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Title 22@ Social Security

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Division 5@ Licensing and Certification of Health Facilities, Home Health Agencies, Clinics, and Referral Agencies

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Chapter 1@ General Acute Care Hospitals

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Article 5@ Special Permit

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Section 70369@ Revocation or Involuntary Suspension of Special Permit

70369 Revocation or Involuntary Suspension of Special Permit

(a)

Pursuant to provisions of Chapter 5 (commencing with Section 11500), Part I, Division 3, Title 2, Government Code, the Department may suspend or revoke any special permit issued under the provisions of Chapter 2 (commencing with Section 1250), Division 2, Health and Safety Code, upon any of the following grounds:

(1) Violation by the licensee of any provisions of Chapter 2 (commencing with Section 1250), Division 2, Health and Safety Code, or of the supplemental service regulations promulgated by the Department. (2) Aiding, abetting or permitting the violation of any provisions of Chapter 2 (commencing with Section 1250), Division 2, Health and Safety Code, or supplemental service regulations promulgated by the Department. (3) Conduct inimical to the public health, morals, welfare or safety of the people of the State of California in the maintenance and operation of a supplemental service.

(1)

Violation by the licensee of any provisions of Chapter 2 (commencing with Section 1250), Division 2, Health and Safety Code, or of the supplemental service regulations promulgated by the Department.

(2)

Aiding, abetting or permitting the violation of any provisions of Chapter 2 (commencing

with Section 1250), Division 2, Health and Safety Code, or supplemental service regulations promulgated by the Department.

(3)

Conduct inimical to the public health, morals, welfare or safety of the people of the State of California in the maintenance and operation of a supplemental service.

(b)

The Director may temporarily suspend any special permit prior to any hearing when, in his opinion, such action is necessary to protect the public welfare. (1) The Director shall notify the licensee of the temporary suspension and the effective date thereof and at the same time shall serve such licensee with an accusation. (2) Upon receipt of a notice of contest by the licensee, the Director shall set the matter for hearing within 30 days after receipt of such notice. (3) The temporary suspension shall remain in effect until such time as the hearing is completed and the Director has made a final determination. (4) If the Director fails to make a final determination within 60 days after the original hearing has been completed, the temporary suspension shall be deemed vacated. (5) If the provisions of Chapter 2 (commencing with Section 1250), Division 2, Health and Safety Code, or the regulations promulgated by the Director are violated by a licensee which is a group, corporation or other association, the Director may suspend the special permit of such organization or may suspend the special permit as to any individual person within such organization who is responsible for such violation.

(1)

The Director shall notify the licensee of the temporary suspension and the effective date thereof and at the same time shall serve such licensee with an accusation.

(2)

Upon receipt of a notice of contest by the licensee, the Director shall set the matter for hearing within 30 days after receipt of such notice.

(3)

The temporary suspension shall remain in effect until such time as the hearing is completed and the Director has made a final determination.

(4)

If the Director fails to make a final determination within 60 days after the original hearing has been completed, the temporary suspension shall be deemed vacated.

(5)

If the provisions of Chapter 2 (commencing with Section 1250), Division 2, Health and Safety Code, or the regulations promulgated by the Director are violated by a licensee which is a group, corporation or other association, the Director may suspend the special permit of such organization or may suspend the special permit as to any individual person within such organization who is responsible for such violation.

(c)

The withdrawal of an application for a special permit shall not deprive the Department of its authority to institute or continue a proceeding against the applicant for the denial of the special permit upon any ground provided by law or to enter an order denying the special permit upon any such ground, unless the Department consents in writing to such withdrawal.

(d)

The suspension, expiration or forfeiture of a special permit issued by the Department shall not deprive the Department of its authority to institute or continue a proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking a special permit or otherwise taking disciplinary action against the licensee on any such ground.

(e)

A person whose special permit has been revoked or suspended may petition the Department for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition.