

(4) REQUIRE THE RESIDENTIAL SERVICE AGENCY TO SCREEN AND VERIFY THE CHARACTER REFERENCES OF ALL HOME HEALTH CARE PROVIDERS THAT ARE EMPLOYED BY THE RESIDENTIAL SERVICE AGENCY.

19-4A-04.

EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON SHALL BE LICENSED BY THE DEPARTMENT BEFORE THE PERSON MAY OPERATE A RESIDENTIAL SERVICE AGENCY.

19-4A-05.

TO QUALIFY FOR A LICENSE, AN APPLICANT:

(1) SHALL SHOW THAT THE RESIDENTIAL SERVICE AGENCY WILL PROVIDE APPROPRIATE HOME HEALTH CARE PROVIDERS TO SICK OR DISABLED INDIVIDUALS WHO MAY BE PROVIDED CARE IN THE INDIVIDUAL'S RESIDENCE, INSTEAD OF IN A HOSPITAL;

(2) SHALL MEET ANY ADDITIONAL REQUIREMENTS THAT THE DEPARTMENT ADOPTS; AND

(3) MAY NOT BE REQUIRED TO MEET THE REQUIREMENTS OF SUBTITLE 1 OF THIS TITLE FOR CERTIFICATE OF NEED.

19-4A-06.

THE DEPARTMENT SHALL:

(1) INSPECT THE OPERATIONS OF EACH RESIDENTIAL SERVICE AGENCY TO DETERMINE WHETHER THE AGENCY IS MEETING THE REQUIREMENTS OF THIS SUBTITLE AND THE REGULATIONS ADOPTED UNDER THIS SUBTITLE; AND

(2) ISSUE, DENY, SUSPEND, OR REVOKE A RESIDENTIAL SERVICE AGENCY LICENSE IN ACCORDANCE WITH THE REGULATIONS ADOPTED UNDER THIS SUBTITLE.

19-4A-07.

A PERSON MAY NOT OPERATE, ATTEMPT TO OPERATE, OR HOLD ONE'S SELF OUT AS OPERATING A RESIDENTIAL SERVICE AGENCY, UNLESS THE PERSON IS LICENSED UNDER THIS SUBTITLE.

19-4A-08.

A PERSON WHO OPERATES A RESIDENTIAL SERVICE AGENCY WITHOUT A LICENSE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 FOR THE FIRST OFFENSE AND NOT EXCEEDING \$10,000 FOR EACH SUBSEQUENT OFFENSE.