

5.4 LICENSE FEES

- (A) UNLESS OTHERWISE SPECIFIED IN THIS CHAPTER, ALL LICENSE FEES PAID TO THE DEPARTMENT SHALL BE DEEMED NON-REFUNDABLE.
- (B) THE APPROPRIATE FEE TOTAL SHALL ACCOMPANY AN AGENCY'S INITIAL OR RENEWAL LICENSE APPLICATION. THE TOTAL FEE SHALL INCLUDE THE INITIAL OR RENEWAL FEE ALONG WITH ALL APPLICABLE BRANCH AND WORKSTATION FEES AS SET FORTH IN THIS SECTION, EXCEPT THAT THE TOTAL FEE AMOUNT SHALL NOT EXCEED \$1,500 FOR A CERTIFIED AGENCY OR \$8,000 FOR A NON-CERTIFIED AGENCY.

5.4.1 INITIAL LICENSURE

- (A) ANY HCA IN OPERATION PRIOR TO JUNE 1, 2009, SHALL APPLY FOR AN INITIAL LICENSE CONSISTENT WITH THE TIME FRAMES SET FORTH AT SECTION 25-17.5-103(1), C.R.S.
- (B) THE INITIAL LICENSE FEE FOR AN EXISTING HCA SHALL BE CALCULATED ACCORDING TO THE FOLLOWING CHART UTILIZING ALL WAGES PAID TO DIRECT HOME CARE STAFF AS VERIFIED BY THE MOST RECENT WORKERS' COMPENSATION INSURANCE AUDIT.
 - (1) ANY AGENCY UNABLE TO SUBMIT A RECENT WORKERS' COMPENSATION INSURANCE AUDIT SHALL SUBMIT AN ALTERNATIVE FORM OF WAGE VERIFICATION AS APPROVED BY THE DEPARTMENT.

REPORTED WAGES	CERTIFIED AGENCY	NON-CERTIFIED AGENCY
UP to \$150,000	\$525	\$525
GREATER THAN \$150,000	\$525 PLUS .10% OF REPORTED WAGES NOT TO EXCEED \$1,500	\$525 PLUS .15% OF REPORTED WAGES NOT TO EXCEED \$8,000

- (C) THE INITIAL LICENSE FEE FOR A NEW OR START-UP HCA THAT SUBMITS AN APPLICATION ON OR AFTER JUNE 1, 2009, SHALL BE DETERMINED ACCORDING TO ITS LICENSE CLASSIFICATION AS SET FORTH IN SECTION 5.1 OF THIS CHAPTER. THE INITIAL FEE, EXCLUSIVE OF ANY APPLICABLE BRANCH OR WORKSTATION FEES, SHALL BE:

CLASS A - \$3,000

CLASS B - \$2,200

5.4.2 PROVISIONAL LICENSURE

- (A) ANY AGENCY APPROVED BY THE DEPARTMENT FOR A PROVISIONAL LICENSE, SHALL SUBMIT A FEE EQUAL TO 15 PERCENT OF THE

APPLICABLE INITIAL LICENSE FEE FOR EACH PROVISIONAL LICENSE TERM.

- (B) THE APPROPRIATE FEE SHALL BE SUBMITTED BEFORE ISSUANCE OF THE PROVISIONAL LICENSE.
- (C) IF THE DEPARTMENT FINDS REASONABLE COMPLIANCE BY AN APPLICANT HOLDING A PROVISIONAL LICENSE, IT SHALL ISSUE AN INITIAL LICENSE UPON RECEIPT OF THE LICENSE APPLICATION AND TOTAL FEE SPECIFIED IN SECTIONS 5.4 AND 5.4.1 OF THIS CHAPTER.

5.4.3 RENEWAL LICENSURE

- (A) THE RENEWAL LICENSE FEE SHALL BE CALCULATED ACCORDING TO THE FOLLOWING CHART UTILIZING ALL WAGES PAID TO DIRECT HOME CARE STAFF AS VERIFIED BY THE MOST RECENT WORKERS' COMPENSATION INSURANCE AUDIT OR MEDICARE COST REPORT.
 - (1) ANY AGENCY UNABLE TO SUBMIT A RECENT WORKERS' COMPENSATION INSURANCE AUDIT SHALL SUBMIT AN ALTERNATIVE FORM OF WAGE VERIFICATION AS APPROVED BY THE DEPARTMENT.

REPORTED WAGES	CERTIFIED AGENCY	NON-CERTIFIED AGENCY
UP to \$150,000	\$525	\$525
GREATER THAN \$150,000	\$525 PLUS .10% OF REPORTED WAGES NOT TO EXCEED \$1,500	\$525 PLUS .15% OF REPORTED WAGES NOT TO EXCEED \$8,000

5.4.4 PERFORMANCE INCENTIVE

- (A) AN HCA MAY BE ELIGIBLE FOR A PERFORMANCE INCENTIVE IF THE DEPARTMENT'S ONSITE RELICENSURE INSPECTION DEMONSTRATES THE HCA HAS NO DEFICIENCIES THAT HAVE NEGATIVELY AFFECTED, OR HAVE THE POTENTIAL TO NEGATIVELY AFFECT, ITS CONSUMERS.
 - (1) A NEGATIVE EFFECT IS ONE THAT CONSTITUTES MORE THAN A MINOR INCONVENIENCE TO A CONSUMER.
- (B) THE INCENTIVE PAYMENT SHALL BE CALCULATED AT 10 PERCENT OF THE AGENCY'S RENEWAL LICENSE FEE AND SHALL APPLY WHEN:
 - (1) THE INSPECTION IS COMPLETED WITH THE FULL AND TIMELY COOPERATION OF THE AGENCY,
 - (2) INSPECTION FINDINGS DO NOT DOCUMENT HARM OR POTENTIAL HARM TO CONSUMERS, AND

- (3) THE PLAN OF CORRECTION IS SUBMITTED AND ACCEPTED, AND CORRECTION OF THE DEFICIENT PRACTICE IS VERIFIED BY THE DEPARTMENT ON OR PRIOR TO THE RESPECTIVE DUE DATES.
- (C) THE INCENTIVE PAYMENT SHALL BE PAID TO THE LICENSEE WITHIN 60 DAYS FOLLOWING THE ACCEPTANCE OF THE VALIDATION OF CORRECTION OF ALL CITED DEFICIENCIES, OR WITHIN 60 DAYS OF THE INSPECTION EXIT DATE IF NO DEFICIENCIES WERE CITED.

5.4.5 BRANCH AND WORKSTATION FEES

IN ADDITION TO ANY OTHER LICENSURE FEES, THE FOLLOWING FEES SHALL APPLY TO THE CIRCUMSTANCES DESCRIBED. THE FEES SHALL BE SUBMITTED WITH THE LICENSE APPLICATION OR AS OTHERWISE SPECIFIED.

- (1) AN HCA SHALL SUBMIT A \$200 FEE FOR EACH BRANCH OFFICE AS DEFINED IN SECTION 3.2 OF THIS CHAPTER.
 - (A) FOR EXISTING BRANCHES, THE FEE SHALL BE SUBMITTED WITH THE LICENSE APPLICATION.
 - (B) FOR NEW BRANCHES, THE FEE SHALL ACCOMPANY THE NOTICE OF THE AGENCY'S INTENT TO OPEN A BRANCH OFFICE PURSUANT TO SECTION 6.2 OF THIS CHAPTER.
- (2) AN HCA WITH REPORTABLE WAGES OVER \$525,000 THAT OPERATES ONE OR MORE SATELLITE WORK STATIONS SOLELY FOR THE CONVENIENCE OF DIRECT CARE STAFF SHALL PAY A FEE OF \$50 PER WORKSTATION.

5.4.6 REVISIT FEE

- (A) AN AGENCY'S ANNUAL LICENSE FEE MAY BE INCREASED AS THE RESULT OF A LICENSURE INSPECTION OR SUBSTANTIATED COMPLAINT INVESTIGATION WHERE A DEFICIENT PRACTICE IS CITED THAT HAS EITHER CAUSED HARM OR HAS THE POTENTIAL TO CAUSE HARM TO A CONSUMER AND THE AGENCY HAS FAILED TO DEMONSTRATE APPROPRIATE CORRECTION OF THE CITED DEFICIENCIES AT THE FIRST ON-SITE REVISIT.
- (B) THE FEE SHALL BE 50 PERCENT OF THE AGENCY'S INITIAL OR RENEWAL LICENSE FEE AND SHALL BE ASSESSED FOR THE SECOND ON-SITE INSPECTION AND EACH SUBSEQUENT ON-SITE INSPECTION PERTAINING TO THE SAME DEFICIENCY.

5.4.7 CHANGE OF OWNERSHIP FEE

- (A) ANY AGENCY MEETING THE CRITERIA SET FORTH IN 6 CCR 1011-1, CHAPTER II, SECTION 2.9.1 SHALL PAY A CHANGE OF OWNERSHIP FEE. THE FEE SHALL BE DETERMINED ACCORDING TO THE LICENSE CLASSIFICATIONS SET FORTH IN SECTION 5.1 OF THIS CHAPTER AND SUBMITTED WITH THE CHANGE OF OWNERSHIP NOTICE. THE FEE SHALL BE:

CLASS A - \$3,000

CLASS B – \$2,200

5.4.8 CHANGE OF NAME AND CHANGE OF ADDRESS FEES

- (A) PURSUANT TO 6 CCR 1011-1, CHAPTER II, SECTION 2.9.2, AN LICENSED HCA SHALL NOTIFY THE DEPARTMENT AT LEAST 30 DAYS IN ADVANCE OF A CHANGE IN THE AGENCY NAME OR BUSINESS ADDRESS.
- (B) A FEE OF \$360 SHALL ACCOMPANY EACH NOTICE OF A CHANGE IN AGENCY NAME OR BUSINESS ADDRESS.