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Title 22@ Social Security

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

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Chapter 7@ Primary Care Clinics

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Article 8@ Appeals Procedure

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Section 75073@ Appeals Procedure

## **75073 Appeals Procedure**

### **(a)**

District office responsibility: (1) Request for appeal of a licensing evaluator's decision may be made by the licensee or administrator to the evaluator's supervisor. Such requests should be in writing and give specific reason for the request. If the matter is not resolved to the satisfaction of the licensee at this level, the licensing supervisor shall prepare a written summary for review by the district administrator. (2) Where the procedure outlined in (1) above does not resolve the matter, the licensee or administrator may request an office conference at the district office. This office conference shall be attended by: (A) District administrator or designee. (B) Licensing supervisor. (C) Facility evaluator. (D) Licensee/administrator and consultant or attorney, if desired by the licensee or administrator. (E) Consultant and/or other Department representative when appropriate in the opinion of the District Administrator. (3) The results of an office conference shall be confirmed in writing by the district office to the licensee.

### **(1)**

Request for appeal of a licensing evaluator's decision may be made by the licensee or administrator to the evaluator's supervisor. Such requests should be in writing and give specific reason for the request. If the matter is not resolved to the satisfaction of the licensee at this level, the licensing supervisor shall prepare a written summary for review by the district administrator.

**(2)**

Where the procedure outlined in (1) above does not resolve the matter, the licensee or administrator may request an office conference at the district office. This office conference shall be attended by: (A) District administrator or designee. (B) Licensing supervisor. (C) Facility evaluator. (D) Licensee/administrator and consultant or attorney, if desired by the licensee or administrator. (E) Consultant and/or other Department representative when appropriate in the opinion of the District Administrator.

**(A)**

District administrator or designee.

**(B)**

Licensing supervisor.

**(C)**

Facility evaluator.

**(D)**

Licensee/administrator and consultant or attorney, if desired by the licensee or administrator.

**(E)**

Consultant and/or other Department representative when appropriate in the opinion of the District Administrator.

**(3)**

The results of an office conference shall be confirmed in writing by the district office to the licensee.

**(b)**

Headquarters Responsibility: (1) When an appeal of a licensee's decision is not resolved at the district level, the next level of appeal is as follows: the licensee/administrator may appeal and submit a request for further consideration

to the Chief, Health Care Section, Sacramento. At the discretion of the Department, an appeal conference will be scheduled and should include: (A) Chief of the Health Care Section or designee. (B) Appropriate Health Care Section Facility Specialist. (C) Appropriate district licensing representative--district administrator, evaluator, and others as needed. (D) Licensee or administrator and consultant or attorney, if desired by the licensee or administrator. (E) Consultant and/or other Department representative. (2) The results of such a meeting or denial of an appeal conference shall be confirmed in writing.

**(1)**

When an appeal of a licensee's decision is not resolved at the district level, the next level of appeal is as follows: the licensee/administrator may appeal and submit a request for further consideration to the Chief, Health Care Section, Sacramento. At the discretion of the Department, an appeal conference will be scheduled and should include: (A) Chief of the Health Care Section or designee. (B) Appropriate Health Care Section Facility Specialist. (C) Appropriate district licensing representative--district administrator, evaluator, and others as needed. (D) Licensee or administrator and consultant or attorney, if desired by the licensee or administrator. (E) Consultant and/or other Department representative.

**(A)**

Chief of the Health Care Section or designee.

**(B)**

Appropriate Health Care Section Facility Specialist.

**(C)**

Appropriate district licensing representative--district administrator, evaluator, and others as needed.

**(D)**

Licensee or administrator and consultant or attorney, if desired by the licensee or administrator.

**(E)**

Consultant and/or other Department representative.

**(2)**

The results of such a meeting or denial of an appeal conference shall be confirmed in writing.