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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 10@ Hospital Administrative Penalties

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Section 70952@ Definitions

70952 Definitions

(a)

As used in Health and Safety Code Section 1280.3 and this article: (1) "Actual financial harm" means concrete financial loss for medical costs incurred by a patient, where the loss was not covered or reimbursed by health insurance. (2) "Deficiency" means a licensee's failure to comply with any law relating to the operation or maintenance of a hospital as a requirement of licensure under the Health and Safety Code or this division. (3) "Hospital licensing requirements," "hospital licensing standards," and "licensure requirements" refer to the requirements in Health and Safety Code, Division 2, Chapter 2, and Division 107, Part 2, Chapter 2.5, Article 1 applicable to hospitals, and the regulations adopted thereunder. (4) "Minor violation" means any violation of law relating to the operation or maintenance of a hospital that the department determines has only a minimal relationship to the health or safety of hospital patients. This definition shall not apply to violations of Health and Safety Code, Division 107, Part 2, Chapter 2.5, Article 1 (Hospital Fair Pricing Policies). (5) "Repeat deficiencies" means violations of hospital licensing requirements or federal certification standards in the same or substantially similar regulatory grouping of requirements, which are found during an inspection, subsequently corrected, and found again at a subsequent inspection. (6) "Substantial compliance" means a level of compliance with state hospital licensing standards and with federal laws that set

forth the conditions of participation for hospitals in the Medicare program, such that any identified deficiencies pose no greater risk to patient health and safety than the potential for causing minimal harm. (7) "Willfulness," "willfully," or "willful" mean that the person doing an act or omitting to do an act intends the act or omission, and knows the relevant circumstances connected with the act or omission. (8) "Willful violation" means that the licensee, through its employees or contractors, willfully commits an act or makes an omission with knowledge of the facts, which bring the act or omission within the deficiency that is the basis for an administrative penalty.

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"Hospital licensing requirements," "hospital licensing standards," and "licensure requirements" refer to the requirements in Health and Safety Code, Division 2, Chapter 2, and Division 107, Part 2, Chapter 2.5, Article 1 applicable to hospitals, and the regulations adopted thereunder.

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"Minor violation" means any violation of law relating to the operation or maintenance of a hospital that the department determines has only a minimal relationship to the health or safety of hospital patients. This definition shall not apply to violations of Health and Safety Code, Division 107, Part 2, Chapter 2.5, Article 1 (Hospital Fair

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"Willful violation" means that the licensee, through its employees or contractors, willfully commits an act or makes an omission with knowledge of the facts, which bring the act or omission within the deficiency that is the basis for an administrative penalty.