (failure to comply with requirements concerning social services).

3608.4 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) 22 DCMR § 3900.7 (failure to post license conspicuously);
- (b) 22 DCMR § 3907.1 (failure to have and make available written personnel policies as specified);
- (c) 22 DCMR § 3907.5 (failure to permit employee to review personnel records);
- (d) 22 DCMR § 3907.11 (failure to ensure that employee or contract worker presents valid agency identification before entering patient's home);
- (e) 22 DCMR § 3912 (failure to comply with requirements concerning patient rights and responsibilities); or
- (f) 22 DCMR § 3913 (failure to comply with requirements concerning complaint process).

History of Regulations since Last Compilation by Agency (July 1998):