

License Act of 1983,” effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ 44-501 *et seq.*) and meets the federal conditions of participation for nursing facilities in the Medicaid program as set forth in 42 CFR part 483.

Nursing Facility Quality of Care Fund – District fund established in accordance with the “Fiscal Year 2005 Budget Support Act of 2004,” effective December 7, 2004 (D.C. Law 15-205; 51 DCR 8441 (September 3, 2004)) as amended by the “Fiscal Year 2006 Budget Support Act of 2006,” effective March 2, 2007 (D.C. Law 16-192; 53 DCR 6899 (August 25, 2006)) and the “Technical Amendments Act of 2008,” effective March 25, 2009 (D.C. Law 17-687; 56 DCR 1117 (February 4, 2009)).

Out of State Facility - a nursing facility located outside the District of Columbia which meets the licensure standards in the jurisdiction where services are provided and meets the federal conditions of participation for nursing facilities in the Medicaid program as set forth in 42 CFR part 483.

Peer Group - a group of nursing facilities sharing the same characteristics.

Per Diem Rate - a rate of payment to the nursing facility for covered services in a resident day.

Reorganized Facility - a nursing facility that has filed for bankruptcy in accordance with the requirements set forth by Chapter 11 (Reorganization) of Title 11 of the United State Bankruptcy Code and is managing debts and operations pursuant to a confirmed reorganization plan.

Resident - an individual who resides in a nursing facility due to physical, mental, familial or social circumstances, or intellectual disability.

Resident Day - one (1) continuous twenty-four (24) hour period of care furnished by a nursing facility and reimbursed by any payor that concludes at midnight each calendar day. Calendar days include reserved bed days that are paid for by DHCF. The day of the resident's admission is counted as a resident day. The day of discharge is not counted as a resident day.

Resource Utilization Groups (RUGS IV) - a category-based resident classification system developed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) used to classify nursing facility residents into groups based on each resident's needs and functional, mental and psychosocial characteristics.

Tidal Volume - the volume of air inspired and expired during a normal respiratory cycle.

Total Facility Average Case Mix - the arithmetic mean of the individual resident case mix indices for all residents, regardless of payer, admitted and present in the nursing facility on one (1) day per quarter in each fiscal year, as selected by DHCF. The arithmetic mean shall be carried to four (4) decimal places.

Tracheostomy - a surgical opening in the trachea or windpipe through which a tube is channeled to assist breathing.

Ventilator Dependent - a resident who requires at least sixteen (16) hours per day of mechanically assisted respiration to maintain a stable respiratory status.

Weaning - the process of gradually removing an individual from the ventilator and restoring spontaneous breathing after a period of mechanical ventilation.

Comments on these rules should be submitted in writing to Melisa Byrd, Senior Deputy/Medicaid Director, Department of Health Care Finance, Government of the District of Columbia, 441 4th Street, NW, Suite 900, Washington DC 20001, via telephone on (202) 442-8742, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these rules are available from the above address.