

Child and Family Services Agency

Notice of Final Rulemaking

The Director of the Child and Family Services Agency (“CFSA”), pursuant to the Child and Family Services Agency Establishment Amendment Act of 2000, effective April 4, 2001, D.C. Law 13-277, the Adoption and Safe Families Amendment Act of 2000, effective June 27, 2000, D.C. Law 13-136, the Youth Residential Facilities Licensure Act of 1986, effective August 13, 1986, D.C. Law 6-139 (“Act”), and the orders of Judge Thomas C. Hogan, United States District Court for the District of Columbia, in the case *LaShawn v. Barry*, No. 89-1754 (Modified Final Order dated November 18, 1993), hereby gives notice of the adoption of the following new Chapter 63 of Title 29 of the District of Columbia Municipal Regulations, entitled “Licensing of Independent Living Programs for Adolescents and Young Adults”. The purpose of these rules is to establish criteria and procedures for the licensure of independent living programs by the Child and Family Services Agency.

As required by section 4 of the Act (D.C. Official Code § 7-2103(d)), substantial weight was given to the formulation of these regulations, as set forth in *Recommendations From The Mayor’s Advisory Task Force On Regulations for Licensing Youth Residential Facilities*, dated June 30, 1987. In addition, CFSA held three meetings with existing providers of independent living services and others, including representatives of the D.C. Youth Services Administration, during the rule development process to elicit their views on the draft document. Those views also were given substantial weight in the development of these rules.

The rules were published in the D.C. Register on January 18, 2002. The end of the comment period was February 12, 2002, which was twenty-seven (27) days after publication. This comment period was required to enable CFSA to comply with Judge Hogan’s Order of August 1, 2001, requiring final independent living program licensing standards to be promulgated by February 28, 2002. No comments were received.

Chapter 63 of Title 29 DCMR is added to read as follows:

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CHAPTER 63

LICENSING OF INDEPENDENT LIVING PROGRAMS FOR ADOLESCENTS AND YOUNG ADULTS

6301 STATEMENT OF PURPOSE

6301.1 The purpose of this Chapter is to establish criteria and procedures for licensing by CFSA of certain independent living programs for adolescents and young adults.

6301.2 Except as provided by § 6301.3, this Chapter of the DCMR shall apply to any independent living program that is located within the District of Columbia, including any such program that operates residences that are located in another jurisdiction.

6301.3 This Chapter of the DCMR shall not apply to independent living programs that are established to serve children adjudicated delinquent or in need of supervision, or children alleged to be delinquent or in need of supervision, pursuant to D.C. Official Code, § 16-2301 et seq.

6301.4 Nothing in this Chapter shall be read to prohibit CFSA from placing a child in an independent living program which is part of a residential treatment program located in another jurisdiction and for which the child’s placement in the independent living program is a continuation of services provided in the residential treatment center.

6301.5 CFSA is responsible for the implementation of this Chapter of the DCMR. Copies of this Chapter of the DCMR shall be available from CFSA upon request.

6302 LICENSING RESPONSIBILITY

6302.1 CFSA shall license all independent living programs operating in the District of Columbia except for those that are established to serve children adjudicated delinquent or in need of supervision, or children alleged to be delinquent or in need of supervision, pursuant to D.C. Official Code, § 16-2301 et seq.

6303 STATEMENT OF RESIDENTS’ RIGHTS AND RESPONSIBILITIES

6303.1 A resident has the following rights:

- (a) To be treated with fairness, dignity, and respect;

- (b) To receive appropriate and reasonable adult guidance, support, and supervision;
- (c) To be free from abuse, mistreatment, threats, harassment, or from being subjected to corporal punishment or other unusual or extreme methods of discipline;
- (d) To have his or her opinion heard and to be included, to the greatest extent possible, and consistent with the resident's age and level of development, when any major decisions, including regular case planning meetings, are being made effecting his or her life;
- (e) To reasonable and clinically appropriate visitation, mail, and telephone communication with relatives, friends, attorneys, social workers, therapists, guardians ad litem, and other persons involved in the resident's care or service provision;
- (f) To have her or his relatives and designated representatives, who are authorized in writing by the contracting entity, communicate with the independent living program, ask questions of the independent living program, and have their questions answered promptly by the independent living program;
- (g) To language translation, as necessary;
- (h) Not to be deprived of specific or civil rights provided by law, including where applicable, the right to privacy, the right to freedom of association, the right to vote, the right to practice or not practice religion or faith of choice, the right to be free from unreasonable search and seizure, the right to be free from sexual harassment, and the right to be free from discrimination, including the right to equal access to services regardless of race, religion, ethnicity, sexual orientation, disability, or gender; and
- (i) All other rights specifically set forth in this Chapter.

- 6303.2 A resident shall accept responsibility, consistent with his or her age and level of development, for keeping his or her residence in good order and for completing assigned daily or weekly chores.
- 6303.3 A resident shall comply with the policies and procedures of the independent living program governing her or his conduct.
- 6303.4 A resident shall attend school or an alternative educational program as set forth in the resident's initial ITILP or ITILP.
- 6303.5 A resident shall follow appropriate minimum personal care and hygiene standards established by the independent living program, consistent with the resident's physical and developmental capabilities.

6303.6 An independent living program shall conspicuously post § 6303 in its main facility and place a copy in each resident handbook.

6304 ABUSE, NEGLECT, OR OTHER RISKS TO RESIDENTS' HEALTH AND SAFETY

6304.1 The independent living program shall establish and implement appropriate policies and procedures to implement the provision of § 6304. The policies and procedures shall include:

- (a) Provisions that implement the District law that require staff to immediately report all alleged or actual child abuse or neglect;
- (b) Provisions that require staff to cooperate with District officials investigating all alleged or actual child abuse or neglect, or alleged or actual risk to a resident's health or safety;
- (c) Provisions that encourage residents to report alleged or actual child abuse or neglect, or alleged or actual risk to a resident's health or safety, to CFSA's twenty-four (24) hour Child Abuse and Neglect Hotline (202-671-SAFE);
- (d) Informing residents that they do not have to notify the independent living program or another staff member before reporting any incidence of alleged or actual child abuse or neglect, or alleged or actual risk to a resident's health or safety;
- (e) Informing staff that they are not required to notify the independent living program or another staff member before reporting any incidence of alleged or actual child abuse or neglect, or alleged or actual risk to a resident's health or safety;
- (f) Assurances to residents and staff that the independent living program will not discharge, fire, or otherwise retaliate against the resident or staff member because of a good faith report of alleged or actual child abuse or neglect, or alleged or actual risk to a resident's health or safety; and
- (g) Provisions for an internal response to a report of alleged or actual child abuse or neglect, or alleged or actual risk to a resident's health or safety including the immediate reporting by staff to the administrator.

6304.2 The provisions of this section are in addition to any other legal requirements related to the reporting of child abuse and neglect, including but not limited to the requirements contained in The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977, D.C. Law 2-22, title I, § 103(b), D.C. Official Code, § 4-1301.01 et seq.

6304.3 A staff member who receives information concerning, or personally observes, an incident of alleged or actual child abuse or neglect, or has any other information indicating an alleged or actual risk to a resident’s health or safety, shall make an immediate oral report and a written report within twenty-four (24) hours to:

- (a) CFSA’s twenty-four (24) hour Child Abuse and Neglect Hotline (202-671-SAFE);
- (b) The contracting entity social worker, case manager, or supervisor for the resident who is the subject of the report, if any; and
- (c) OLM.

6304.4 If the resident is eighteen (18) years of age or older and is not committed to CFSA, the provisions of § 6304 shall apply except that CFSA intake staff may not participate in any investigation or subsequent activities unless there is information of alleged or actual child abuse, neglect, or risk to the health or safety of another resident who is younger than eighteen (18) years of age or is committed to CFSA.

6304.5 A staff member who believes that a resident is in serious and immediate danger shall take immediate steps to protect the resident including, as appropriate, removing the resident from the danger.

6304.6 In the oral and written report required by § 6304.3, the staff member shall state:

- (a) The resident’s name, age, sex, and address;
- (b) That the resident is a resident of an independent living program;
- (c) The independent living program’s name, address, and telephone number;
- (d) The name, occupation, address, and telephone number of the staff member making the report;
- (e) That the resident is in the custody of or committed to CFSA or YSA, as appropriate;
- (f) The name and telephone number of the contracting entity social worker or case manager for the resident who is the subject of the report;
- (g) The nature and extent of the alleged or actual child abuse or neglect, or alleged or actual risk to the resident’s health or safety;
- (h) The person responsible for the alleged or actual child abuse or neglect, or alleged or actual risk to the resident’s health or safety;
- (i) The staff member’s actions taken in response to the alleged or actual child abuse or neglect, or alleged or actual risk to the resident’s health or safety;

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- (j) Any previous reports of alleged or actual child abuse or neglect, or alleged or actual risk to a resident's health or safety, if known;
- (k) Any other information which may be helpful in establishing the cause of the alleged or actual child abuse or neglect, or alleged or actual risk to a resident's health or safety; and
- (l) Any other information required by law, including but not limited to the requirements contained in The Prevention of Child Abuse and Neglect Act of 1977, D.C. Law 2-22, title I, § 103(b), D.C. Official Code, § 4-1301.01 et seq.

6304.7 Upon receipt of a report made pursuant to § 6304.3, the Child Abuse and Neglect Hotline shall immediately notify:

- (a) OLM;
- (b) If the resident is in the custody of YSA, YSA placement and monitoring staff, and the YSA Administrator or designee; and
- (c) The contracting entity social worker, case manager, or supervisor for the resident who is the subject of the report, if any.

6304.8 Except as provided by § 6304.4, CFSA shall investigate each report made pursuant to § 6304.3. The investigation shall commence within twenty-four (24) hours of receiving the report and:

- (a) Within forty-eight (48) hours of receiving the report OLM shall convene a meeting to share necessary information with persons involved in the investigation and develop a plan for completing the investigation;
- (b) OLM shall convene further meetings necessary to complete the investigation;
- (c) CFSA shall remove residents from the independent living program, if appropriate;
- (d) The independent living program may not accept additional residents during the investigation, unless it is informed in writing by CFSA that it may do so;
- (e) The independent living program and staff shall cooperate fully, and may not interfere, with the investigation; and
- (f) CFSA shall visit the independent living program at least once a week until the investigation is completed.

6304.9 Upon completion of the investigation undertaken pursuant to § 6304.8, OLM shall prepare a written report addressing the independent living program's compliance with this Chapter and ability to provide for residents' health and safety. The

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report shall include a determination as to whether to take any action against the independent living program as a result of the investigation, including but not limited to:

- (a) Imposition of civil fines, penalties, and related costs;
- (b) Conversion of the license to a provisional or restricted license;
- (c) Suspension of the license; or
- (d) Revocation of the license.

6304.10 The report required pursuant to § 6304.9 shall be provided to the contracting entity and the independent living program.

6304.11 The content of the report required under § 6304.9 may not affect CFSA’s authority under this Chapter to take any action as a result of the investigation, including but not limited:

- (a) The imposition of civil fines, penalties, and related costs against the independent living program;
- (b) Conversion of the license to a provisional or restricted license;
- (c) Suspension of the license; or
- (d) Revocation of the license.

6304.12 An independent living program shall place staff identified as allegedly responsible for the alleged or actual child abuse or neglect, or alleged or actual risk to a resident’s health or safety, on administrative leave or reassignment to duties involving no contact with residents until the investigation required by § 6304.8 is completed.

6304.13 An independent living program shall conspicuously post the policies and procedures relating to child abuse or neglect and risks to resident’s health or safety in the main facility and a copy placed in each resident handbook.

6305 GRIEVANCE PROCEDURE

6305.1 In this section:

- (a) “Grievance” means a formal complaint concerning interactions between residents, interactions between residents and staff, the independent living program’s services and physical conditions, resident discipline, or other issues concerning the resident’s care. A grievance may not be based upon alleged abuse or neglect, or alleged criminal activity, or other risks to residents’ health and safety.

- (b) “Person who is the subject of the grievance” means the resident or staff member whose action or behavior is complained about in the grievance.

6305.2 A grievance may be brought by:

- (a) A resident;
- (b) A resident’s representative, parent(s), or guardian(s) on behalf of the resident;
or
- (c) A staff member on behalf of a resident.

6305.3 An allegation of abuse, neglect, or other risk to a resident’s health and safety shall be reported pursuant to § 6304.3. Alleged criminal activity shall be reported pursuant to § 6319, as appropriate, and to the law enforcement agency in the jurisdiction in which the offense allegedly occurred.

6305.4 An independent living program shall develop and follow a written procedure regarding the receipt, consideration, and resolution of grievances. The grievance procedure shall be clear and concise. The grievance procedure shall include:

- (a) A process for filing a grievance that does not require the grievance to be filed or transmitted through the person who is the subject of the grievance;
- (b) A prohibition against retaliation by staff or other residents against the person making the grievance, the resident on whose behalf the grievance was filed, and the person who is the subject of the grievance; and
- (c) A process for enforcing the prohibition set forth in § 6305.4(b).

6305.5 An independent living program shall conspicuously post a copy of the grievance procedure in the main facility and place a copy in each resident handbook.

6305.6 An independent living program shall explain and give a copy of the grievance procedure to each resident upon admission to the independent living program in accordance with §§ 6340.3 (a) and (g).

6305.7 An independent living program shall establish and maintain a grievance board composed of at least two staff members and one resident. The grievance board shall hear and attempt to resolve all grievances.

6305.8 The following individuals may not serve on the grievance board for a particular grievance:

- (a) A resident or staff member who filed the grievance;
- (b) A resident or staff member who is the subject of the grievance; and

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(c) A resident or staff member who is otherwise involved in the grievance.

6305.9 An independent living program shall appoint a separate resident or staff member, as appropriate, to the grievance board to resolve the grievance if a grievance board member may not serve on the grievance board pursuant to § 6305.8.

6305.10 The grievance board shall resolve the grievance within fourteen (14) days of the filing of the grievance.

6305.11 Promptly after resolving the grievance, an independent living program shall provide written notice of the results to the person filing the grievance, the resident on whose behalf the grievance was filed, and the person who is the subject of the grievance.

6305.12 The independent living program shall file the written results of the grievance in the case records of the resident who filed the grievance, the resident on whose behalf the grievance was filed, and the resident who is the subject of the grievance.

6305.13 The independent living program shall maintain written records of all grievances and all grievance decisions and, upon request, shall make those records available to CFSA.

6306 GENERAL LICENSING REQUIREMENTS

6306.1 Beginning six (6) months after the effective date of this Chapter and except as provided by §§ 6306.2 or 6306.3, in order to operate in the District, an independent living program shall be licensed in accordance with this Chapter.

6306.2 Notwithstanding the provisions of § 6306.1, an independent living program that is not licensed in accordance with this Chapter may continue to operate six (6) months after the effective date of this Chapter if:

- (a) The independent living program filed a completed application for an original license at least three (3) months after the effective date;
- (b) Through no fault of the independent living program, CFSA failed to act on the application before the expiration of the independent living program's authorized period of operation; and
- (c) The independent living program complies with all other provisions of this Chapter.

6306.3 An independent living program may continue to operate after the expiration of original annual license or annual license if:

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- (a) The independent living program timely filed a completed application for an original annual license or annual license, as appropriate;
- (b) Through no fault of the independent living program, CFSA failed to act on the application before the expiration of the independent living program's authorized period of operation; and
- (c) The independent living program complies with all other provisions of this Chapter.

6306.4 A license shall:

- (a) Set forth the person who is licensed to operate the independent living program, and that person's address;
- (b) State that the person is licensed to operate an independent living program;
- (c) Set forth the conditions under which the independent living program may operate, including the locations of the main facility and all residences, and the number of adolescents and young adults who may be admitted to the independent living program; and
- (d) Be valid only for the person, address, type of independent living program, and locations stated on the license.

6306.5 An independent living program may not exceed its licensed capacity.

6306.6 A person wishing to operate an independent living program shall file an application with CFSA using the forms provided by that agency.

6306.7 Upon receipt of an application for an original annual license, annual license, or renewal of an annual license, CFSA shall:

- (a) Conduct a sanitary and environmental inspection of the main facility and all residences;
- (b) Receive a fire inspection of the main facility and all residences in compliance with the law in the jurisdiction in which it is located; and
- (c) Conduct an on-site inspection of the main facility and all residences to assess compliance with this Chapter.

6306.8 An independent living program's failure to cooperate during an inspection required by § 6306.7 shall be grounds for denial of the original annual license, annual license, or renewal of an annual license.

- 6306.9 An independent living program shall submit to CFSA such periodic and special reports as CFSA may require, including service, financial, personnel, and statistical information, and a periodic census of residents under care.
- 6306.10 An independent living program shall make its records available to CFSA and the contracting entity upon request.
- 6306.11 An independent living program that wishes to transfer its ownership shall file written notice with CFSA at least sixty (60) days before transferring ownership. For a corporate licensee, a transfer of ownership shall include any transfer of the legal or beneficial ownership of ten percent (10%) or more of the stock of the corporation. Upon notification, CFSA may conduct an investigation or require re-inspection to assess the independent living program's continued compliance with this Chapter.
- 6306.12 A license modification:
- (a) Permits an independent living program to operate under conditions that are different than those set forth in the original annual or annual license;
 - (b) May be utilized to permit an independent living program to operate additional apartments than those identified in the annual license; and
 - (c) Does not affect any license term, condition, or time period not modified.
- 6306.13 A provisional license:
- (a) Permits an independent living program to continue to operate after the original annual license or annual license has expired and while the independent living program attempts to satisfy the requirements of an annual license;
 - (b) Expires in no more than ninety (90) days; and
 - (c) May be renewed only once and for no more than ninety (90) days.
- 6306.14 A restricted license:
- (a) Permits an independent living program to continue to operate in accordance with its original annual license or annual license except that the independent living program may not:
 - (1) Accept new residents; or
 - (2) Provide certain services as specified on the license;
 - (b) Identifies the specific restrictions made on the program;
 - (c) Expires in no more than ninety (90) days; and

(d) May not be renewed.

6306.15 In addition to any requirements of this Chapter concerning posting, the independent living program shall maintain all plans, policies, and procedures required under this Chapter in a single designated location that is easily accessible to staff.

6306.16 CFSA shall make licenses and variances available to the public, upon request.

6306.17 An independent living program shall maintain an administrative office in the District.

6306.18 The administrative office required by § 6306.17 shall:

- (a) Be in an area separate from the independent living program’s living areas;
- (b) Include a separate area for the maintenance of records and the performance of administrative activities; and
- (c) Include a separate area for private discussions between residents and staff or other persons.

6307 ORIGINAL ANNUAL LICENSE

6307.1 An original annual license:

- (a) Permits the operation of an independent living program pursuant to the terms of this Chapter; and
- (b) Is valid for no more than one (1) year from the date it is issued.

6307.2 An applicant for an original annual license shall submit the following with the application:

- (a) A statement of the ownership of the independent living program, including the names and addresses of all owners or, in the case of corporations, the officers and board members;
- (b) Copies of all certificates of approval, authority, occupancy, or need that are required as a precondition to lawful operation in the District of Columbia;
- (c) A projected one (1) year operating budget;
- (d) Documentation of sufficient funds on hand to operate the independent program for at least three (3) months;
- (e) Financial statements (including, without limitation, cash flow statement, income statement, and balance sheet), independently audited, prepared in

accordance with generally accepted accounting principles for each of the immediately preceding two (2) years, or the duration of the applicant's existence, whichever is shorter;

- (f) Copies of insurance information required under § 6316;
- (g) A written plan for satisfying the requirements of the fire safety law in the jurisdiction in which the main facility and residences are located, including a fire evacuation plan and exit drills;
- (h) A written plan for meeting residents' emergency medical needs, including access to emergency mental health services;
- (i) Documentation of compliance with § 6324 concerning criminal records checks;
- (j) Documentation of compliance with § 6325 concerning child protection register checks;
- (k) Documentation of compliance with §§ 6323.20 – 6323.22 concerning the health of and medical examinations for prospective and existing staff; and
- (l) A written plan for compliance with the requirements set forth in this Chapter concerning:
 - (1) Abuse, neglect, or other risks to residents' health and safety pursuant to § 6304;
 - (2) Grievance procedure pursuant to § 6305;
 - (3) Unusual incidents pursuant to § 6319;
 - (4) Personnel pursuant to § 6323;
 - (5) Personnel policies pursuant to § 6327;
 - (6) Emergency plan pursuant to § 6335;
 - (7) Prohibited and illegal devices and substances pursuant to § 6337;
 - (8) Health care pursuant to § 6342;
 - (9) Recreational activities pursuant to § 6344;
 - (10) Behavior management and discipline pursuant to § 6347; and
 - (11) Discharge pursuant to § 6348.

6307.3 CFSA shall review an application for an original annual license and either grant or deny the application or grant a provisional or restricted license, within sixty (60) days of receipt of the completed application.

6307.4 CFSA shall notify an applicant in writing of the decision to grant or deny an original annual license application, or to grant a provisional or restricted license. The notice shall include:

- (a) A statement of the grounds for the decision; and
- (b) An explanation of the right to and the method of requesting a fair hearing.

6307.5 If CFSA decides to grant the application, it shall issue the license within two (2) business days of its decision.

6308 ANNUAL LICENSE RENEWAL

6308.1 An applicant for renewal of an annual license shall submit the application to CFSA at least two (2) but not more than three (3) months prior to the expiration of the current annual license.

6308.2 The application for renewal of an annual license shall include:

- (a) A report of any changes in the information required by § 6307, including copies of any applicable documents;
- (b) A report of any major changes contemplated for the coming year;
- (c) Documentation of compliance with §§ 6323.20 – 6323.22 concerning the health of and medical examinations for prospective and existing staff;
- (d) Documentation of compliance with § 6324 concerning criminal records checks;
- (e) Documentation of compliance with § 6325 concerning child protection register checks;
- (f) An annual financial statement (including, but not limited to, a cash flow statement, income statement and balance sheet), audited or unaudited, prepared in accordance with generally accepted accounting principles (GAAP);
- (g) A copy of the independent living program’s budget; and
- (h) Copies of insurance information required under § 6316.

6308.3 CFSA shall review an application for annual license renewal and either grant or deny the application or grant a provisional or restricted license, within sixty (60) days of receipt of the completed application.

6308.4 CFSA shall notify an applicant in writing of the decision to grant or deny an annual license renewal, or to grant a provisional or restricted license. The notice shall include:

(a) A statement of the grounds for the decision; and

(b) An explanation of the right to and the method of requesting a fair hearing.

6308.5 If CFSA decides to grant the renewal, it shall issue the license within two (2) business days of its decision.

6309 LICENSE MODIFICATION

6309.1 CFSA may modify a license at any point during the licensing year upon request by the independent living program or on CFSA's own authority, provided that the modification is not deleterious to the residents' health, safety, or welfare.

6309.2 A request for a modification made by an independent living program shall be made to CFSA, and shall:

(a) Be in writing, using a form provided by CFSA;

(b) Set forth all relevant information concerning the specific modification sought and the reason for seeking the modification;

(c) Contain any additional information required by CFSA; and

(d) Be accompanied by all relevant documentation and information.

6309.3 CFSA shall review a request for a license modification and either grant or deny the request within sixty (60) days of receipt of the completed request.

6309.4 CFSA shall notify an applicant in writing of the decision to grant or deny a license modification. The notice shall include:

(a) A statement of the grounds for the decision; and

(b) An explanation of the right to and the method of requesting a fair hearing.

6309.5 If CFSA decides to grant the license modification, it shall issue the modified license within two (2) business days of its decision.

6310 VARIANCE

- 6310.1 CFSA may approve a variance upon a showing by an independent living program of hardship and manifest public need, except that a variance may not be approved if it would be deleterious to residents' health, safety, or welfare.
- 6310.2 A request for a variance shall be made to CFSA, and shall:
- (a) Be in writing, using a form provided by CFSA;
 - (b) Set forth all relevant information concerning the specific variance sought and the reason for seeking the variance;
 - (c) Set forth all relevant information concerning the alleged hardship and manifest public need that requires the variance;
 - (d) Include documentation sufficient to establish that granting the variance would not be deleterious to residents' health, safety, or welfare;
 - (e) Include documentation sufficient to establish that the independent living program would continue to comply with the intent of this Chapter if the variance were granted;
 - (f) Contain any additional information required by CFSA; and
 - (g) Be accompanied by all relevant documentation and information.
- 6310.3 A variance shall remain in effect for the duration of the license.
- 6310.4 CFSA shall review a request for a variance and either grant or deny the request within sixty (60) days of receipt of the completed request.
- 6310.5 CFSA shall notify an applicant in writing of the decision to grant or deny a variance. The notice shall include:
- (a) A statement of the grounds for the decision; and
 - (b) An explanation of the right to and the method of requesting a fair hearing.
- 6310.6 A variance may not be issued to an independent living program owned or operated by the District of Columbia government.
- 6310.7 If CFSA decides to grant the variance, it shall issue the variance within two (2) business days of its decision.

6311 SUSPENSION, CONVERSION, AND REVOCATION OF LICENSES

- 6311.1 CFSA may revoke or suspend a license for a period of no longer than sixty (60) days, or convert any original annual or annual license to a provisional or restricted license, if it finds an immediate or serious danger to the health, safety, or welfare of the residents.
- 6311.2 The contracting entity shall immediately remove all residents from an independent living program when it suspends or revokes a license.
- 6311.3 CFSA shall, within one (1) business day, give the independent living program written notice of a revocation, suspension, or conversion. The notice shall include:
- (a) The grounds for the decision;
 - (b) Notice of the right to an administrative review of the decision with CFSA;
 - (c) Notice that the independent living program has seven (7) business days from the day notice is received to request an expedited, preliminary review hearing; and
 - (d) Notice that the independent living program has thirty (30) days from the day notice is received to request a final review hearing.
- 6311.4 If an independent living program whose license has been suspended agrees to take appropriate corrective actions in accordance with a specific time frame acceptable to CFSA, CFSA may extend the suspension for no longer than an additional sixty (60) days.
- 6311.5 If an independent living program whose license has been suspended does not request a preliminary review hearing or a final review hearing, and the independent living program has not either agreed to take appropriate corrective actions in accordance with a specific time frame acceptable to CFSA or taken the appropriate corrective actions in accordance with the specific time frame acceptable to the applicable licensing agency, CFSA may revoke the license.
- 6311.6 If CFSA determines that an independent living program whose license has been suspended satisfies the requirements of a license, CFSA shall reinstate the license.
- 6311.7 If CFSA determines that an independent living program whose license has been converted satisfies the requirements of an original annual or annual license, CFSA shall reinstate the independent living program's annual license.

6312 PENALTIES

- 6312.1 CFSA may impose civil fines, penalties, and related costs against a public or private independent living program for the violation of any provision of this Chapter.
- 6312.2 A violation shall be considered an infraction under the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 25, 1985, D.C. Law 6-42, D.C. Official Code § 2-1801.01 et seq.
- 6312.3 The procedures for adjudication and enforcement and the applicable fines, penalties, and costs shall be those established by or pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 25, 1985, D.C. Law 6-42, D.C. Official Code § 2-1801.01 et seq.
- 6312.4 Governmental immunity is not a defense to any civil fine, penalty, or cost imposed.
- 6312.5 Civil fines, penalties, and related costs imposed against an independent living program may not come out of funds needed to provide quality care and services to residents or otherwise passed on to the contracting entity, CFSA, or the District of Columbia.
- 6312.6 Civil fines, penalties, and costs imposed against any independent living program owned or operated by the District of Columbia government shall be paid into a special account to be used for the personal needs of residents.
- 6312.7 CFSA shall conduct an audit at least annually of every independent living program against which civil fines, penalties, or costs have been imposed.
- 6312.8 Notwithstanding the availability of any other means of enforcement, CFSA may deduct the amount of civil fines, penalties, and related costs imposed against an independent living program directly from amounts otherwise payable by the District of Columbia to the independent living program.
- 6312.9 CFSA shall maintain a record of all decisions to impose penalties or fines. The record shall be accessible to the public.

6313 OWNERSHIP

- 6313.1 An independent living program may be publicly or privately owned or operated, for profit, or not for profit.
- 6313.2 An independent living program owned or operated by a corporation shall maintain its corporate status in accordance with the laws of the District of Columbia.

6313.3 If a corporation is not organized and empowered solely for the purpose of operating and maintaining an independent living program, the charter of the corporation shall provide for the operation of an independent living program in its statement of purpose.

6314 LOCAL ADVISORY COMMITTEE

6314.1 Each independent living program shall have at least one (1) local advisory committee.

6314.2 The membership of a local advisory committee shall:

- (a) Consist of at least three (3) members;
- (b) Include at least one (1) representative of the neighborhood in which the main facility or a residence is located, who is otherwise unaffiliated with the independent living program; and
- (c) Include at least one resident who is eighteen (18) years of age or older.

6314.3 The local advisory committee shall:

- (a) Meet with the administrator at the main facility at least quarterly to review programs, policies, citizen complaints, and police contacts;
- (b) Inform CFSA in writing of any situation that a majority of the committee believes warrants correction and that the independent living program has failed to correct within a reasonable period of time after being notified by the committee; and
- (c) Report annually to CFSA and the contracting entity concerning:
 - (1) The number of admissions;
 - (2) The number, outcome, and length of stay of planned and unplanned discharges;
 - (3) The staff turnover rate and efforts to reduce it; and
 - (4) Program effectiveness in meeting the needs of residents.

6314.4 The independent living program shall provide the local advisory committee with the information necessary to prepare the report required under § 6314.3(c).

6314.5 The independent living program may not provide the local advisory committee with identifying information regarding individual residents.

6314.6 The administrator and the local advisory committee shall hold a public meeting at least twice a year.

6314.7 The independent living program shall maintain copies of the minutes of the local advisory committee meetings.

6315 FISCAL MANAGEMENT

6315.1 An independent living program shall keep and maintain a current and accurate record of receipts and expenditures.

6315.2 An independent living program shall demonstrate fiscal accountability.

6315.3 An independent living program may not enter into a service contract with any corporation, firm, association, or business in which the independent living program’s owners, administrative staff, board of directors, or the members of their immediate families, have any direct financial interest, unless the service contract contains terms equal to or more favorable to the independent living program than those terms offered to the general public. The independent living program shall maintain a written record of any service contract in which its owners, administrative staff, or board of directors, or members of their immediate families, is involved.

6315.4 An independent living program shall maintain copies of all leases into which it or its residents enter. A lease shall include the location and description of the rented property, monthly or annual rent, and the period of time covered.

6315.5 An independent living program shall maintain adequate bonding for all persons delegated the authority to manage funds.

6316 INSURANCE

6316.1 In this section, “staff member” includes all employees of an independent living program and any other person (including, without limitation, volunteers, independent contractors, and vendors) regularly providing services at the independent living program. A person “regularly” provides services at an independent living program if the person:

- (a) Visits the independent living program to provide services on at least a weekly basis;
- (b) Visits the independent living program to provide services for at least ten (10) hours per month; or
- (c) Provides direct care and supervision of residents.

- 6316.2 The requirements of this section shall be explicitly stated in the each contract between an independent living program and contracting entity.
- 6316.3 An independent living program shall secure and maintain the insurance policies required in this section.
- 6316.4 All policies shall be written by insurers which are licensed as regulated insurers by the District of Columbia government and are in good standing under such license, with a rating by the A.M. Best Company of A- or greater, and with a financial class size of VIII or higher, or equivalent ratings from a recognized insurance rating service which CFSA has approved in writing.
- 6316.5 An independent living program shall submit an original certificate of insurance complying with the provisions of § 6316 to CFSA with the application for an:
- (a) Original annual license, pursuant to § 6307; or
 - (b) Annual license renewal, pursuant to § 6308.
- 6316.6 The original certificate of insurance required by § 6316.5 shall evidence and summarize the terms of actual policies in force for all the coverages for the contracting entity, licensing agency, and the District of Columbia government, as set forth in § 6316.
- 6316.7 The cancellation clause in the original certificate of insurance may not include the words "endeavor to" and "but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives," or other similar language.
- 6316.8 An independent living program shall secure and maintain, and provide evidence that its staff members who are independent contractors secure and maintain (in the form of certificates complying with §§ 6316.5, 6316.6, and 6316.7), commercial general liability insurance, containing contractual liability insurance, insuring the independent living program as named insured and naming the contracting entity, licensing agency, and the District of Columbia government as additional insureds, on an occurrence (not claims-made) basis, with per location or per project limits (exclusive of defense costs) of not less than:
- (a) One million dollars (\$1,000,000) per occurrence for bodily injury or death or property damage, combined single limit;
 - (b) One million dollars (\$1,000,000) per occurrence for personal and advertising injury;
 - (c) One million dollars (\$1,000,000) per occurrence for products-completed operations; and

(d) Subject to a general aggregate of two million dollars (\$2,000,000) per policy year.

- 6316.9 Policies maintained pursuant to § 6316.8 shall be primary coverage and the independent living program's policies shall provide coverage for staff members excluding independent contractors. Deductibles under commercial general liability insurance policies may not exceed five thousand dollars (\$5,000.00) per occurrence.
- 6316.10 An independent living program shall secure and maintain business automobile policy insurance for owned, non-owned, and hired vehicles with a combined single limit (exclusive of defense costs) of not less than one million dollars (\$1,000,000). All such policies shall be primary coverage and shall provide coverage for all staff members. Limits for uninsured and under-insured motorists shall be not less than one million dollars (\$1,000,000). Physical damage deductibles under business automobile policies may not exceed five thousand dollars (\$5,000.00) per occurrence.
- 6316.11 An independent living program shall secure and maintain, and provide evidence, that its staff members who are independent contractors secure and maintain (in the form of certificates complying with § 6316.5), worker's compensation insurance with statutory worker's compensation limits. The independent living program's policies shall cover all staff members excluding independent contractors.
- 6316.12 An independent living program shall secure and maintain, and provide evidence that its staff members who are professional independent contractors secure and maintain (in the form of certificates complying with § 6316.5), professional liability insurance with limits (exclusive of defense costs) of not less than one million dollars (\$1,000,000) per occurrence. The independent living program's policies shall be primary coverage and shall provide coverage for all of the independent living program's professional staff excluding independent contractors.
- 6316.13 An independent living program shall secure and maintain employer's liability insurance with limits of not less than one hundred thousand dollars (\$100,000) per accident, five hundred thousand dollars (\$500,000) disease policy limit, one hundred thousand dollars (\$100,000) disease, each employee. All such policies shall be primary coverage and shall provide coverage for all staff members.
- 6316.14 An independent living program shall secure and maintain coverage of the building, improvements, furnishings, fixtures and equipment, inventory and other personal property by broad form ("all-risk") commercial property insurance on a full replacement cost, agreed amount basis, waiving subrogation against CFSA, the contracting entity, and the District of Columbia government and containing an additional insured endorsement naming CFSA, the contracting entity and the District of Columbia government as additional insureds. The independent living

program shall secure and maintain time value insurance coverage for one hundred percent (100%) of the loss of income/extra expense coverage incurred in occurrences covered by the independent living program's commercial property insurance policy. Deductibles under property insurance policies maintained by the independent living program may not exceed five thousand dollars (\$5,000.00) per occurrence. All such policies shall be primary coverage. If all or a portion of the above coverages are maintained by the independent living program's landlord, the independent living program shall also provide evidence of the landlord's coverage in the form of evidence of insurance complying with §§ 6316.5, 6316.6 and 6316.7, which evidence shall include a waiver of subrogation against CFSA, the contracting entity and the District of Columbia government.

6316.15 An independent living program shall secure and maintain excess or umbrella liability insurance with limits of not less than ten million dollars (\$10,000,000) per occurrence, subject to a general aggregate of ten million dollars (\$10,000,000) per policy year, and self-insured retention of no more than ten thousand dollars (\$10,000), covering not less than the same liabilities and coverages set forth in §§ 6316.8, 6316.9, 6316.10, 6316.12 and 6316.13 in excess of the limits specified in those policies.

6316.16 If any claim has been made under any policy of insurance required by § 6316, and the limits or coverages of insurance are reduced thereby, the independent living program shall replenish such insurance to the limits and coverages provided in § 6316.

6316.17 An insurance policy required by § 6316 shall contain the following endorsement:

“It is hereby understood and agreed that the insurer may not cancel, fail to renew, or reduce the coverage or liability limits of this policy unless the insurer provides the contracting entity, licensing agency, and the Office of the City Administrator with written notice of an intent to take such action at least ten (10) days in advance of cancellation for non-payment of premium and thirty (30) days in advance of any other such action. The insurer shall serve notice to the following persons by certified mail, return receipt requested:

Director
Child and Family Services Agency
400 6th Street SW
Washington, D.C. 20024

Office of the City Administrator

Attention Risk Management Officer
441 4th Street, N.W.
Suite 1150
Washington, D.C. 20001”

- 6316.18 No later than ten (10) days prior to a renewal, cancellation, non-renewal, or reduction in coverage or liability limits, an independent living program shall obtain and furnish to the contracting entity, licensing agency, and Office of the City Administrator copies of certificates complying with §§ 6316.5, 6316.6, and 6316.7 for replacement insurance policies meeting the requirements of § 6316.
- 6316.19 The legal liability of an independent living program to the contracting entity, licensing agency, District of Columbia government, and any person for any of the matters that are the subject of the insurance policies required by § 6316 may not be limited by such insurance policies or by the recovery of any amounts thereunder.
- 6316.20 Insurance coverage may be provided under policies that cover more than one location; provided, however, that the limits and coverages shall apply separately to each location.
- 6316.21 An independent living program shall defend, indemnify and hold the contracting entity, licensing agency, and the District of Columbia government, and its elected and appointed officials and officers, employees, agents and representatives, harmless from and against any and all injuries, claims, demands, judgments, suits in law and equity (including without limitation, habeas corpus actions), actions before administrative tribunals, damages, losses and expenses, including reasonable attorney’s fees and costs of suit or defense, that actually or allegedly, in whole or in part, arise out of, or result from:
- (a) The operation of the independent living program;
 - (b) Performing or failing to perform duties required by or reasonably related to the requirements of the contract between the independent living program and the contracting entity; or
 - (c) Providing or offering services, whether or not caused by the independent living program or its affiliates, officers, employees, agents, contractors or subcontractors.
- 6316.22 The provisions of § 6316.21 shall apply whether or not the acts or omissions were alleged or proven to have been caused in whole or in part by the contracting entity, CFSA, or the District of Columbia government, and whether or not such acts or omissions are authorized, allowed, or prohibited by this Chapter.
- 6316.23 An independent living program’s indemnity obligations under § 6316 may not apply to any injuries, claims, demands, judgments, damages, losses or expenses to

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the extent arising out of or resulting from the gross negligence or willful misconduct by the contracting entity, CFSA, or the District of Columbia government, or their officials, officers, employees, agents or representatives, provided that no such gross negligence or willful misconduct, alleged or actual, shall affect the independent living program’s obligation to defend the contracting entity, licensing agency, and the District of Columbia government.

6316.24 An independent living program shall provide copies of the policies for any or all of the insurance required by this section to the contracting entity and licensing agency upon written request.

6316.25 All notices and documents required under this section shall be provided to CFSA, the contracting entity, and the Office of the City Administrator, at the following addresses:

Director
Child and Family Services Agency
400 6th Street SW
Washington, D.C. 20024

Office of the City Administrator
Attention Risk Management Officer
441 4th Street, N.W.
Suite 1150
Washington, D.C. 20001

6316.26 The requirements of § 6316 do not apply to facilities owned or operated by the District of Columbia government.

6317 QUALITY ASSURANCE

6317.1 An independent living program shall cooperate with monitoring and evaluation efforts undertaken by CFSA or the contracting entity, including by providing or assisting in obtaining any information requested to evaluate the adequacy, appropriateness, effectiveness, cost-effectiveness, and quality of the program’s operation and services.

6318 CASE RECORD

6318.1 An independent living program shall maintain a separate written case record for each resident.

6318.2 The independent living program shall make timely entries in the case record that are legible, dated, and signed by the staff member or other person making the entry.

6318.3 A resident's case record shall include:

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- (a) Name, date and place of birth, social security number, date of admission, and citizenship;
- (b) A physical description, including but not limited to sex, race, height, weight, hair color, eye color, and identifying marks;
- (c) A current photograph;
- (d) The primary language or means of communication spoken and understood by the resident and the primary language used by the resident's family, if other than English;
- (e) Religious affiliation, if any;
- (f) The name, address, and telephone number of the resident's parent(s) or other responsible family member(s), guardian, attorney, and referring agency or case worker, as applicable;
- (g) Medical, mental health, and immunization records, including but not limited to identified emergency medical needs, allergies, basic needs, and non-emergency medical conditions and physical infirmities, including all visible signs of illness or injury;
- (h) Dental, vision, and hearing records;
- (i) The social history;
- (j) The contracting entity's case plan, if any;
- (k) The initial ITILP as required by § 6341 and any changes or updates thereto;
- (l) The ITILP as required by § 6341 and any changes or updates thereto;
- (m) The discharge plan, as required by § 6348;
- (n) Behavior management and discipline records relating to the resident, where applicable, as required by § 6347;
- (o) All correspondence relevant to the resident;
- (p) Reports of unusual incidents as required by § 6319;
- (q) Reports related to abuse, neglect, or other risks to the resident's health and safety made pursuant to § 6304;
- (r) Any consents to treatment as required by § 6342.7;
- (s) Any restrictions on visitation, mail, or telephone contacts;

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- (t) Court orders, if applicable;
- (u) Admission and placement information as required by § 6339;
- (v) Signed notification of rights as required by § 6340.3(f);
- (w) Signed notification of grievance procedures, as required by § 6340.3(g);
- (x) Education records;
- (y) Any evaluation or progress reports prepared for the resident;
- (z) The resident's grievance record; and
- (aa) Documentation of counseling and treatment sessions.

6318.4 An independent living program shall maintain all information in a resident's case record for so long as the resident is admitted to the independent living program. Upon the resident's discharge from the independent living program, the independent living program shall turn over the original case record to the contracting entity.

6318.5 An independent living program shall maintain a resident's case record in a locked and secure location when unattended.

6318.6 An independent living program, CFSA, the contracting entity, and the guardian ad litem shall have access to a resident's case record. No other person may have access to the resident's case record unless authorized in writing by the CFSA.

6318.7 An independent living program shall maintain in the case record easily accessible emergency information for each resident, including:

- (a) The name, address, telephone number, and relationship of a designated person to be contacted in case of an emergency;
- (b) If the resident is less than eighteen (18) years of age, a person able to give consent for emergency medical treatment, if applicable;
- (c) The resident's physician or source of health care; and
- (d) Health insurance information.

6319 UNUSUAL INCIDENTS

6319.1 In this section, an "unusual incident" is an event that is significantly different from the regular routine or established procedure of the resident, the independent living program, or any person relevant to the resident.

6319.2 Unusual incidents include but are not limited to:

- (a) The death of a resident;
- (b) The death of a staff member while on duty or at the independent living program;
- (c) The attempted suicide of a resident or staff member;
- (d) A resident's suspension or expulsion from school or an alternative educational program;
- (e) A resident is missing or has absconded;
- (f) A resident's alleged delinquent or criminal behavior, including but not limited to the possession or use of controlled substances, or weapons;
- (g) A resident is the victim of alleged delinquent or criminal behavior;
- (h) A staff member's actual or alleged possession of a controlled substance, actual or alleged use of a controlled substance, or appearance of being under the influence of a controlled substance while on duty or at the independent living program;
- (i) A staff member's dereliction of duty, unlawful or improper behavior, or fraud;
- (j) A resident's injury, trauma, or illness requiring treatment at a hospital;
- (k) A violation of a resident's rights as set forth in this Chapter;
- (l) Any physical altercation involving a resident or staff member;
- (m) Any sexual contact involving a resident who is less than eighteen (18) years of age;
- (n) Any sexual contact between a resident and a staff member;
- (o) Misuse of a resident's funds;
- (p) An outbreak of a communicable disease;
- (q) An incident requiring the services of the fire or police departments;
- (r) An automobile accident involving residents or staff on duty;
- (s) Destruction of government property;

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- (t) Any contact or visit, whether announced or unannounced, by the media or high-level government officials;
- (u) A loss of any utilities, including but not limited to power, water, or sewage;
- (v) Any condition which results in the independent living program's closure; and
- (w) Any other occurrence or event which substantially interferes with a resident's health, welfare, living arrangement, or well-being, or in any way places a resident at risk.

6319.3 The independent living program shall report all unusual incidents to CFSA and the contracting entity.

6319.4 Except as provided by § 6319.5, the report shall be made orally as soon as possible, but in no event later than twenty-four (24) hours, and in writing no later than the next business day.

6319.5 An independent living program shall report alleged child abuse, neglect, or other risk to a resident's health and safety in accordance with § 6304.

6319.6 If a resident is missing or has absconded, the independent living program shall:

- (a) Notify the law enforcement agency in the jurisdiction in which the resident resides and the contracting entity within one (1) hour after learning that a resident is missing or absconding; and
- (b) Inform the law enforcement agency and the contracting entity immediately upon the resident's return to the independent living program.

6319.7 The independent living program shall establish and implement a written plan for the reporting of unusual incidents.

6320 CONFIDENTIALITY

6320.1 A resident's case record is confidential and may not be disclosed or used other than in the course of official independent living program duties to provide services to the resident and in such instance shall only be disclosed to the least extent possible, consistent with any court order, the resident's initial ITILP and ITILP, and local and federal law. The independent living program, CFSA, contracting entity, and guardian ad litem shall have access to the resident's case record. No other person shall have access to the resident's case record unless authorized in writing by CFSA.

6321 PERSONAL PROPERTY

- 6321.1 An independent living program shall maintain an inventory of a resident’s personal property. The inventory shall include:
- (a) A description of the property, including its condition, and serial number, if any; and
 - (b) Identification of any property whose use has been limited pursuant to § 6321.2.
- 6321.2 An independent living program may limit a resident’s use of her or his personal property as reasonably necessary to protect the health, safety, or welfare of the resident or others. Any such limitation shall be set forth in the resident’s initial ITILP or ITILP, pursuant to § 6341, and documented in the resident’s case record.
- 6321.3 An independent living program shall return personal property whose use was limited pursuant to § 6321.2 to the resident:
- (a) Upon discharge, if appropriate; and
 - (b) Prior to discharge, if specifically provided in the resident’s initial ITILP or ITILP, pursuant to § 6341.

6322 PRIVACY

- 6322.1 An independent living program shall provide for a resident’s reasonable privacy with respect to his or her person, property, and living quarters, including by knocking before entering any residence and allowing the resident a reasonable amount of time to respond to the knock before entering.
- 6322.2 An independent living program may limit a resident’s privacy as reasonably necessary to protect the health, safety, or welfare of the resident or others. Any such limitation shall be set forth in the resident’s initial ITILP or ITILP, pursuant to § 6341, and documented in the resident’s case record.
- 6322.3 An independent living program shall maintain the confidentiality of a resident’s need for medications, except as necessary to provide services to the resident.
- 6322.4 The independent living program shall prohibit the use of listening devices for observation of a resident in the main facility and apartments, unless otherwise required by court order. This section may not be read to prohibit the use of a baby monitor used to monitor the well-being of an infant.
- 6322.5 Except as provided by § 6322.6 and other than a photograph taken of a resident upon admission into the independent living program pursuant to § 6340.1(c), an independent living program may not create or use a photograph, audio-tape, artwork, or writing of a residence who is less than eighteen (18) years of age without the written authority of the resident, resident's parent(s) or guardian(s),

and contracting entity, except that consent of the parent(s) or guardian(s) is not required if reasonable efforts to consult the parent(s) or guardian(s) have been made but a parent or guardian cannot be located.

- 6322.6 An independent living program may not use any photograph of a resident for public relations or fundraising purposes.
- 6322.7 A resident under the age of eighteen (18) may not participate in a public performance without the written authority of the resident, the resident's parent(s) or guardian(s), and the contracting entity, unless otherwise provided by court order, except that consent of the parent(s) or guardian(s) is not required if reasonable efforts to consult the parent(s) or guardian(s) have been made but a parent or guardian cannot be located.
- 6322.8 Except as provided by § 6322.6, a resident who is eighteen (18) years of age or older may consent to an independent living program's creation or use of a photograph, audio-tape, artwork, or writing of the resident, or to her or his own participation in a public performance. The independent living program shall provide written notice to the contracting entity at least two (2) business days prior to the creation, use, or participation.

6323 PERSONNEL

- 6323.1 An independent living program shall recruit and hire staff members who have the specialized knowledge, skills, and cultural competency necessary to provide for the residents' safety and developmental needs.
- 6323.2 An independent living program shall appoint an administrator who is responsible for the overall management and fiscal operation of the independent living program. Whenever this Chapter requires that an independent living program undertake or perform any act or obligation, the administrator shall be responsible for the performance of such act or obligation, unless otherwise specified.
- 6323.3 Except as provided by § 6323.26, the person appointed as the administrator shall:
- (a) Have a master's degree in social work or a related area of study from an accredited college or university and at least two (2) years of experience in the management or supervision of child welfare personnel and programs; or
 - (b) Have a bachelor's degree in social work or a related area of study from an accredited college or university and at least four (4) years of experience in the management or supervision of child welfare personnel and programs.
- 6323.4 The administrator shall be available to residents, CFSA, the contracting entity, staff and residents' parents and guardians by telephone at all times.

- 6323.5 An independent living program shall designate a clinical director who is responsible for the development, implementation, and supervision of programmatic services provided by or through the independent living program.
- 6323.6 The clinical director shall:
- (a) Have a master’s degree in social work or a related field; and
 - (b) Have at least three (3) years of post-graduate experience working with adolescents and young adults.
- 6323.7 An independent living program shall employ at least one (1) social worker for every twenty (20) residents. The social worker is responsible for the daily implementation of the social services provided to residents.
- 6323.8 A social worker shall have a master’s degree in social work or a related field.
- 6323.9 An independent living program shall employ or have a contract for the provision of services by a certified or licensed addictions counselor who is responsible for providing education and treatment regarding substance abuse to residents of the program.
- 6323.10 An independent living program shall employ or have a contract for the provision of services by an educational coordinator, whose responsibility is to identify residents’ educational needs and arrange for the provision of appropriate educational services.
- 6323.11 An educational coordinator shall have:
- (a) A master’s degree in education or a related field; or
 - (b) A bachelor’s degree in education and five (5) years experience in counseling and guidance of high school students.
- 6323.12 An independent living program shall employ or have a contract for the provision of services by a licensed practical nurse who is responsible for medication administration and attendance to the medical needs of the residents of the program.
- 6323.13 A licensed practical nurse shall be licensed as a practical nurse in the jurisdiction in which the service is provided.
- 6323.14 A staff member or independent contractor responsible for performing professional services, including psychological, psychiatric, medical, social work, nursing, dental, or education, shall have a professional degree in his or her respective field

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from an accredited college or university and any licensure or certification required by law in the jurisdiction in which the service is performed.

6323.15 An independent living program shall employ counselors who are responsible for day-to-day monitoring of the resident and her or his activities.

6323.16 A counselor shall have:

(a) A high school or general equivalency diploma; and

(b) At least five (5) years experience in human services delivery preferably working with adolescents and young adults.

6323.17 A degree in social work, psychology, or a related field may be substituted for the experience required by § 6323.16(b).

6323.18 An independent living program shall:

(a) If it operates a main facility, have a minimum resident to counselor ratio of 10:1 during the daytime, 6:1 at evenings, and 15:1 at night; and

(b) If it does not operate a main facility, have a minimum resident to counselor ratio of 15:1.

6323.19 A counselor on duty pursuant to § 6323.18 shall be awake and available at all times to all staff and residents through a pager whose number is conspicuously posted in the main facility and each residence and provided to the contracting entity and licensing agency.

6323.20 A staff member shall be in general physical condition that permits her or him to perform the duties of her or his position, be free from disease in a communicable form, and be able to work closely with residents without danger to the residents.

6323.21 A prospective staff member shall undergo a pre-employment medical examination and provide a physician's opinion concerning her or his general physical condition, freedom from disease in a communicable form, and ability to work closely with residents without danger to the residents. A staff member employed by an operating independent living program on the effective date of this Chapter shall provide such a physician's opinion when the program is licensed.

6323.22 A staff member shall undergo a follow-up medical examination every two (2) years.

6323.23 An independent living program may not permit a staff member to provide transportation services to residents unless the independent living program has:

(a) Verified that the staff member has a current operator's permit; and

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(b) Reviewed the staff member’s driving record for at least the last five (5) years and verified the absence of any serious moving violation.

6323.24 A staff member preparing food shall have a Food Handler’s Certificate from the District of Columbia Department of Health.

6323.25 An independent living program may not hire a prospective staff without receiving and confirming sufficient documentation to establish the individual’s identity, qualifications, and experience. The documentation shall include:

(a) At least three (3) work references;

(b) Proof of educational degrees or certificates; and

(c) Proof of any required current professional licensure or certification.

6323.26 A staff member employed by an operating independent living program on the effective date of this Chapter:

(a) If employed as the administrator, is exempt from the requirements of § 6323.3; or

(b) If employed as a counselor, is exempt from the requirements of § 6323.16.

6323.27 All staff shall possess current American Red Cross Standard First Aid and CPR certifications or the equivalent prior to commencing work at the independent living program, and shall continue to possess current certifications throughout their employment. A staff member employed by an operating independent living program on the effective date of this Chapter shall possess such certification when the program is licensed.

6324 CRIMINAL RECORDS CHECK

6324.1 A prospective staff member shall undergo a criminal records check in accordance with § 6324 prior to commencing work.

6324.2 An independent living program may not employ any individual who has a conviction for any of the following offenses or their equivalents:

(a) Fraud; or

(b) A drug-related offense.

6324.3 An independent living program may not employ any individual who has a conviction for any of the following offenses or their equivalents:

(a) Child abuse;

- (b) Child neglect;
- (c) Spousal abuse;
- (d) A crime against children, including child pornography; or
- (e) A crime involving violence, including but not limited to, rape, sexual assault, homicide and assault.

6324.4 Notwithstanding a conviction as set forth in § 6324.2 or § 6324.3, CFSA may permit the employment of an individual if it determines, after the individual's satisfactory completion of all other applicable requirements of this Chapter and a review of the conviction and current circumstances, that the individual would be able to provide care for adolescents or young adults consistent with this Chapter and the health, safety, and welfare of the residents.

6324.5 A criminal records check shall be performed on each staff member once every two (2) years as part of the annual license renewal.

6324.6 An independent living program shall keep confidential the results of all criminal records checks, except that the results shall be available to CFSA.

6325 CHILD PROTECTION REGISTER CHECK

6325.1 A prospective staff member shall undergo a child protection register check prior to commencing work.

6325.2 An independent living program may not employ any person who has been:

- (a) Identified as a possible abuser or neglecter in a currently-pending child abuse or neglect case;
- (b) Determined in a supported report of child abuse or neglect to be an abuser or neglecter; or
- (c) Adjudicated as the abuser or neglecter in a child abuse or neglect case.

6325.3 Notwithstanding § 6325.2, CFSA may permit the employment of an individual if it determines, after the individual's satisfactory completion of all other applicable requirements of this Chapter and a review of the child protection register results and current circumstances, that the individual would be able to provide care for adolescents or young adults consistent with this Chapter and the health, safety, and welfare of the residents.

6325.4 A child protection register check shall be performed on each staff member once every year as part of the annual license renewal.

6325.5 An independent living program shall keep confidential the results of all child protection register checks, except that the results shall be available to CFSA.

6326 STAFF TRAINING

6326.1 All staff training shall be specific to the ages and characteristics of the residents served by the independent living program.

6326.2 A new staff member of an independent living program shall receive pre-service training.

6326.3 The pre-service training required by § 6326.2 for new staff shall be for at least twenty (20) hours and include:

- (a) The independent living program’s administrative structure, procedures, and overall program;
- (b) The independent living program’s emergency plan as required by § 6335;
- (c) Communicable diseases and universal precautions;
- (d) Conflict resolution; and
- (e) An introduction to daily living skills for adolescents and young adults.

6326.4 A staff member shall receive at least forty (40) hours of annual in-service training.

6326.5 Annual in-service training shall include:

- (a) The independent living program’s emergency plan as required by § 6335;
- (b) The principles and practices of resident care, including appropriate training on age-specific and special physical, emotional, and medical needs;
- (c) Life skills as set forth in § 6330;
- (d) The independent living program’s administrative structure;
- (e) The independent living program’s policies and procedures as set forth in § 6307.2(n);
- (f) For the administrator, clinical director, social workers, and counselors appropriate techniques of behavior management and discipline pursuant to § 6347;
- (g) For the administrator, clinical director, social workers, and counselors techniques and methodologies of crisis management;

- (h) Child development;
- (i) Methods of working with adolescents and young adults that take into account their culture and interests;
- (j) Manifestation of and techniques for working with abused, neglected, and traumatized residents;
- (k) The independent living program’s discipline policy, including acceptable methods of discipline;
- (l) Recognition and prevention of abuse, neglect, and risks to the resident’s health or safety;
- (m) The independent living program’s procedures for reporting actual or alleged resident abuse or neglect, and actual or alleged risk to a resident’s health or safety, as set forth in § 6304, including training on mandatory reporting, and policies and procedures relating to child abuse or neglect and risks to residents’ health or safety;
- (n) Recognition of substance abuse symptoms and treatment resources;
- (o) Universal precautions;
- (p) Recognition of mental health disorders and treatment resources;
- (q) Suicide prevention;
- (r) Depression; and
- (s) Topics determined jointly by the independent living program and CFSA.

6326.6 An independent living program shall maintain records of attendance at training.

6327 PERSONNEL POLICIES

6327.1 At the time of her or his employment, an independent living program shall give a staff member a written description of his or her position that defines the qualifications, duties, and responsibilities of the position and his or her salary.

6327.2 An independent living program shall have a written statement of personnel policies that shall be given to a staff member at the time of employment. The personnel policies shall include:

- (a) Provisions for paid vacation, sick leave, and policy regarding holidays;
- (b) A description of any other employment benefits; and

(c) Provisions for periodic evaluations of work performance.

6327.3 An independent living program shall maintain an accurate personnel record on each staff member which shall include:

- (a) A written application showing qualifications and experience;
- (b) Reports of medical examinations as required by §§ 6323.21 and 6323.22;
- (c) Reports of criminal records checks as required by § 6324;
- (d) Reports of child protection register checks as required by § 6325;
- (e) Dates of employment;
- (f) Date of separation from employment with reason for separation;
- (g) Documentation of training received pursuant to § 6326, including the type, duration, and date of training and the person or agency conducting the training;
- (h) Annual performance evaluations; and
- (i) Documentation of all certifications and licenses required under this Chapter in accordance with §§ 6323 and § 6343.3.

6328 RESIDENCE PHYSICAL PLANT REQUIREMENTS

6328.1 A resident shall reside only in a residence that meets the requirements of § 6328.

6328.2 An independent living program may operate only a main facility, both a main facility and residences, or only residences.

6328.3 A main facility and each residence shall have a certificate of occupancy issued by the appropriate authority in the jurisdiction, to the extent required by law.

6328.4 An independent living program may not place a resident in a residence in violation of the certificate of occupancy.

6328.5 A main facility and each residence shall comply with all local and federal laws, including but not limited to laws relating to building and fire codes, electrical, lead paint standards, and asbestos.

6228.6 A main facility shall maintain a working fire extinguisher, subject to annual inspection, for each cooking area and wing of the main facility, and all areas used for electrical, gas, or other heating equipment.

6328.7 Except as provided in § 6328.8, a residence shall have the following rooms or areas:

- (a) A kitchen containing a working refrigerator, oven, stove, sink with hot and cold running water, and fire extinguisher;
- (b) A bathroom in a separate room with a locking door that:
 - (1) Has a working sink with hot and cold running water, bathtub or shower with hot and cold running water, flush toilet, and mirror secured to the wall at a convenient height;
 - (2) Is maintained in good repair, in clean condition, and in accordance with applicable laws and housing codes; and
 - (3) Is situated so as to allow direct access without the necessity of passing through a bedroom, except when a bedroom has an attached bathroom used only for the resident(s) who reside in that bedroom; and
- (c) At least one (1) bedroom for every two (2) residents that shall have:
 - (1) A locking door separating the bedroom from the rest of the residence;
 - (2) Direct outside ventilation;
 - (3) At least one (1) operable window with a source of natural light;
 - (4) A mechanical light;
 - (5) At least seventy (70) square feet of space for a single bedroom and at least sixty (60) square feet per person in a bedroom for two (2) residents; and
 - (6) Appropriate individual furniture, and an individual closet or a designated section of a closet with clothes racks and shelves in or near the bedroom.

6328.8 A residence may be an efficiency apartment provided that the apartment:

- (a) Includes a kitchen area containing the items set forth in § 6328.7(a);
- (b) Includes a bathroom in a separate room with a locking door and containing the items set forth in § 6328.7(b); and
- (c) Houses no more than one resident, which may be a teen parent and one child.

6328.9 A residence shall maintain at least one working smoke detector on each floor and at least one additional smoke detector for each bedroom area not connected by a common hallway.

- 6328.10 A residence shall be equipped with at least one working carbon monoxide detector on each floor and at least one additional carbon monoxide detector for each bedroom not connected by a common hallway.
- 6328.11 The building in which a main facility or residence is located shall:
- (a) Be maintained in a sanitary, comfortable, and safe condition, free from rodent and insect infestation, and in accordance with applicable law;
 - (b) Maintain its grounds in a sanitary, comfortable, and safe condition, free from rodent and insect infestation, and in accordance with applicable law;
 - (c) Maintain the building trash outside the building in secure, non-combustible, covered receptacles that prevent the penetration of insects and rodents; and that are separate from play areas and located so as to avoid being a nuisance to neighbors;
 - (d) Remove trash from the premises at least once a week;
 - (e) Provide heat during winter months of between sixty-eight (68) and seventy – two (72) degrees Fahrenheit, except that the residence may maintain a temperature of no lower than sixty-five (65) degrees Fahrenheit during sleeping hours, and meet all applicable laws concerning the heating and cooling systems;
 - (f) Provide water that meets all applicable laws; and
 - (g) Meet all applicable laws concerning lighting.
- 6328.12 A residence shall have laundry facilities on the premises, be located within walking distance of laundry facilities, or provide at least weekly transportation to laundry facilities.
- 6328.13 A residence shall have security devices including a charlie bar on all patio doors and locks, dead bolts, and safety chains on all doors. If a residence does not have such locks, the independent living program shall provide for their installation.
- 6328.14 An independent living program shall maintain in a secure location keys to all locks in each residence.

6329 HOUSEHOLD SUPPLIES, FURNITURE, FURNISHINGS, AND EQUIPMENT

- 6329.1 At the time that a resident moves into a residence, an independent living program shall provide the residence with the following household supplies, furniture, and household furnishings:

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- (a) New household supplies, include light bulbs, bathroom supplies including toilet paper, soap, a wastebasket, and a non-skid surface for the bathtub and shower;
- (b) Two (2) sets of new towels, including two wash clothes, two hand towels, and two bath towels;
- (c) If the bathroom does not have a shower door, a new shower curtain;
- (d) Living room furniture including one (1) sofa or love seat, one (1) lamp, one (1) bookcase, and one (1) side table;
- (e) Bedroom furniture including one (1) bed frame, mattress, and box spring for each resident, one (1) dresser for each resident, one (1) mirror, and one (1) lamp for each resident. The bed shall be of sufficient size to accommodate the resident comfortably;
- (f) If the resident is a teen parent who resides in the independent living program with her or his child, a crib that meets Consumer Product Safety Commission standards or bed, as appropriate to the child's age, as well as a clean non-toxic mattress, waterproof cover (as necessary), clean bed linens, and sufficient blankets and pillows;
- (g) Two (2) sets of new bed linens, including a fitted sheet, top sheet, pillow, pillow case, blanket and bed cover;
- (h) Dining furniture including one (1) dinette table and four (4) chairs;
- (i) A complete new table service for four (4), including plates, bowls, cups, saucers, and glasses;
- (j) A new cookware set including a frying pan or skillet, saucepan, casserole dish, and roasting pan;
- (k) New kitchen towels, kitchen soap, and scrubbers;
- (l) Curtains, blinds, or shades for all windows;
- (m) New tools, including a screwdriver, flat head Philips screwdriver, nails, hammer, pliers, flashlight, and batteries; and
- (n) A new first aid kit containing, at a minimum, the items set forth in § 6338 and maintained in accordance with § 6338.

6329.2 Furniture and supplies provided pursuant to § 6329 shall be in good condition and repair.

6329.3 Furniture and supplies provided pursuant to § 6329 shall be provided to the resident upon discharge from the program, if the resident wishes to retain the furniture and supplies, and as set forth in the resident’s discharge plan pursuant to § 6349.

6329.4 An independent living program shall pay for the installation of a telephone in each residence, and pay monthly for a single telephone line and basic telephone service.

6329.5 An independent living program shall conspicuously post the following in the main facility, to the extent possible in an area that is available only to residents and staff or in a manner which maintains the home-like atmosphere, and place a copy in each resident handbook:

- (a) Names, titles, and telephone numbers of program staff;
- (b) § 6303, as required by § 6303.6;
- (c) Telephone number for CFSA’s twenty-four (24) hour Child Abuse and Neglect Hotline (202-671-SAFE);
- (d) Policies and procedures relating to child abuse or neglect and risks to resident’s health or safety pursuant to § 6304.13;
- (e) Grievance procedure pursuant to § 6305.5;
- (f) Pager and cell phone, if any, of staff members on duty pursuant to § 6323.19;
- (g) Residence’s fire safety and evacuation plan pursuant to § 6330.1;
- (h) Written plan of daily living activities pursuant to 6330.6;
- (i) Emergency plan pursuant to 6335; and
- (j) Notice of residents’ council meetings pursuant to § 6345.5.

6330 LIFE SKILLS

6330.1 An independent living program shall assist a resident to develop and implement a fire safety and evacuation plan. A copy of the plan shall be conspicuously posted in the main facility and a copy placed in each resident handbook.

6330.2 An independent living program shall conduct at least one (1) fire drill each month in the main facility and at least one (1) annually in each residence not located in the main facility, and maintain a record of each fire drill.

- 6330.3 An independent living program shall inspect each fire extinguisher in the main facility and each residence at least monthly, and maintain a record of each fire extinguisher inspection.
- 6330.4 A resident shall participate in daily living activities, which shall include but not be limited to maintaining:
- (a) The residence and common areas;
 - (b) Regular personal hygiene; and
 - (c) Regular personal laundry.
- 6330.5 Daily living activities shall not conflict with a resident's ITILP.
- 6330.6 A main facility shall develop, conspicuously post in the main facility, and follow a written plan of daily living activities for its residents.
- 6330.7 An independent living program shall educate a resident concerning life skills including:
- (a) How to seek and secure housing;
 - (b) Safe and healthy trash disposal;
 - (c) Housecleaning and how to maintain a clean and healthy living environment;
 - (d) The safe and healthy storage and disposal of dangerous or combustible materials such as cleaning equipment, cleaning agents, aerosol cans, or other chemical substances;
 - (e) Who to contact to maintain the residence, including how to utilize residence management;
 - (f) Simple household repairs such as how to change a light bulb and patch a small hole;
 - (g) Nutrition and the importance of maintaining an adequate and balanced diet;
 - (h) Purchase, preparation, and storage of food;
 - (i) Proper personal care, hygiene, and grooming;
 - (j) The selection and purchase of clothing that is affordable and appropriate for the resident;
 - (k) How to do laundry;

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- (l) Personal safety, including safe community and residential living, and responding to emergency situations;
- (m) Money management, including encouraging residents to save money;
- (n) General health and health management;
- (o) First aid;
- (p) Reproductive health and contraception;
- (q) HIV/AIDS and sexually transmitted diseases;
- (r) Substance abuse recognition and prevention;
- (s) Parenting skills, including child development, health, and safety;
- (t) Problem solving and decision-making;
- (u) Conflict resolution, negotiation, team building, and peer support;
- (v) Time management;
- (w) Stress reduction;
- (x) Employment seeking and maintenance skills;
- (y) Consumer awareness;
- (z) Use of public transportation;
- (aa) Knowledge of public and private community resources;
- (bb) Educational and career planning; and
- (cc) How to identify situations requiring and how to acquire legal assistance.

6330.8

If a resident is a teen parent who resides in the independent living program with her or his child, in addition to the life skills set forth in § 6330.7, the independent living program shall educate the resident concerning:

- (a) Early childhood development;
- (b) Medical issues in early childhood;
- (c) Discipline;
- (d) Parental rights and responsibilities, including child support;

(e) Choosing and monitoring child care providers; and

(f) Sex, relationships, and family planning.

6330.9 The education required by §§ 6330.7 and 6330.8 may be provided by an entity other than the independent living program.

6331 MONITORING

6331.1 An independent living program shall monitor each resident and residence, including through at least twice monthly inspections of each residence.

6331.2 An independent living program shall conduct both announced and unannounced inspections.

6331.3 Monitoring shall assess and evaluate:

(a) The residence's general upkeep;

(b) The resident's ability to maintain the residence;

(c) The resident's ability to maintain adequate and appropriate houseware, pantry items, and food supplies;

(d) The resident's maintenance of a balanced diet;

(e) The resident's ability to maintain an adequate and appropriate wardrobe;

(f) The resident's proper personal care, hygiene, and grooming;

(g) The resident's ability to do her or his laundry;

(h) The storage of poisonous, toxic, or flammable substances in accordance with the manufacturer's instructions and in accordance with § 6336;

(i) The resident's awareness of the fire safety plan; and

(j) The resident's ability to access public transportation.

6331.4 Each inspection shall be documented in the resident's case record. Both the resident and the independent living program staff member who conducted the inspection shall sign the inspection report.

6332 MONTHLY STIPEND AND WEEKLY ALLOWANCE

6332.1 An independent living program shall provide the resident with a monthly stipend.

6332.2 If the resident resides in the main facility, the monthly stipend shall be at least five hundred (\$500) dollars of which at least:

- (a) Two hundred (\$200) dollars shall be for food;
- (b) One hundred twenty (\$120) dollars shall be for clothing;
- (c) Ninety (\$90) dollars shall be for transportation;
- (d) Thirty (\$30) dollars shall be for toiletries; and
- (e) Sixty (\$60) dollars shall be for incidentals.

6332.3 If the resident does not reside in the main facility, the monthly stipend shall be at least twelve hundred (\$1200) dollars, which shall include at least:

- (a) The amounts set forth in § 6332.2 for food, clothing, transportation, toiletries, and incidentals; and
- (b) Seven hundred (\$700) dollars for rent and utilities.

6332.4 If the resident is a teen parent who resides with her or his child, the stipend shall include an additional one hundred twenty-five (\$125) dollars per month per child.

6332.5 An independent living program shall provide a resident with an allowance of twenty (\$20) dollars per week.

6332.6 An independent living program may not require a resident to use a stipend or allowance to purchase any item which the independent living program is required to provide pursuant to this Chapter.

6332.7 As set forth by a resident's initial ITILP or ITILP, an independent living program may pay a stipend or any portion thereof directly to a rental office, utility, or other provider.

6333 RESIDENT BANK ACCOUNT

6333.1 A resident shall have an individual interest bearing savings account in a financial institution that is federally insured.

6333.2 In addition to the savings account required by § 6333.1, a resident who is eighteen (18) years of age or older and who does not reside in the main facility shall have an individual checking account in a financial institution that is federally insured.

6333.3 An independent living program shall assist a resident in opening the bank accounts required by § 6333.

6334 SPECIAL REQUIREMENTS FOR INDEPENDENT LIVING PROGRAMS SERVING RESIDENTS WITH DISABILITIES

6334.1 An independent living program providing care for residents with disabilities shall accommodate the needs of residents with disabilities to the extent that is otherwise required by Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and the Americans With Disabilities Act, 42 U.S.C. § 12101, et seq.

6335 EMERGENCY PLAN

6335.1 An independent living program shall develop and follow a plan for responding to emergencies, including medical emergencies, fire, power outage, severe weather conditions, imminent risks to a resident's physical safety, imminent risk that a resident will harm her or himself or another, and staffing problems.

6335.2 The plan required by § 6335.1 shall include:

- (a) Individual staff member duties;
- (b) Staff awareness of the specific medical needs of all residents;
- (c) Current emergency telephone numbers for fire, emergency medical services, police, poison control, and security services;
- (d) Procedures for notifying the entities listed in § 6335.2(c);
- (e) Evacuation routes and procedures, with clearly marked diagrams; and
- (f) Procedures for notifying CFSA and the contracting entity.

6335.3 One (1) staff member shall be assigned responsibility for coordinating the planning and procedures for meeting potential emergencies.

6335.4 An independent living program shall conspicuously post the emergency plan at suitable locations throughout the main facility and place a copy in each resident handbook.

6336 TOXIC, POISONOUS, AND FLAMMABLE SUBSTANCES

6336.1 A main facility and each residence shall have on-site only those poisonous, toxic, or flammable substances that are required to maintain the main facility or residence.

6336.2 All poisonous, toxic, or flammable substances shall be stored in accordance with the manufacturer's instructions.

6336.3 All toxic or poisonous substances shall be labeled as to the contents and antidote.

6337 PROHIBITED AND ILLEGAL DEVICES AND SUBSTANCES

- 6337.1 Explosives, pyrotechnics, firearms, chemical weapons, non-chemical weapons, and other similar devices or substances are prohibited within the main facility and each residence. Nothing in this section shall be construed as prohibiting law enforcement authorities from bearing arms when they are present at a main facility or residence in conjunction with their official responsibilities.
- 6337.2 Illegal substances are prohibited within the main facility and residences.
- 6337.3 An independent living program shall:
- (a) Prohibit the use and possession of alcohol by staff while in the main facility and each residence;
 - (b) Prohibit the use and possession of alcohol by residents; and
 - (c) Maintain a no-smoking policy in the main facility and each residence.
- 6337.4 An independent living program immediately shall contact local law enforcement if there is a reasonable suspicion that a resident or staff member is in possession of a firearm or illegal substance, or has engaged in other criminal behavior, including usage or distribution of an illegal substance.
- 6337.5 An independent living program shall have written policies and procedures for handling incidents involving prohibited and illegal devices and substances.

6338 FIRST AID

- 6338.1 An independent living program shall maintain at least one (1) accessible first aid kit in its main facility, residences, and vehicles used to transport residents.
- 6338.2 The first aid kit shall include, at a minimum, bandages, gauze pads, a cold pack, syrup of ipecac, antiseptic ointment, plastic bags, disposable gloves, antiseptic towelettes, small flashlight and extra batteries, scissors, tweezers, emergency thermal blanket, emergency phone numbers including the local poison control center, and a Red Cross first aid handbook.
- 6338.3 An independent living program shall have accessible a first aid kit during all recreational activities sponsored by the program.
- 6338.4 An independent living program's main facility and each residence shall store the first aid kit and first aid supplies in closed containers that are accessible to residents and staff at all times. The kit and supplies shall be checked, including for expiration dates, and restocked regularly.

6339 **ADMISSION AND PLACEMENT**

- 6339.1 The decision to admit an adolescent or young adult to an independent living program shall be made jointly between the contracting entity, the independent living program, and the adolescent or young adult.
- 6339.2 To be admitted to an independent living program, an adolescent or young adult shall be:
- (a) At least sixteen (16) years of age;
 - (b) Either:
 - (1) Employed at least part-time;
 - (2) Within 18 months of attaining a high school diploma;
 - (3) Attending a GED program;
 - (4) Actively engaged in a vocational program; or
 - (5) Attending college; and
 - (c) Have demonstrated sufficient maturity to enable the adolescent or young adult to live independently.
- 6339.3 Except as provided by § 6339.4, a resident who is younger than 18 years of age may reside only in the main facility.
- 6339.4 A resident who is younger than 18 years of age and who is enrolled in a residential high school or college may reside in a school dormitory.
- 6339.5 Prior to admission, the contracting entity shall determine and document in writing that the services, activities, and programs provided by the independent living program adequately can meet the needs of the adolescent or young adult, and that the independent living program is the least restrictive, most home-like environment for the adolescent or young adult that is clinically appropriate. In making its determination, the contracting entity shall consider:
- (a) Whether the adolescent or young adult’s level of life skills, knowledge and training are appropriate for the independent living program;
 - (b) Whether the services and environment provided by the independent living program are appropriate for the adolescent or young adult’s needs;
 - (c) Whether the location of the main facility and residences are convenient for the adolescent or young adult’s education program and other services;

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- (d) The ages and level of development of residents currently in the independent living program relative to the adolescent or young adult's age and level of development;
- (e) The mental, physical, or emotional condition of the residents currently in the independent living program relative to that of the adolescent or young adult; and
- (f) The adolescent or young adult's health needs relative to the capabilities of the independent living program to meet such needs.

6339.6 Prior to accepting an adolescent or young adult into an independent living program, the program shall provide the resident with:

- (a) A tour of the main facility;
- (b) If the adolescent or young adult would reside in the main facility, a tour of the particular residence in which he or she would reside, or, if the adolescent or young adult would not reside in the main facility, a tour of a residence similar in location and layout to the one in which he or she would reside;
- (c) An introduction to and the opportunity to speak with staff and residents;
- (d) An explanation of the independent living program's plans, policies and procedures listed in § 6307.2(1);
- (e) An explanation of the services provided by the independent living program and the community resources available to residents; and
- (f) An explanation of the independent living program's expectations of its residents, addressing goals, expected behavior, and residents' rights and responsibilities.

6339.7 An independent living program shall provide staff with information to facilitate the resident's placement, including but not limited to the reason for placement, the resident's medical condition and any medications, allergies, behavioral issues, and necessary instructions related to the resident's individual needs.

6339.8 To the greatest extent practicable, the resident's arrival at the independent living program shall be timed so as to cause the least distress to the resident and the least disruption to the staff and other residents.

6339.9 An independent living program shall maintain an admissions log that includes the name and date of birth of each resident, the date of admission, and the date of discharge or transfer.

6339.10 Within twenty-four (24) hours of a resident's admission, an independent living program shall identify all emergency medical and mental health needs, allergies, basic needs, and non-emergency medical and mental health conditions and physical infirmities, including all visible signs of illness or injury, and document this information in the resident's case record, along with documentation of a pre-admission medical screen.

6340 INTAKE SERVICES

6340.1 Immediately upon the admission of a resident, an independent living program shall:

- (a) Identify and provide for the resident's basic needs, including, but not limited to, a week's worth of clothing, food, hygiene, and medications;
- (b) Provide the household supplies, furniture, furnishings, and equipment required by § 6329; and
- (c) Make or obtain a color photograph of the resident of a sufficient size and clarity to permit the resident's identification and include the photograph in the resident's case record.

6340.2 As soon as practicable, and in any event not more than forty-eight (48) hours after admission, the independent living program shall complete an admissions record that includes the following information, where available:

- (a) The resident's name, date and place of birth, social security number, date of admission, and citizenship;
- (b) A description of the resident's identifying features, including but not limited to sex, race, height, weight, color of hair, color of eyes, and identifying marks;
- (c) A current photograph of the resident;
- (d) The inventory of the residents' possessions required by § 6321.1;
- (e) The primary language or means of communication spoken and understood by the resident and the primary language used by the resident's family, if other than English;
- (f) The name, address, and telephone number of the resident's parent(s) or other responsible family members, guardian, attorney, contracting entity, case worker, therapist, psychologist, psychiatrist, and other medical professionals, as applicable;

- (g) A description of the resident’s medical condition, including identification of any allergies, current medications, physical impairments or limitations, and psychological or mental health conditions;
- (h) The resident’s custody, guardianship, and commitment status; and
- (i) The current and planned educational or vocational placement.

6340.3 As soon as practicable after admission, and in any event not more than forty-eight (48) hours after admission, independent living program staff shall meet with the resident and:

- (a) Provide the resident with a notebook containing the independent living program’s plans, policies, and procedures listed in § 6307.2(1);
- (b) Explain the independent living program’s plans, policies, and procedures;
- (c) Discuss the services provided by the independent living program and the community resources available to residents;
- (d) Explain the independent living program’s expectations of its residents, addressing goals, and expected behavior;
- (e) Explain the policies and procedures regarding the behavior management and discipline of residents;
- (f) Obtain a statement signed by the resident and acknowledging receipt of a copy of the residents’ rights and responsibilities or documentation of efforts made to obtain the signature;
- (g) Obtain a statement signed by the resident and acknowledging receipt of a copy of the grievance procedure or documentation of efforts made to obtain the signature; and
- (h) Obtain a statement signed by the resident, acknowledging receipt of a copy of the notebook required by § 6340.3(a).

6341 INITIAL INDIVIDUAL TRANSITIONAL INDEPENDENT LIVING PLAN (“INITIAL ITILP”) AND INDIVIDUAL TRANSITIONAL INDEPENDENT LIVING PLAN (“ITILP”)

6341.1 Within five (5) days before and five (5) days after a resident’s admission, an initial Individual Transitional Independent Living Plan (“initial ITILP”) shall be developed for the resident. The initial ITILP shall:

- (a) Be consistent with the contracting entity’s current case plan, if any;

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- (b) To the extent practicable and applicable, include those items set forth in § 6341.5; and
 - (c) Be developed by the planning team.
- 6341.2 Within thirty (30) days of a resident’s admission, an Individual Transitional Independent Living Plan (“ITILP”) shall be developed for the resident. The ITILP shall:
 - (a) Be consistent with the contracting entity’s current case plan, if any;
 - (b) Take into account the outcomes of the initial ITILP required by § 6341.1;
 - (c) As applicable, include those items set forth in § 6341.5; and
 - (d) Be developed by the planning team.
- 6341.3 An independent living program shall record and maintain in the resident’s case record a statement of its efforts to involve the planning team in developing the initial ITILP and ITILP, and the reasons why any member of the planning team did not participate.
- 6341.4 Each member of the planning team shall receive a copy of the initial ITILP and ITILP.
- 6341.5 An ITILP shall:
 - (a) Be based on and describe the resident’s physical, mental, emotional, academic, social, familial, recreational, and life skills needs and strengths relative to the resident’s age, level of development, cultural background, and impairments;
 - (b) List each assessment given, the date it was given and describe the recommendations and outcomes;
 - (c) State the goals to be achieved, and for each goal:
 - (1) Evaluate the resident’s skill level;
 - (2) Identify the rationale for identifying the goal;
 - (3) State any concerns regarding the goal;
 - (4) State the actions needed to achieve the goal;
 - (5) State the timeframes projected for meeting the goal;
 - (6) Identify the person(s) or entity(s) responsible for any action needed to achieve the goal; and

(7) Identify the resources needed to achieve the goal;

(d) Describe the activities and services, including but not limited to life skills, educational, counseling, recreational, vocational, mental health, and medical activities or services;

(e) Describe proposed family involvement and plans for family visitation and communication;

(f) Set forth a discharge or transfer plan, where applicable;

(g) Describe the criteria, objectives, and methods to be used to evaluate the resident's progress and to determine when each goal has been achieved;

(h) Identify the person(s) responsible for coordinating and implementing the initial ITILP or ITILP;

(i) Be consistent with any court orders;

(j) Be consistent with the contracting entity's case plan for the resident, if any;

(k) Identify each participant in developing the initial ITILP or ITILP; and

(l) Be signed by each participant in its development.

6341.6 The planning team shall review and, as needed, revise the ITILP at least every six (6) months.

6341.7 An independent living program shall encourage a resident's parent(s) to participate on the planning team.

6342 HEALTH CARE

6342.1 An independent living program shall develop and implement a written plan addressing the process and procedures for meeting the residents' preventative, routine, and emergency health care.

6342.2 The plan required by § 6342.1 shall address:

(a) The requirements of § 6342;

(b) The provision of medical examinations to residents, including requiring:

(1) A comprehensive medical examination of each resident by a licensed physician within seventy-two (72) hours of admission unless the contracting entity provides a written report of such examination conducted no more than thirty (30) calendar days prior to admission; and

(2) Routine medical, dental, vision, and hearing examinations at intervals recommended by the American Academy of Pediatrics;

(c) The provision of effective mental health services, including but not limited to:

(1) A preliminary mental health screen by a licensed mental health practitioner within three (3) business days before or after admission;

(2) If indicated by the preliminary mental health screen, a mental health evaluation and assessment, including a standardized diagnostic mental health assessment completed within fifteen (15) calendar days of admission by a qualified mental health practitioner;

(3) Substance abuse prevention, intervention, and treatment; and

(4) Access to emergency mental health services, both in-patient and out-patient, on a twenty-four (24) hour per day, seven (7) day per week basis;

(d) Maintenance of required immunizations as recommended by the American Academy of Pediatrics;

(e) Provisions for obtaining prosthetic and corrective devices as medically required, including eyeglasses and hearing aids;

(f) The use, administration, supervision, response, and storage of medications, including notification to the attending physician of any adverse reaction or change in a resident's behavior in response to a medication;

(g) Provision of health education pursuant to § 6330.7;

(h) Explanation of health treatments;

(i) Provision of information to the contracting entity;

(j) A standardized system for collecting, recording, and conveying each resident's medical, including mental health, information; and

(k) Provide or arrange for smoking cessation programs for residents.

6342.3 Prescription medications shall be administered only by a dentist, physician, physician's assistant, registered nurse, or practical nurse who is a licensed health professional pursuant to the Health Occupations Revision Act of 1985, D.C. Law 6-99, D.C. Official Code § 3-1201.01 et seq.

6342.4 When specifically authorized by a physician, an independent living program may allow a staff member to administer medications to a resident. In such cases, the independent living program shall ensure that the staff member is able responsibly

to medicate, shall train the staff member concerning administration procedures, and shall provide supervision and monitoring. The independent living program shall obtain the consent of the resident and the resident's parent(s) or guardian(s) prior to allowing a staff member to administer medications to a resident, except that consent of the parent(s) or guardian(s) is not required if reasonable efforts to consult the parent(s) or guardian(s) have been made but a parent or guardian cannot be located.

6342.5 When specifically authorized by a physician, the independent living program may allow a resident to administer or self-administer medications or allow a resident to administer medications to his or her child. In such cases, the independent living program shall ensure that the resident is able responsibly to medicate or self-medicate, shall train the resident concerning administration procedures, and shall provide supervision and monitoring. The independent living program shall obtain the consent of the resident's parent(s) or guardian(s) prior to allowing the resident to self-administer medications, except that consent of the parent(s) or guardian(s) is not required if reasonable efforts to consult the parent(s) or guardian(s) have been made but a parent or guardian cannot be located.

6342.6 If medication is prescribed, an independent living program shall obtain a written report from the prescribing health professional detailing:

- (a) The type of medication;
- (b) The dosage;
- (c) The necessity for the medication;
- (d) The resident's other medications and the effect of their interaction;
- (e) The staff monitoring requirements, if any;
- (f) Potential side effects;
- (g) The next scheduled clinical meeting; and
- (h) A current therapeutic treatment plan.

6342.7 If a resident is less than eighteen (18) years of age, an independent living program shall obtain a written consent prior to treatment.

6342.8 An independent living program shall maintain the prescribed medications of residents whose residence is in the main facility:

- (a) In a secure area and, within that secure area, separate from that of other residents; and

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(b) If a medication requires refrigeration, in a locked refrigerator or in a secure container within a refrigerator.

6342.9 A main facility shall store all medications and medical supplies in their original containers, clearly labeled as to resident, and in a locked area accessible only to staff.

6342.10 A main facility shall safely dispose of all outdated medications and supplies, and those medications and supplies no longer in use.

6342.11 A resident whose residence is not in a main facility shall:

(a) Store all medications and medical supplies in their original containers and clearly labeled; and

(b) Safely dispose of all outdated medications and supplies, and those medications and supplies no longer in use.

6343 TRANSPORTATION SERVICES

6343.1 An independent living program shall provide or arrange for transportation necessary to implement each resident's initial ITILP and ITILP, including assisting the resident to access public transportation.

6343.2 A vehicle provided by an independent living program for the transportation of residents shall include all safety devices required by law.

6343.3 A person acting on behalf of an independent living program who transports residents shall be locally licensed to operate the class of vehicle the person uses for the transportation.

6344 RECREATIONAL ACTIVITIES

6344.1 An independent living program shall develop and follow a written plan for providing recreational activities adequate to meet each resident's needs, including:

(a) Sufficient supervised, organized or structured individual and group recreational programs, both indoors and outdoors, appropriate to the resident's age, interests, and needs, and consistent with the resident's ITILP;

(b) Free time for residents to pursue their individual interests, with protective supervision as required, unless otherwise provided in the resident's ITILP;

(c) The maximum use of available community recreational resources, where appropriate;

(d) Reasonable access to sufficient recreational supplies, equipment and activities appropriate to the resident’s age, interests, and needs; and

(e) Usable leisure-time materials, including but not limited to books, games, and toys that are appropriate to the resident’s sex and stage of development, and transportation to local libraries.

6344.2 An independent living program shall provide at least one (1) recreational activity per calendar quarter for the participation of all residents.

6345 RESIDENTS’ COUNCIL

6345.1 An independent living program shall establish and maintain a residents’ council.

6345.2 The purpose of the residents’ council is to make recommendations to the independent living program to improve the quality of the independent living program and to protect residents’ rights.

6345.3 The residents’ council shall be composed of residents.

6345.4 The residents’ council shall meet at least monthly.

6345.5 An independent living program shall provide the space for, and conspicuously post notice of, residents’ council meetings.

6345.6 The independent living program shall:

(a) Give due consideration to all recommendations made by the residents’ council;

(b) Respond in writing to all recommendations; and

(c) Maintain a record of all recommendations and responses.

6346 VISITATION AND CONTACT

6346.1 An independent living program shall develop and follow written rules for reasonable visitation, mail, and telephone contact between residents and the residents' families, friends, attorneys, and guardians ad litem, which shall be consistent with any court order and which shall include:

(a) Regular visiting hours and additional visiting hours for visitors who are unable to visit during regular visiting hours;

(b) Reasonable conditions of privacy;

(c) For the main facility, a designated space, separate from the residents’ bedrooms, for visitation purposes;

- (d) Procedures for restricting visitation, mail, or telephone contacts;
- (e) A prohibition against overnight visits in residences except as permitted by the resident's ITILP or the contracting entity; and
- (f) A prohibition against additional persons living in a residence beyond those permitted by the lease or who are participants in the independent living program.

6346.2 An independent living program may restrict visitation, mail, or telephone contacts only:

- (a) To comply with a court order; or
- (b) To safeguard against a documented safety risk to residents or staff.

6346.3 An independent living program shall timely inform the resident and, to the extent practicable, those affected outside the independent living program, of the nature of the restriction, the reasons for the restriction, and the duration of the restriction.

6346.4 An independent living program shall document in the resident's case record the restriction, the reasons for the restriction, and the duration of the restriction.

6347 BEHAVIOR MANAGEMENT AND DISCIPLINE

6347.1 An independent living program shall establish behavior management strategies to provide rewards and praise for appropriate behavior as well as negative consequences for inappropriate behavior. Behavior management strategies may include, but are not limited to:

- (a) A points or token economy system in which points or tokens are used to purchase privileges;
- (b) A written contract between the independent living program and the resident setting forth its requirements in clear and understandable language to help the resident acquire self-discipline; and
- (c) Provision of an allowance or withholding of an allowance, in accordance with § 6347.5.

6347.2 Discipline may not be arbitrary or capricious and shall be consistent among residents.

6347.3 An independent living program may not administer any form of restraint.

6347.4 An independent living program may not use forms of behavior management or discipline that involve cruel, severe, or humiliating actions, including, but not limited to:

- (a) Corporal punishment;
- (b) Physical exercise;
- (c) Requiring or forcing a resident to maintain an uncomfortable physical position, or requiring or forcing a resident to repeat physical movements;
- (d) Group discipline for the behavior of fewer than all residents;
- (e) Verbal abuse, ridicule, or humiliation;
- (f) Denial of social, mental health, educational, or casework services;
- (g) Deprivation of any meal;
- (h) Use or denial of any medication;
- (i) Denial of visitation, mail, or telephone contact with a resident's family, attorney, or guardian ad litem;
- (j) Denial of sleep;
- (k) Requiring the resident to remain silent for long periods of time;
- (l) Deprivation of civil rights provided by law, including, where applicable, the right to privacy, the right to freedom of association, the right to vote, the right to practice or not practice religion or faith of choice, the right to be free from unreasonable search and seizure, the right to be free from sexual harassment, and the right to be free from discrimination, including the right to equal access to services regardless of race, religion, ethnicity, sexual orientation, disability, or gender;
- (m) The denial of shelter, clothing, bedding, restroom facilities, or other essential personal needs;
- (n) The withholding of any part of the resident's current or future stipend or an allowance already paid or due to be paid;
- (o) Locked isolation;
- (p) Organized social ostracism, including but not limited to codes of silence;
- (q) Separation from other residents for more than thirty (30) minutes within any twenty-four (24) hour period;
- (r) Continuing discipline when signs of severe emotional distress are apparent;
and

- (s) Barring the resident from entry into the main facility or her or his residence, locking a resident out of the main facility or her or his residence, or expulsion of the resident from the independent living program.

6347.5 Approved forms of discipline include, but are not limited to:

- (a) The elimination or withholding of an allowance provided by the independent living program but not yet paid or due to be paid;
- (b) Requiring the resident to prepare a written report about the behavior, including the lessons learned, the appropriate ways in which the resident could respond if the situation were to arise again, and the way in which the resident would respond if the situation were to arise again;
- (c) The prohibition against attendance at or participation in planned activities; and
- (d) The prohibition against the use of entertainment devices, including but not limited to televisions, radios, and computers.

6347.6 An independent living program shall develop and follow written policies and procedures regarding the behavior management and discipline of residents, including but not limited to the:

- (a) Reasonable discipline that may be administered for violating those rules, which shall relate and be proportionate to the unacceptable behavior, and reflect the nature of real world experiences, as appropriate to the resident's age and level of development;
- (b) Resident's right to file a grievance concerning a disciplinary decision; and
- (c) The elimination or withholding of an allowance.

6347.7 Only staff receiving specific training in acceptable methods of discipline shall utilize discipline.

6347.8 An independent living program shall inform the resident of the nature of and the reason for the discipline prior to administering the discipline.

6347.9 An independent living program shall administer discipline as soon as practicable after the behavior occurs and after allowing the resident to explain his or her behavior.

6347.10 An independent living program shall document the following in the resident's case record whenever disciplinary action is taken:

- (a) The nature and date of the behavior warranting discipline;
- (b) The type of discipline administered;

- (c) The date the discipline was administered;
- (d) The name and title of the person who administered the discipline;
- (e) The resident's response to the discipline; and
- (f) Any grievance and the outcome of the grievance.

6348 DISCHARGE

- 6348.1 An independent living program may not discharge a resident without the agreement of the contracting entity.
- 6348.2 An independent living program shall prepare a discharge plan whenever a resident is discharged.
- 6348.3 The discharge plan shall include:
- (a) The reason for the discharge;
 - (b) A summary of the services that were provided during care;
 - (c) A summary of the resident's educational and medical, including mental health and dental, histories;
 - (d) The supports and resources to be provided to the resident in preparation for discharge;
 - (e) If the resident will be twenty-one (21) years of age at discharge, a recommended plan for self-care;
 - (f) If the resident will be less than twenty-one (21) years of age at discharge, the recommended aftercare;
 - (g) The entity or person(s) responsible for aftercare;
 - (h) The resident's expected address and telephone number after discharge; and
 - (i) The identity of the person(s) responsible for the resident after discharge, where applicable.
- 6348.4 The discharge plan shall be developed by the planning team.
- 6348.5 The discharge plan shall be developed sufficiently in advance of the discharge to provide for a smooth transition.
- 6348.6 Upon a resident's discharge, the independent living program shall provide the resident's case record, or a copy thereof, to the contracting entity.

6349 APPEAL PROCEDURE

6349.1 A person aggrieved by a decision of CFSA to deny, suspend, or revoke a license or the renewal of a license may appeal the decision in accordance with 29 DCMR Chapter 59.

6399 DEFINITIONS

6399.1 The following terms and phrases shall have the meanings described:

“Adolescents and young adults” – Persons age sixteen (16) to twenty-one (21) years of age.

“Administrator” – The independent living program staff member responsible for the operation of the independent living program or that person’s designee.

“Admission” – The administrative process by which an adolescent or young adult becomes a resident of an independent living program.

“Aftercare” – Control, supervision, and care exercised over an adolescent or young adult after discharge from an independent living program;

“Annual license” – Permission granted to an applicant to operate an independent living program under this chapter of the DCMR.

“Apartment” – A self-contained dwelling unit located in a building containing at least one other self-contained dwelling unit, and also containing a bedroom, kitchen, and bathroom facilities.

“Audit” – An examination of records or accounts to check their accuracy, that is conducted by a person or persons not directly involved in the creation and maintenance of the records or accounts.

“Business day” – Monday through Friday excluding legal holidays.

“Case record” – Information about a resident’s situation and services that is documented by the independent living program and retained in the independent living program’s files.

“CFSA” – The District of Columbia Child and Family Services Agency.

“Contracting entity” –A public or private entity or individual that places or offers to place an adolescent or young adult in an independent living program.

“DCMR” – District of Columbia Municipal Regulations.

“Independent living program” – A residential program for persons who:

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- (a) Are sixteen (16) to twenty-one (21) years of age;
- (b) Have sufficient maturity to live without regular and continuous supervision and monitoring;
- (c) Reside in apartments; and
- (d) Are provided with monitoring and services that reflect and support the person's ability to reside in the community without regular and continuous supervision and monitoring.

“Initial ITILP” – Initial Individual Transitional Independent Living Plan.

“ITILP” – Individual Transitional Independent Living Plan.

“License” – A license to operate an independent living program, and including, as appropriate, an original annual license, an annual license, a provisional license, and a restricted license.

“Main facility” – The central independent living program edifice that provides on-site staff supervision and which has more than one residence.

“OLM” – The CFSA Office of Licensing and Monitoring.

“Person” - An individual, corporation, trustee, receiver, guardian, representative, firm, partnership, society, school, agency or other entity.

“Planning team” – The persons who plan a resident's initial ITILP, ITILP, or discharge plan and consisting of:

- (a) A representative from the contracting entity;
- (b) Staff who have direct responsibility for implementing the initial ITILP or the ITILP, as appropriate, on a daily basis;
- (c) The resident;
- (d) To the extent that they participate, the resident's parent(s) or guardian(s) and the resident's guardian ad litem; and
- (e) To the extent that they participate, representatives of service providers including health, mental health, and education representatives.

“Provisional license” - A license that may be issued if the applicant is temporarily unable to comply with all of the requirements of this Chapter and under the condition that the requirements will be met within a specific length of time.

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“Residence” – An apartment or single dwelling unit in which one or more residents lives.

“Resident” – A person age sixteen (16) to twenty-one (21) years of age participating in an independent living program.

“Restricted license” - A license that is issued to an independent living program that is not in compliance with these regulations that prohibits the independent living program from accepting new residents or providing certain specified services that it otherwise would be authorized to provide.

“Staff or staff member” - A person employed by an independent living program, including administrative staff, professional staff, support staff, consultants, and volunteers.

“Variance” – Permission given by a licensing agency to an independent living program to deviate from a requirement of this Chapter.

“YSA” – The Youth Services Administration of the D.C. Department of Human Services.