

Article 3  
Nursing Homes and Nursing Home Fees

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**NOTE:** Rule-making authority cited for formulation of regulations for the Nursing Homes and Nursing Home Fees of the Department of Public Health and Social Services 10 GCA §7107.

These Rules and Regulations were filed with the Legislature Secretary on June 1, 1987.

INTERIM REGULATIONS GOVERNING NURSING  
HOMES.

**§6301. Purpose.** The purpose of these rules and regulations is to protect the public health of nursing home

clients through the enforcement of minimum requirements contained herein. For the care of patients and residents in convalescent or long-term care facilities, these regulations may also serve as an educational tool providing guidelines for qualified patient and residential care.

**§6302. Authority.** Title 10 Guam Code Annotated, Guam Environmental Health Act, Chapter 20, §20105 and Chapter 21, §21102, authorizes the Department to establish rules and regulations governing "Nursing Homes" and to insure that all provisions of 10 GCA regarding permit issuance are carried out. These regulations are also established to meet the requirements of 10 GCA, Chapter 7, Section 7108 as related to Nursing Homes.

**§6303. Definitions.** (a) *Administrator* (See definition for Nursing Home Administrator" below).

(b) *Construction Permit* means an official document issued by the Department giving permission to construct a new facility or alter, modify or convert an existing structure to be used as a nursing home.

(c) *Department* shall mean the Guam Department of Public Health and Social Services.

(d) *Director* shall mean the Director of the Department, or his/her authorized representative.

(e) *Employee* shall mean all personnel who provide care to nursing home clients.

(f) *Licensed Nurse* shall mean a Registered Nurse or a Licensed Practical Nurse licensed to practice on Guam.

(g) *Nursing Home* shall mean a facility established for profit or nonprofit, which provides intermediate skilled nursing care and related medical services twenty-four (24) hours per day for two or more individuals because of illness, noncommunicable disease or mental infirmity of a nonviolent nature. It provides care for those persons not in need of hospital care but requiring nursing care or medical services, which medical services shall be prescribed by a professional nursing or physical therapist or an occupational therapist, depending upon the service required. if children are cared for, they shall be housed in a separate unit from the adults.

(h) *Nursing Home Administrator* shall mean a person who meets the definition of a nursing home administrator contained in 10 GCA, Chapter 15.

(i) *Nurse Practitioner* shall mean a person who meets the definition of a nurse practitioner contained in the "Guam Board of Nursing Examiner's Nurse Practice Act, Administrative Rules and Regulations."

(j) *Occupational Therapist* shall mean any occupational therapist currently registered with the American Occupational Therapy Association.

(k) *Operator/Owner* means the Licensee or designated responsible person approved by the Department who is responsible for the supervision of the nursing home and residents therein.

(l) *Patient* means any individual cared for in a nursing home.

(m) *Physical Therapist* shall mean any physical therapist currently registered with the Department.

(n) *Qualified* shall mean a person who has the necessary knowledge, skills and abilities to carry out their responsibilities within the nursing home, and who has met the licensure, certification, or registration requirements of Guam as required by law and/or regulation.

(o) *Responsible Agency* shall mean any public/private agency that has responsibility for the health, welfare, or financial support of the resident.

**§6304. Construction Permit.** (a) Any person, association, or corporation, before construction a new nursing home, or making major alteration, or converting an existing structure to be used as a nursing home shall first submit plans and specifications of such a facility to the Department.

(b) A construction permit shall not be issued until the detailed plans and specifications have been reviewed and approved by the Department.

(c) After issuance of the construction permit, job-site inspections shall be conducted so as to determine that all sanitary requirements and specifications as approved by the Director are carried out.

(d) The approval of the Department of the plans submitted does not relieve the operator/ owner of their responsibilities and obligations with other regulatory agencies such as the Department of Public Works, Guam Environmental Protection Agency, Public Utility Agency of

Guam, the Guam Fire Department, or the Guam Health Planning and Development Agency.

**§6305. Sanitary Permit.** (a) No person, association, or corporation shall directly or indirectly in any manner, conduct, control, manage, maintain, or operate a nursing home facility unless a valid sanitary permit issued by the Department to operate such a facility has been obtained and posted.

(b) An application for a sanitary permit to operate a nursing home facility shall be made in writing on a form prescribed by the Department, signed by the applicant or his authorized agent, and shall contain such information that will determine that the facility and its operation are in compliance with the provisions of these regulations.

(c) Before the application for sanitary permit is approved, the Department shall verify that the facility meets all the minimum sanitary requirements and standards of these regulations which shall involve right of entry, inspection, and investigation.

(d) If upon inspection the Department is satisfied the nursing home facility meets all sanitary requirements and standards prescribed, a nontransferable sanitary permit designating the type of facility shall be issued. Said sanitary permit shall be posted in a conspicuous area designated by the Director. All new sanitary permits shall be valid until the first June 30 following their issuance. All renewed sanitary permits shall be valid for 12 months and shall be renewed on June 30 for each year.

(e) If the application or renewal indicates that the facility does not meet the minimum sanitary requirements and standards, the sanitary permit will be denied or terminated.

(f) An application for renewal of sanitary permit shall be filed 30 days prior to its expiration date, and upon approval by the Division of Environmental Health a new sanitary permit shall be issued.

**§6306. Inspections.** (a) As often as may be deemed necessary for the enforcement of these regulations, but not less than once every three months, an inspection of the nursing home's facility shall be made by the Director.

(b) A representative of the Department shall, after proper presentation of credentials, have access to the nursing home establishment at any reasonable time for the

purpose of making inspections to determine compliance with these regulations. Denial of access shall be cause for suspension of the sanitary permit until access is freely given by the operator or owner.

(c) Whenever an inspection is made, the findings shall be recorded on a report form authorized by the Director, stating therein the demerit value for each violation and the corrective action to be taken. One copy of the inspection report shall be given to the operator or owner after it has been read and signed by him/her and the inspecting officer and shall be posted in a conspicuous area designated by the Director.

**§6307. (Reserved).**

**§6308. General Staff Requirements.** (a) Employees and all other personnel providing care shall have a medical examination by a physician, (including chest x-ray or tuberculin skin test, and a stool examination) which indicates the person is free of any communicable disease before contact with patients and annually thereafter. In accordance with 10 GCA, Chapter 22, and Chapter 25, all such employees shall obtain a Health Certificate from the Department. At the time of application, a copy of the most recent physical examination which is not more than one month old shall be presented.

(b) Employees with evidence of communicable or infectious disease shall be removed from the premises until they recover.

(c) Duties and responsibilities of all employees shall be clearly defined in writing and each shall be thoroughly instructed and oriented in all duties assigned to them.

(d) All in-service training and educational experience for employees and operators shall be currently documented.

**§6309. General Operational Policy.** (a) General policies shall be formulated in writing (typed or ink), and shall be least include the following admission requirements:

- (1) types of services provided for the patient.
- (2) Responsibility of the facility to the patient and family, guardian or responsible agency.
- (3) The rates and visiting hours.

(4) A written agreement at the time of admission between the facility and the patient, guardian or responsible agency setting forth responsibilities for payment for service rendered to patient.

**§6310. Admission Policies.** (a) Admission to a nursing home shall be based on the nature and extent of the patient's needs for long term care, interim care, or supervised residential care.

(b) No nursing homes shall deny admission to any individual on account of race, color, religion, ancestry or national origin.

(c) The nursing home has the right to refuse a person for admission if the homes does not have the capability for providing appropriate care.

(d) The number of nursing home patients shall not exceed its licensed capacity.

**§6311. Transfer and Discharge of Residents.** (a) Except in emergencies, the patient, next of kin, attending physician, and the responsible agency shall be consulted before transferring or discharging the patient and adequate, available arrangements shall be made to meet the patient's needs.

(b) When physical or mental changes necessitate services or care which cannot be regularly provided, affected patients shall be transferred to appropriate facilities according to physician's orders and proper notification of responsible persons.

**§6312. Patient's Rights And Responsibilities.** (a) Patients shall be fully informed of the rights and responsibilities by signed acknowledgement, prior to or at the time of admission and during stay, of these rights and of all Rules and Regulations governing patient conduct.

(b) Patients shall be fully informed, prior to or at the time of admission and during stay, of services available in or through the nursing home and of related charges including any charges for services not covered by the home.

(c) For the welfare of patients, and before a patient shall be transferred or discharged for medical reasons or for non-payment for their stay; patients shall be given reasonable advance notice to ensure orderly transfer or discharge; and such actions shall be documented in their health record.

(d) Patients shall be encouraged and assisted throughout their stay to exercise their rights as patients to voice grievances and shall be free from restraint, interference, coercion, discrimination or reprisal.

(e) Any home agreeing to manage the patient's personal financial affair must be bonded.

(f) Patients shall not be humiliated, harassed, or threatened and shall be free from chemical and physical restraints except in emergencies as authorized by a physician for a specified period of time. Phone orders shall be followed up in 24 hours by a written order from the physician ordering the emergency care.

(g) Patients shall have their personal and medical records kept confidential and subject to release only upon written consent of the patient, or if incompetent, the patient's guardian.

(h) Patients shall not be required to perform services for the care home that are not included for therapeutic purposes in their plan of care.

(i) Patients shall have the right to associate and communicate privately with persons of their choice, and to send and receive their personal mail unopened, unless medically contraindicated.

(j) Patients shall have the right to meet with and participate in activities of social, religious, and community groups at their choice and discretion.

(k) If married, patients shall be assured privacy for visits by their spouse, and if both are patients in the home, they shall be permitted to share a room, unless medically contraindicated.

(l) Patients shall have daily visiting hours established.

(m) As needed, and to the extent possible, the home shall make available the services of a translator for those patients whose native language prohibits clear communication between nursing home personnel and the patient.

**§6313. Responsibility of Patient to Care Facility.** (a) The care home has the right to discharge any patient with two (2) weeks notice to patient and family, guardian or responsible agency if the patient should fail to comply with the home policies (or if the facility cannot properly or adequately care of the patient).

(b) The patient or responsible agent shall sign an acknowledgment of understanding which clearly states the policies of the care facility with which to comply.

(c) The patient shall pay the care home promptly according to established rates.

(d) The patient shall cooperate with the care home staff in maintaining a healthful living, safety, rules of conduct and cooperative family living.

(e) The patient shall avoid repeated physical or vocal altercation with other patients and staff

(f) The patient shall exercise promptness at prescribed care home meal hours and other planned group activities.

**§6314. Patient Care Standards.** (a) The operator shall provide care within the facility's capabilities to the patient as prescribed by a physician.

(b) The operator should be able to recognize and record certain changes in a patient's health status, such as convulsions, fever, shortness of breath and other changes in behavior be it physical or mental illness.

(c) The operator shall promptly report to the patient's physician of any changes in health status and to carry out properly the physician's orders.

(d) If the physician so orders, certain prescribed treatment and bedside care may be provided by care home operators and staff if they are qualified.

**§6315. Medication Storage And Administration.** (a) All medicine shall be properly and clearly labeled and stored in clean, well- lighted, designated to locked medicine cabinets, closets or store rooms, and shall be made accessible to authorized personnel only.

(b) Compartments shall be provided for each patient's medications and separated as to (a) external use only and (b) internal use only.

(c) All poisons shall be plainly labeled and stored separately in a locked cabinet.

(d) Drugs shall be stored under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, and security. Medications that are stored in a refrigerator shall be properly labeled and kept in a separate locked container, or the refrigerator itself shall be kept locked.

(e) Medication shall not be used by any patient other than the one for whom the medication is prescribed.

(f) Appropriate liquid medicine measuring devices shall be available and used.

(g) All verbal orders for medication shall be recorded and signed by the qualified person receiving such orders. A written confirmation by the attending physician is to be obtained within 72 hours.

(h) Only appropriately trained staff and/or operators shall be allowed to make prescribed medication available to patients.

(i) All medications when taken by patients shall be recorded on their medication record, with the date, time, and dosage initialed by the responsible person.

(j) Self-administered medications may be kept by mentally competent patients in their bedside stands unless the physician indicates that such accessibility is a hazard to the patient or others.

(k) Discontinued medications shall be returned to the physician or pharmacies or disposed of according to approved methods. All such actions shall be recorded.

(l) In addition to the above requirements, all medications shall be handled in accordance with Guam regulations relative to pharmacological practice.

**§6316. Personal Care And Cleanliness.** (a) Each patient shall be given proper daily personal attention and care including but not limited to skin, hair, nails, teeth and oral hygiene, in addition to special care ordered by physician.

(b) Patients shall be encouraged to perform health, hygiene and grooming practices, including but not limited to bathing, brushing teeth, shampooing, combing and brushing hair and others as independently as possible.

(c) Patients who are incontinent shall be bathed or cleaned immediately upon soiling and all soiled items shall be cleaned.

(d) Patients shall be dressed in clean, suitable, comfortable clothing at all times.

(e) Patients shall be encouraged to select appropriate clothing and dress themselves.

(f) Patients' clothing shall be appropriately labeled.

**§6317. Recreational Program.** (a) Planned recreational programs suited to the patient's needs and interests shall be offered, unless contraindicated by a physician's order.

(b) Patients shall be encouraged but not required to participate in the activities.

**§6318. Social Services.** (a) The medically related social and emotional needs of the patient shall be identified and services shall be provided to meet them, either by the qualified social services staff of the facility or through written procedures for referral to appropriate social services agencies.

(b) There shall be arrangements with qualified workers or recognized social agencies for consultation and assistance on a regularly scheduled basis as needed.

**§6319. Dental Services.** (a) The facility shall have provisions to assist the patient in obtaining regular and emergency dental care.

(b) Daily oral hygiene shall be a part of patient's care.

**§6320. Physical Environment.** (a) The building site shall be free from excessive noise, dust, odors or traffic disturbance and shall have good drainage.

(b) The building shall be provided with adequate sewage, garbage and refuse disposal; an approved water supply, and adequate electrical service.

(c) The facility shall be accessible by good roads and preferably near a means of public transportation.

**§6321. Construction Finishes of Floors, Walls And Ceilings.** (a) Floors of all rooms shall be of such materials as to be easily cleanable, light in color.

(b) The floors shall be made from nonskid regular tile materials approved by the Department.

(c) Floors without carpeting shall be covered and sealed with a satisfactory floor sealer.

(d) Floors in toilet rooms shall be of impervious, easy to clean materials and graded to the floor drain.

(e) Walls and ceilings shall be kept clean and in good repair.

(f) Walls shall be finished with easily cleanable materials and light in color.

**§6322. Fire Prevention Protection.** (a) Safety/fire drills shall be held every month. Each shift shall hold a fire drill at least once every quarter. Nursing homes staff shall be trained in how to proceed in the event of a fire, i.e., who to call, how to alert residents, how to operate fire extinguishing equipment, and how to evacuate injured or bedridden residents. A record of each drill, including time, date, and participating personnel shall be kept and made available to the Director, or the fire inspector.

(b) The facility shall install fire extinguisher to meet all recommendations of the appropriate fire authority and fire codes.

(c) All care homes shall install approved automatic smoke detectors, fire alarm systems and an appropriate sprinkler system.

(d) All exits in care homes shall be lighted from sunset to sunrise. All homes shall provide night lighting in hallways and bathrooms.

(e) Fire escapes, stairways and other exit equipment shall be maintained, operations, in good repair and free of obstruction.

(f) A written plan and directional diagram shall be established for the safe care and evacuation of patients and shall be posted in conspicuous locations within the care home.

**§6323. Communication.** (a) There shall be an adequate system of communication to summon help in case of fire or other emergency. This shall at least include a telephone system and communication between floors within the care home.

(b) There shall be a patient call system which emits both sound and light in the hearing and direct visibility range of on-duty personnel. This system shall be readily accessible in each area used by patients, such as at the bedside, in bathrooms, in toilet facilities and other areas where patients may be left alone.

**§6324. Ventilation.** (a) The facility shall have adequate ventilation by means of windows, air conditioning or other mechanical means which shall provide adequate ventilation horizontally and vertically.

(b) Kitchens, bathrooms and service rooms shall be located and so ventilated that offensive odors are prevented from entering rooms, day rooms, and hallways.

(c) All rooms shall have sufficient ventilation to keep them free of excessive heat and undesirable odors.

(d) Ventilation systems shall be installed and operated according to law, vented to the outside and shall not create a harmful or unlawful discharge.

(e) Intake and exhaust air ducts shall be maintained to prevent the entrance of dust, dirt, vermin and other contaminants.

(f) Smoking shall be permitted only in approved areas, where proper ventilation, equipment and supervision is provided.

**§6325. Lighting.** (a) Appropriate lighting fixtures, adequate in number, shall be provided for comfort and safety of patients and personnel.

(b) All furnished rooms, work centers such as medicine storage and dispensing or nurses' stations, and reading areas for patients shall have artificial lighting of at least 30 foot candles at three feet above the floor.

(c) All hallways, ramps, entrances or places of any change in floor level shall have adequate lighting.

(d) Emergency lighting facilities, whether standby or battery operated, shall be provided, maintained in good working condition and distributed so as to be readily available at all times to personnel on duty.

**§6326. Emergency Power.** A standby electrical power generating system shall be provided and shall be in such condition as to be automatically activated within ten (10) seconds in case of failure of the normal power supply.

**§6327. Accommodations.** a) Each patient shall be provided with a habitable sleeping room.

(b) Occupancy of sleeping rooms shall be arranged such that patients from other areas shall not be required to pass through another sleeping room to reach other areas of the home.

(c) All occupants of any sleeping room shall be of the same sex, except for designated semiprivate rooms which may be occupied by a married couple.

(d) Patients' sleeping rooms shall be adequate in size to allow:

(1) Free movement of persons in wheelchairs and walkers, and those using canes or crutches.

(2) Adequate space for nursing procedure.

(e) Minimum floor and bed space:

(1) The minimum floor space allowance shall be 70 square feet per bed in multiple sleeping rooms and 90 square feet per bed in a single sleeping room.

(2) Beds shall be placed at least three feet apart and three feet from walls at the side of a bed.

**§6328. Bedroom Furnishings.** (a) Each patient shall be provided for their individual use a clean bed including springs with mattress or other comfortable sleeping surface which shall be at least 36" wide, of proper length and height for the patient and which will permit an individual in a wheelchair to get in and out of the bed unassisted. Special types of surface for beds may be required if ordered by the patient's physician.

(b) Each bed shall be supplied with a comfortable mattress cover, a pillow, pliable plastic pillow protector, pillow case and an upper and lower sheet. A sheet blanket may be substituted for the top sheet when requested by the patient.

(c) A suitable bedspread shall be used on each patient bed.

(d) Conveniently located space for personal care items, and for equipment such as crutches and wheelchairs, shall be provided.

(e) There shall be a means of signaling attendants at bedside, in bathrooms, toilets, and in other areas where patients may be left alone.

(f) Each patient shall be provided clean drinking glasses or other suitable containers at their bedside.

**§6329. Linen.** (a) The facility shall have available at all times a quantity of linen, essential for the proper care and comfort of patients.

(b) Linen shall be handled, stored and processed so as to control the spread of infections and odors.

(c) Clean linen and clothing shall be stored in clean, dry, and dust free area.

(d) Soiled linen shall be stored in separate, well ventilated areas, and shall not be permitted to accumulate in the facility.

**§6330. Toilets and Bathing Facilities.** (a) Each nursing home shall provide at least one toilet, one lavatory, and bathtub or shower for each floor occupied by patients.

The minimum facilities shall be as follows:

- (1) One toilet for every seven patients.
- (2) One shower for every 14 patients.
- (3) One lavatory for every 10 patients.

(b) Toilet rooms shall be completely enclosed, with tight-fitting, self-closing solid doors.

(c) Toilet rooms shall have adequate ventilation and the odors shall be mechanically vented to the outside.

(d) Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times.

(e) Access from each sleeping room to the bathroom or toilet shall be made without passing through another sleeping room.

(f) Lavatories, exclusively for use by those patients using wheelchairs, shall be set out on wall brackets eight inches from wall and shall provide 29 inches clearance from floor to lower edge of front

(g) Showers shall have a minimum floor area of 16 square feet.

(h) Separate toilet and bathing facilities shall be provided for each sex, except when husband and wife occupy a private room.

(i) Sufficient hot water supply must be available within the facility.

**§6331. Sewage.** (a) All sewage, including liquid waste, shall be disposed of by a public sewage system or by a sewage disposal system constructed and operated according to law.

(b) Proper disposal is required to prevent contamination of ground surfaces and water supplies or creation of other unsanitary conditions that may attract insects and other vermin.

**§6332. Plumbing.** (a) Plumbing shall be sized, installed, and maintained according to law.

(b) There shall be no cross connection between the potable water supply and any non-potable or questionable

water source nor any source of pollution through which the potable water supply might become contaminated.

(c) Devices shall be installed to protect against back-flow and back-siphonage on all fixtures and equipment where an air gap at least twice the diameter of water supply inlet is not provided between the water supply inlet and fixture's flood rim.

**§6333. Insect And Rodent Control.** (a) Outside openings shall be protected against the entrance of insects and rodents by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other approved means.

(b) Screen doors shall be self-closing and screen for windows and other openings to the outside shall be free of breaks. Screening material shall not be less than 16 mesh to the inch.

**§6334. Garbage And Refuse.** (a) Garbage and refuse shall be kept in durable, easily cleanable, insect proof and rodent proof containers that do not leak and do not absorb liquid. Plastic bags and wet-strength paper bags may be used to line these containers stored inside the home.

(b) Containers stored outside of the facility and dumpsters shall be provided with tight-fitting lids or covers and shall be kept covered when not in actual use.

(c) There shall be a sufficient number of containers to hold all the garbage and refuse that is generated.

(d) Garbage and refuse shall be disposed of often enough to prevent the development of odors and the attraction of insects and rodents.

**§6335. Premises.** (a) Nursing homes and all parts of property used in connection with their operations shall be kept free of litter.

(b) The walking and driving surfaces of all exterior areas of nursing homes shall be surfaced with concrete or asphalt or similar material that shall be effectively maintained and minimizes dust.

(c) Only articles necessary for the operation and maintenance of the facility shall be stored on the premises.

**§6336. Animals.** (a) Live animals, including birds and turtles, shall be excluded from within nursing homes and from adjacent areas under their control except as

specifically authorized by the Department. This does not apply to fish, or shell fish in aquariums.

(b) Patrol dogs accompanying security or police officers, or guide dogs accompanying blind persons, shall be permitted in nursing homes.

**§6337. Laundry Facilities.** If a laundry is operated by the facility, it shall comply with the Rules and Regulations Governing Laundry and Dry Cleaning Establishments.

**§6338. Food Service.** If a restaurant or food service function is operated by the facility, it shall comply with the Rules and Regulations Governing Eating and Drinking Establishments.

**§6339. Severability.** Should any section of provision of these regulations be found unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these regulations.

INTERIM REGULATIONS RELATIVE TO LICENSURE  
FEES FOR LONG TERM CARE FACILITIES  
(NURSING HOMES)

PART I.

General.

**Section 1. Authority.** Title 10 Guam Code Annotated Chapter 7, Nursing Homes, §7121. Fees. (a)...requires any application for a nursing home to be accompanied by a fee; and which also requires such fee to be established by the Department of Public Health and Social Services.

**Section 2. Purpose.** These interim regulations are established to meet the requirements of 10 GCA, Section 7121 to allow the Department to issue operational licenses for Long Term Care Facilities until such time as comprehensive regulations are established which will include fee requirements.

**Section 3. Definitions.** (a) *Full Term License* shall mean a license issued by the Department of Public Health and Social Services to a long term care facility to operate for one year from the date of issuance.

(b) *Resident Capacity* shall mean the total allowable number of patient beds for which the facility is licensed.

**Section 4. Severability.** If any phrase, sentence, section, subsection, provision, or part of these regulations or its application to any person or circumstance for any reason to be held unconstitutional or invalid, the remaining portion of these regulations or application of them to other person or circumstance shall not be affected.

**Section 5. Repealer.** These regulations supersede any previously passed regulations relative to the application fees to operate a long term care facility.

PART II.  
FEES.

**Section 1. License Categories.** The following license fee categories shall be applied to fees accompanying any application to operate any long term care facility:

(a) **Full Term** - A full term license fee shall be submitted to the Department with the new or renewal application according to the following schedule:

(1) **Filing Fee** - A filing of \$40.00, plus

(2) **Resident Capacity Fee** - \$1.00 times the resident capacity.

(b) **Provisional** - A provisional license extension fee shall be submitted with a written application for extension of a provisional license when the Department determines the issuance of such a license to be appropriate within the meaning of 10 GCA, Section 7106, (c) ...The schedule for such a provisional license extension fee shall be as follows:

If the terms of the provisional license are not met within the time specified in the provisional license, a \$5.00 per day charge shall be applied for each day the provisional license is extended beyond the original time, but in no case shall the time period of the provisional license exceed a total of ninety (90) days.

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