

449.999469 Presumption when same deficiency found on subsequent inspection; imposition of sanction for subsequent deficiency

If the same deficiency is found during a subsequent inspection conducted to evaluate compliance with a plan of correction, there is a rebuttable presumption that the deficiency continued through the period between the inspection and the subsequent inspection. A sanction may be imposed for a subsequent deficiency only if the subsequent inspection is made and the deficiency is again actually found to be present.