

§ 76203. Application Required.

(a) A verified application shall be submitted to the Department whenever any of the following circumstances occur:

(1) Construction of a new or replacement facility.

(2) Increase of licensed bed capacity.

(3) A Change of Ownership. A change of ownership shall be deemed to have occurred where, when compared with the information contained in the last approved license application of the licensee, there has occurred a transfer of a controlling interest in the issued stock of a corporate licensee, a transfer of a controlling interest in the assets of the licensee or a transfer of a controlling interest in the partnership holding the license in terms of capital or shares of profits. The licensee shall submit to the Department any agreement relating to the transfer of management or control of the facility from the licensee to another person or entity, at least 20 days prior to the effective date of such agreement, for review on a case-by-case basis to determine if such agreement results in a de facto transfer of ownership.

(4) Change of license category.

(5) Change of location of facility.

(6) If a person wishes to acquire a beneficial interest of 10 percent or more in any corporation or partnership licensed to operate a skilled nursing facility or intermediate care facility, or to become an officer or director of, or general partner in, such a corporation or partnership such a person must obtain the prior written approval of the Department. Each application for approval shall include the information specified in Section 76205 (a) (6) as regards the person for whom the application is made.

(A) The provisions of this subsection shall not apply to any institution or person exempted by Section 1267.5 (f) or 1267.5 (h) of the Health and Safety Code.

(B) If the Department fails to approve or disapprove such an application for approval within 30 days after receipt thereof, the application shall be deemed approved.

Note: Authority cited: Section 208 (a), Health and Safety Code. Reference: Sections 1265, 1267.5 (b), (f), and 1276, Health and Safety Code.

22 CCR § 76203, 22 CA ADC § 76203