

## § 76217. Provisional License.

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(a) The Department may issue a provisional license for the operation of an intermediate care facility for the developmentally disabled to a facility not previously licensed as an intermediate care facility for the developmentally disabled pursuant to Chapter 2, commencing with Section 1250, of the Health and Safety Code or to any applicant for a license to operate an intermediate care facility for the developmentally disabled if that applicant has not previously held a license for an intermediate care facility for the developmentally disabled pursuant to Chapter 2, commencing with Section 1250, of the Health and Safety Code.

(b) A provisional license issued pursuant to Section 76217(a) shall terminate six months from the date of issuance. Within 30 days prior to the termination of a provisional license issued pursuant to Section 76217 (a), the Department shall give such facility a full and complete inspection, and if the facility meets all applicable requirements for licensure, a regular license shall be issued. If the facility does not meet the requirements for licensure but has made substantial progress toward meeting such requirements, as determined by the Department, the initial provisional license shall be renewed for six months. If the Department determines that there has not been substantial progress toward meeting licensure requirements at the time of the first full inspection provided by this Section, or if the Department determines upon its inspection made within 30 days of the termination of a renewed provisional license that there is a lack of compliance with such requirements, no further license shall be issued.

(c) The Department may issue a provisional license upon a change of ownership of an intermediate care facility for the developmentally disabled to an applicant who has previously held such a license pursuant to Chapter 2, commencing with Section 1250, of the Health and Safety Code if the initial relicensure inspection reveals the following:

(1) The facility and the applicant for licensure are in substantial compliance with licensing requirements.

(2) No violation of such laws or regulations exists in the facility which jeopardizes the health or safety of patients.

(3) The applicant has adopted a plan for correction of any existing violation which is satisfactory to the Department.

(d) A provisional license issued under Section 76217 (c) shall terminate six months after the date of issuance, or at such earlier time as determined by the Department at the time of issuance. Within 30 days of the termination of the provisional license issued pursuant to Section 76217 (c), the Department shall give such facility a full and complete inspection, and if the facility meets all the requirements for licensure, a regular license shall be issued. A provisional license under Section 76217 (c) may not be renewed.

(e) If an applicant for a provisional license, pursuant to Section 76217 (a) and (b), or (c) and (d) has been denied provisional licensing by the Department, that applicant may contest such denial by filing a notice of appeal. The proceedings to review such denial shall be conducted pursuant to the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

Note: Authority cited: Section 208(a), Health and Safety Code. Reference: Section 1268.5, Health and Safety Code.

#### **HISTORY**

1. Amendment filed 4-16-79; effective thirtieth day thereafter (Register 79, No. 17).
2. Editorial correction to add History Note 1 (Register 79, No. 17).

22 CCR § 76217, 22 CA ADC § 76217