

|->

Title 22@ Social Security

|->

Division 5@ Licensing and Certification of Health Facilities, Home Health Agencies, Clinics, and Referral Agencies

|->

Chapter 4@ Intermediate Care Facilities

|->

Article 3@ Services

|->

Section 73447@ Optional Services-Revocation or Involuntary Suspension of Approval

73447 Optional Services-Revocation or Involuntary Suspension of Approval

(a)

Pursuant to provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Government Code, the Department may suspend or revoke the approval of an optional service issued under the provisions of Chapter 2 (commencing with Section 1250), Division 2, Health and Safety Code, upon any of the following grounds: (1) Violation by the licensee of any provisions of Chapter 2 (commencing with Section 1250), Division 2, Health and Safety Code, or of the optional service regulations promulgated by the Department. (2) Aiding, abetting or permitting the violation of any provisions of Chapter 2 (commencing with Section 1250), Division 2, Health and Safety Code, or of any optional service regulations promulgated by the Department. (3) Conduct inimical to the public health, morals, welfare or safety of the people of the State of California in the maintenance and operation of an optional service.

(1)

Violation by the licensee of any provisions of Chapter 2 (commencing with Section 1250), Division 2, Health and Safety Code, or of the optional service regulations promulgated by the Department.

(2)

Aiding, abetting or permitting the violation of any provisions of Chapter 2 (commencing

with Section 1250), Division 2, Health and Safety Code, or of any optional service regulations promulgated by the Department.

(3)

Conduct inimical to the public health, morals, welfare or safety of the people of the State of California in the maintenance and operation of an optional service.

(b)

The Director may temporarily suspend any optional service approval prior to any hearing when, in his opinion, such action is necessary to protect the public welfare. (1) The Director shall notify the licensee of the temporary suspension and the effective date thereof and at the same time shall serve such licensee with an accusation. (2) Upon receipt of a notice of defense by the licensee, the Director shall set the matter for hearing within 30 days after receipt of such notice. (3) The temporary suspension shall remain in effect until such time as the hearing is completed and the Director has made a final determination. (4) If the Director fails to make a final determination within 60 days after the original hearing has been completed, the temporary suspension shall be deemed vacated. (5) If the provisions of Chapter 2 (commencing with Section 1250), Division 2, Health and Safety Code, or the optional service regulations promulgated by the Director are violated by a licensee which is a group, corporation or other association, the Director may suspend the approval of such organization or may suspend the approval as to any individual person within such organization who is responsible for such violation.

(1)

The Director shall notify the licensee of the temporary suspension and the effective date thereof and at the same time shall serve such licensee with an accusation.

(2)

Upon receipt of a notice of defense by the licensee, the Director shall set the matter for hearing within 30 days after receipt of such notice.

(3)

The temporary suspension shall remain in effect until such time as the hearing is completed and the Director has made a final determination.

(4)

If the Director fails to make a final determination within 60 days after the original hearing has been completed, the temporary suspension shall be deemed vacated.

(5)

If the provisions of Chapter 2 (commencing with Section 1250), Division 2, Health and Safety Code, or the optional service regulations promulgated by the Director are violated by a licensee which is a group, corporation or other association, the Director may suspend the approval of such organization or may suspend the approval as to any individual person within such organization who is responsible for such violation.

(c)

The withdrawal of an application for approval shall not deprive the Department of its authority to institute or continue a proceeding against the applicant for the denial of the approval upon any ground provided by law or to enter an order denying the approval upon any such ground, unless the Department consents in writing to such withdrawal.

(d)

The suspension, expiration or forfeiture of an approval issued by the Department shall not deprive the Department of its authority to institute or continue a proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking approval or otherwise taking disciplinary action against the licensee on any such ground.

(e)

A licensee whose approval has been revoked or suspended may petition the Department for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition.