

8045 Civil Penalty

(a)

Any person who willfully interferes with any lawful action of the Office, including, but not limited to, the actions specified under Sections 8010 and 8040 of this Article, is subject to a civil penalty not exceeding one thousand dollars (\$1,000) to be assessed by the Director of Aging. In fixing the amount of the civil penalty to be imposed for willful interference, the Director of Aging shall consider: (1) The extent to which the provisions of the applicable statutes or regulations were violated. (2) The "Good Faith" exercised by the licensee or other person connected with the long-term care facility. Indications of good faith include awareness of the applicable statutes and regulations, reasonable diligence in complying with such requirements, and any other mitigating factors in favor of the licensee or other person connected with the long-term care facility. (3) Any prior history of willful interference by the licensee or other person connected with the long-term care facility.

(1)

The extent to which the provisions of the applicable statutes or regulations were violated.

(2)

The "Good Faith" exercised by the licensee or other person connected with the long-term care facility. Indications of good faith include awareness of the applicable

statutes and regulations, reasonable diligence in complying with such requirements, and any other mitigating factors in favor of the licensee or other person connected with the long-term care facility.

(3)

Any prior history of willful interference by the licensee or other person connected with the long-term care facility.

(b)

If a licensee or other person connected with the long-term care facility does not wish to contest the civil penalty he/she may transmit to the Department, within ten business days after service of the assessment, the full amount of the civil penalty assessed.

(c)

If the licensee or other person connected with the long-term care facility fails to respond within ten business days after service of the assessment, an action shall be initiated by the Director of Aging in the Municipal Court, Small Claims Court Division in the jurisdiction in which the facility is located, to collect the assessed penalties. Office of the State Long-Term Care Ombudsman staff or substate Ombudsman Coordinators shall file the action on behalf of the Director of Aging and appear for the Director of Aging to collect the penalties under this Subsection. Actions appealed to the Superior Court shall be represented by the Attorney General's Office under Section 9713 of the Welfare and Institutions Code.