

§ 76215. Issuance, Expiration and Renewal.

(a) Upon verification of compliance with the licensing requirements the Department shall issue the license to the applicant.

(b) If the applicant is not in compliance with laws or regulations, the Department shall deny the applicant a license. Immediately upon the denial of any application for a license, the Department shall notify the applicant in writing. Within 20 days of receipt of the Department's notice, the applicant may present his written notice of appeal for a hearing to the Department. Upon receipt by the Department of the appeal in proper form, such appeal shall be set for hearing. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part I of Division 3 of Title 2 of the Government Code.

(c) The Department may deny the application of any prospective licensee if the applicant or any of the general partners, directors, officers or persons having a beneficial ownership interest of 10 percent or more in the facility, has failed to comply with the reporting requirements or to obtain approvals required in Health and Safety Code Section 1267.5 (a) and (b).

(d) The Department may deny the application of any prospective licensee if any of the general partners, directors, officers or persons having a beneficial ownership interest of 10 percent or more in the facility, was an officer, director, general partner or owner of a 10 percent or more beneficial interest in a skilled nursing facility, intermediate care facility or community care facility at a time when one or more violations of law were committed therein which resulted in suspension or revocation of its license. However, such prior suspension or revocation of a license shall not be grounds for denial of the application if the applicant shows to the satisfaction of the Department that the person in question took every reasonably available action to prevent the violation or violations which resulted in the disciplinary action and that he or she took every reasonably available action to correct such violation or violations once he or she knew, or with the exercise of reasonable diligence should have known, of the violation or violations.

(e) No application shall be denied pursuant to subsection (d) until the Department provides the applicant with notice in writing of grounds for the proposed denial of application, and affords the applicant an opportunity to submit additional documentary evidence within 30 days in opposition to the proposed denial.

(f) The Department shall immediately notify, in writing, the applicant for a license if a license has been denied under Section 76315 (b), (c) or (d). If the applicant wishes to appeal the denial, the applicant must present a written notice of appeal for a hearing to the

Department within 20 days of receipt of the denial notice. Upon receipt by the Department of the appeal in proper form, such appeal shall be set for hearing. Hearing procedures shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part I of Division 3 of Title 2 of the Government Code.

(g) Each initial license shall expire at midnight, one year from the date of issue. A renewal license:

(1) May be issued for a period not to exceed two years if the holder of the license has been found in substantial compliance with statutory requirements, regulations or standards during the preceding license period.

(2) Shall reflect the number of beds that meet construction and operational requirements and shall not include beds formerly located in patient accommodation space which has been permanently converted.

(3) Shall not be issued if the skilled nursing facility is liable for and has not paid the special fees required by Section 90417, Chapter 1, Division 7, of this Title.

(h) At least 45 days prior to expiration of a license the Department shall mail an application for renewal of license form to each licensee. Application for renewal accompanied by the necessary fees shall be filed with the Department not less than 30 days prior to the expiration date. Failure to make a timely renewal shall result in expiration of the license.

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

22 CCR § 76215, 22 CA ADC § 76215