

December 4, 2018

Scott Logan
Social Security Administration
Office of Income Security Programs
Keys Section
2518 Robert M. Ball Building
6401 Security Boulevard
Baltimore, MD 21235

Dear Mr. Logan:

This is in response to your October 1, 2018 letter requesting certification of compliance with Section 1616(e) of the Social Security Act (“the Keys Amendment”). As Director of the D.C. Department of Health, I certify that the District of Columbia complies with Section 1616(e) of the Social Security Act.

The District of Columbia Department of Health’s Health Regulation and Licensing Administration (HRLA) is the District of Columbia authority that establishes and enforces regulatory standards for residential facilities where significant numbers of Supplemental Security Income (“SSI”) recipients reside. These residential facilities are designated as Community Residential Facilities (“CRFs”) which are licensed, regulated, and monitored by HRLA. The operating standards for CRFs are authorized by the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983 (D.C. Law 5-48, D.C. Official Code § 44-501 *et seq.*) (“the Act”) and regulations at Chapters 31, 34, and 35 of Title 22B of the D.C. Municipal Regulations (“DCMR”). Sharon Lewis is the Senior Deputy Director for HRLA.

Please also note:

- The licensing provisions in Chapter 31 of Title 22B of the DCMR apply to all health care facilities, except hospitals, covered under the Act;
- The licensing provisions in Chapter 34 of Title 22B of the DCMR apply to Community Residential Facilities; and,
- The licensing provisions in Chapter 35 of Title 22B of the DCMR apply to Group Homes for Persons with Intellectual Disabilities.

In addition to the above, HRLA licenses and/or certifies for federal participation the following:

- Intermediate Care Facilities for Persons with Mental Retardation (“ICF/MR”) that comply with the rules and requirements prescribed in sections 483.410 to 483.480 of Title 42 of the Code of Federal Regulations (“CFR”);
- Nursing Facilities that comply with the local licensing requirements of Chapter 32 of Title 22B of the DCMR and federal participation requirements set out in 42 CFR §§ 483.1 to 483.95, 42 CFR §§ 483.150 to 483.160, and 42 CFR §§ 483.200 to 483.206; and,
- Assisted Living Residences (ALRs) that comply with licensing standards in accordance with the Assisted Living Regulatory Act of 2000 (D.C. Law 13-127; D.C. Official Code § 44-101.1 *et seq.*).

All of the regulatory responsibilities overseen by HRLA are available to the public and all interested parties through the DOH website (www.dchealth.dc.gov), through the HRLA webpages (<https://dchealth.dc.gov/page/health-regulation-and-licensing-administration>), or through prompt responses to all inquiries for such information.

The District of Columbia Department of Behavioral Health (“DBH”) enforces standards for individuals residing in CRFs for persons who receive mental health services at mental health community residence facilities (“MHCRFs”). MHCRFs are licensed by DBH. A segment of consumers residing in MHCRFs may be SSI recipients. The operating standards for these facilities are found in Chapter 38 of Title 22A of the DCMR. DBH’s mission statement and regulations are available on its website at www.dbh.dc.gov.

The District of Columbia Department of Disability Services (“DDS”) is the District of Columbia authority that places and monitors persons with intellectual and developmental disabilities who reside in regulated residences. Persons with intellectual and developmental disabilities may be placed in residential settings. A great percentage of these individuals receive SSI. DDS’ policies and procedures are also available on its website at www.dds.dc.gov.

If you need any further information or have any questions, please contact Phillip L. Husband, General Counsel for the D.C. Department of Health, at (202) 442-5970 or phillip.husband@dc.gov.

Sincerely,


LaQuandra S. Nesbitt, MD, MPH
Director

cc: Phillip Husband
Sharon Lewis