

## DELAWARE

### 4.0 Licensing Requirements and Procedures

4.1 Licenses and renewals shall be issued to a nursing facility which meets the requirements of 16 **Delaware Code**, §1104. For initial licensure, the nursing facility shall also demonstrate during a physical inspection of the premises that the facility complies with all applicable regulations.

4.2 A new applicant for licensure shall substantiate a satisfactory compliance history as defined in these regulations.

4.3 The Division may consider sanctions or other information which, in combination, may impact licensure eligibility. Accordingly, the applicant shall disclose the following:

4.3.1 The imposition of temporary management by the Centers for Medicare and Medicaid Services (CMS) or any state jurisdiction against the applicant or associated entity during the preceding five years

4.3.2 The imposition of immediate jeopardy by CMS against the applicant or associated entity during the preceding five years

4.3.3 A substandard survey by CMS or any state jurisdiction against the applicant or associated entity during the preceding five years

4.3.4 The imposition of a civil money penalty by any state jurisdiction against the applicant or associated entity during the preceding five years

4.3.5 A ban on admissions by any state jurisdiction against the applicant or associated entity during the preceding five years

4.3.6 A list of all facilities managed, owned or controlled by the applicant or associated entity in any jurisdiction during the preceding five years

4.3.7 Information as required by 16 **Delaware Code**, §1104(e)

4.4 Financial information disclosed to the Division as required by 16 **Delaware Code**, §1104(e) shall not be subject to Freedom of Information Act requests except as follows:

4.4.1 Any information known to the Division regarding a civil action for debt owed by a facility

4.4.2 Any information known to the Division regarding current facility bankruptcy proceedings

4.4.3 The name of any facility currently under intensive Division review for potential financial incapability

4.5 Each license shall be renewed on the anniversary date of initial licensure. Each license holder shall file an application for renewal at least 30 days prior to the expiration of the current license and pay the applicable fee as established in 16 **Delaware Code**, §1106(a).

4.6 A new license shall be required in the event of a change in the nursing home management company, building owner or controlling person as defined in 16 **Delaware Code**, §1102(1).

4.7 Each license shall specify the number of licensed beds. A facility seeking to change the number of licensed beds shall apply to the Division for a modified license authorizing the revised number of beds.

4.8 Separate licenses are required for facilities maintained in separate locations, even though operated under the same management. A separate license is not required for separate buildings maintained by the same management on the same grounds.

4.9 When a facility plans to construct or extensively remodel a licensed facility or convert a building to a licensed facility, it shall submit one copy of properly prepared plans and specifications for the entire facility to the Division. An approval, in writing, shall be obtained before such work is begun. After the work is completed, in accordance with the plans and specifications, a modified license to operate shall be issued. All completed construction, extensive remodeling or conversions shall remain in accordance with the plans and specifications, as approved by the Division.