

## **.02 License Required.**

A. A person may not establish, operate, or continue the operation of an existing comprehensive care facility or extended care facility without first obtaining a license from the Secretary. A license is valid for 2 years from the date of issuance, unless revoked by the Secretary.

B. Separate License Required. Separate licenses are required for facilities maintained on separate premises, even though they are operated under the same management. Separate licenses may be required for separate buildings on the same grounds.

C. Other License Required. A facility having a dual function, including care of the sick requiring hospital facilities in addition to rendering other care services, is required to be licensed for each level of health care rendered.

D. Posting of License Application and Instructions for Written Comment.

(1) At least 50 days before the anticipated date of the new license or relicensure, a facility shall conspicuously post:

- (a) Its application for initial license or license renewal; or
- (b) A notice describing where in the facility the application for licensure or relicensure may be found.

(2) The posting shall be near the entrance, in a manner which is plainly visible and easily read by the public.

(3) The posting shall include instructions for filing written comments to the Department.

E. Posting of License. A facility shall conspicuously post its license on the premises, at or near the entrance, in a manner which is plainly visible and easily read by the public.

F. Provisional License.

(1) The Secretary may issue a license to a comprehensive care facility or an extended care facility for less than a 24-month period under any of the following conditions:

(a) A facility has substantial deficiencies which in the opinion of the Department do not constitute a serious or immediate threat to the health, life, or safety of the residents and the facility has submitted a plan of correction to the Department which satisfactorily addresses the correction of each deficiency within a time frame acceptable to the Department;

(b) A facility has substantial deficiencies which in the opinion of the Department have no immediate adverse effect on the life, safety, or health status of residents but require construction or remodeling to correct, and the facility has made a bona fide commitment to correct the deficiencies by a required date;

(c) Departmental administrative delays have occurred which are beyond the control of the facility;

(d) If new construction is completed to the point of being able to provide all necessary services to its residents but certain substantial items of equipment of optional services, which in the opinion of the Department will have no immediate adverse effect on the safety or health of its residents, are lacking temporarily; or

(e) Licensing revocation proceedings are pending against the facility.

(2) A provisional license shall be based upon the facility's written plan of correction addressing every deficiency existing at the time of licensure, including specific corrective action with the anticipated date of correction for each deficiency. The Department's decision to issue a provisional license shall be based upon the reasonableness of the plan and the facility's compliance history.

(3) The Secretary shall issue only one license of less than 24 months during a given licensure period unless the facility can demonstrate that extenuating circumstances exist which are beyond the control of the facility in meeting a required deadline or, where necessary, to allow the Department to coordinate and unify its annual licensing dates with federal certification dates.

G. Waiver of Provisions. If a facility experiences practical difficulties or unnecessary hardships in complying with the

provisions of this chapter, and can demonstrate that granting a waiver will not adversely affect the health and safety of its residents, the Secretary may waive any provision of this chapter. A waiver granted to a facility is effective for the period specified in the waiver. A waiver may be revoked at any time if a facility violates a condition of the waiver or if it appears to the Secretary that the health or safety of residents residing in the facility would be adversely affected by the continuation of the waiver.

#### H. Plan of Correction Required.

(1) A facility shall submit a written plan of correction to the Department within 10 working days of the date that a facility receives written notice of deficiencies from the Department.

(2) The Department may not issue a license to a facility until the facility submits a plan of correction that is acceptable to the Department.