

81024 Waivers and Exceptions

(a)

Unless prior written licensing agency approval is received as specified in Section 81024(b) below, all licensees shall maintain continuous compliance with the licensing regulations.

(b)

The licensing agency shall have the authority to approve the use of alternate concepts, programs, services, procedures, techniques, equipment, space, personnel qualifications or staffing ratios, or the conduct of experimental or demonstration projects under the following circumstances: (1) Such alternatives shall be carried out with provisions for safe and adequate services, and shall in no instance be detrimental to the health and safety of any facility client. (2) The applicant or licensee shall submit to the licensing agency a written request for a waiver or exception, together with substantiating evidence supporting the request. (3) The licensing agency shall provide written approval or denial of the request.

(1)

Such alternatives shall be carried out with provisions for safe and adequate services, and shall in no instance be detrimental to the health and safety of any facility client.

(2)

The applicant or licensee shall submit to the licensing agency a written request for a waiver or exception, together with substantiating evidence supporting the request.

(3)

The licensing agency shall provide written approval or denial of the request.

(c)

Within 30 days of receipt of a request for a waiver or an exception, the licensing agency shall notify the applicant or licensee, in writing, of one of the following: (1) The request with substantiating evidence has been received and accepted for consideration. (2) The request is deficient, describing additional information required for the request to be acceptable and a time frame for submitting this information. (A) Failure of the applicant or licensee to comply within the time specified in Section 81024(c)(2) above shall result in denial of the request.

(1)

The request with substantiating evidence has been received and accepted for consideration.

(2)

The request is deficient, describing additional information required for the request to be acceptable and a time frame for submitting this information. (A) Failure of the applicant or licensee to comply within the time specified in Section 81024(c)(2) above shall result in denial of the request.

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Failure of the applicant or licensee to comply within the time specified in Section 81024(c)(2) above shall result in denial of the request.

(d)

Within 30 days of receipt of an acceptable request for a waiver or an exception, the licensing agency shall notify the applicant or licensee, in writing, whether the request has been approved or denied.

(e)

The Department shall notify the California Department of Health Care Services of all waiver and exception requests.(1) A copy of the approval or denial shall be sent to the California Department of Health Care Services.

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