

§ 76201. License Required.

(a) No person, firm, partnership, association, corporation, political subdivision of the State or other government agency within the State shall operate or maintain an intermediate care facility for the developmentally disabled, or hold out, represent or advertise by any means that it operates an intermediate care facility for the developmentally disabled without first obtaining a license or provisional license from the Department to do so.

(b) Any skilled nursing facility or intermediate care facility that provides care for the developmentally disabled may use its skilled nursing or intermediate care beds to provide intermediate care for the developmentally disabled without obtaining a certificate of need, a change in license category, or a change in bed classification provided the facility meets all of the following:

(1) The facility was surveyed on or before July 18, 1977 by the Department for certification under provisions of Section 449.13 of Title 42 of Code of Federal Regulations; and the beds designated for intermediate care for the developmentally disabled are so certified.

(2) Not less than 95 percent of the beds certified for intermediate care for the developmentally disabled are used to provide care to developmentally disabled clients. A bed certified for intermediate care for the developmentally disabled that is occupied by a client who is not developmentally disabled shall be considered as converted to another use.

(3) On and after the effective date of this subsection, no change of ownership has occurred with respect to the facility requiring issuance of a new license, except a change occurring because of a decrease in the number of partners of a licensed partnership or a reorganization of the governing structure of a licensee in which there is no change in the relative ownership interests.

(c) Any facility receiving an exemption under provisions of (b) shall, with respect to beds designated for intermediate care for the developmentally disabled, meet the requirements of California Administrative Code, Title 22, Division 5, Chapter 7, rather than the requirements of those licensing regulations for which its beds are licensed. The license shall reflect exemptions approved under subsection (b).

(d) The licensee of any facility receiving an exemption under this Section shall notify the Department not less than 30 days prior to taking action to lose the exemption as provided in subsection (b) (2) or (3).

(e) Upon a change of ownership of the facility or change in ownership interests which does not meet the provisions of exemption as specified in subsection (b) (3), the applicant for renewal of license shall:

(1) Reclassify all skilled nursing beds previously exempted to the intermediate care - developmental disabilities bed classification or continue the skilled nursing bed classification, with respect to skilled nursing beds which have received such exemption, or

(2) Reclassify all intermediate care beds previously exempted to the intermediate care - developmental disabilities bed classification or reclassify intermediate care beds which have received such an exemption to the intermediate care -other bed classification.

(f) Reclassification of beds provided by subsection (e) shall not constitute a “project” and shall not require a certificate of need as provided in Part 1.5, commencing with Section 437, Division 1 of the Health and Safety Code.

(g) The provisions of this article do not apply to the following institutions:

(1) Any facility conducted by and for the adherents of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend solely upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

(2) Hotels or other similar places that furnish only board and room, or either, to their guests.

(3) Any house or institution supplying board and room only, or room only, or board only; provided, that no resident thereof requires any element of medical care as determined by the Department.

Note: Authority cited: Section 208 (a), Health and Safety Code. Reference: Sections 1253, 1253.1, and 1270, Health and Safety Code.

22 CCR § 76201, 22 CA ADC § 76201