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Title 22@ Social Security

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Division 6@ Licensing of Community Care Facilities

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Chapter 2@ Social Rehabilitation Facilities

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Subchapter 1@ Basic Requirements

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Article 5@ Enforcement Provisions

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Section 81058@ Unlicensed Facility Penalties

81058 Unlicensed Facility Penalties

(a)

A penalty of \$200 per day shall be assessed for the operation of an unlicensed facility under either of the following conditions: (1) The operator has not submitted a completed application for licensure within 15 calendar days of issuance of the Notice of Operation in Violation of Law pursuant to Section 81006, and continues to operate. (A) For purposes of this section, an application shall be deemed completed if it includes the information required in Section 81018. (B) The completed application shall be deemed to be submitted when received by the licensing agency. (2) Unlicensed operation continues after denial of the initial application. (A) Notwithstanding any appeal action, facility operation must cease within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first.

(1)

The operator has not submitted a completed application for licensure within 15 calendar days of issuance of the Notice of Operation in Violation of Law pursuant to Section 81006, and continues to operate. (A) For purposes of this section, an application shall be deemed completed if it includes the information required in Section 81018. (B) The completed application shall be deemed to be submitted when received by the licensing agency.

(A)

For purposes of this section, an application shall be deemed completed if it includes the information required in Section 81018.

(B)

The completed application shall be deemed to be submitted when received by the licensing agency.

(2)

Unlicensed operation continues after denial of the initial application. (A)

Notwithstanding any appeal action, facility operation must cease within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first.

(A)

Notwithstanding any appeal action, facility operation must cease within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first.

(b)

The \$200 per day penalty shall be assessed for the continued operation of an unlicensed facility as follows: (1) On the 16th calendar day after the operator has been issued the Notice of Operation in Violation of Law, and has not submitted a completed application as required. (A) The \$200 per day penalty shall continue until the operator ceases operation, or submits a completed application pursuant to Sections 81058(a)(1)(A) and (a)(1)(B). (2) Within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first. (A) The \$200 per day penalty shall continue until the operator ceases operation.

(1)

On the 16th calendar day after the operator has been issued the Notice of Operation in

Violation of Law, and has not submitted a completed application as required. (A) The \$200 per day penalty shall continue until the operator ceases operation, or submits a completed application pursuant to Sections 81058(a)(1)(A) and (a)(1)(B).

(A)

The \$200 per day penalty shall continue until the operator ceases operation, or submits a completed application pursuant to Sections 81058(a)(1)(A) and (a)(1)(B).

(2)

Within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first.(A) The \$200 per day penalty shall continue until the operator ceases operation.

(A)

The \$200 per day penalty shall continue until the operator ceases operation.

(c)

If the unlicensed operator or his/her representative reports to the licensing agency that unlicensed operation, as defined in Section 1503.5 of the Health and Safety Code, has ceased, the penalty shall cease as of the day the licensing agency receives the notification. (1) A site visit shall be made immediately or within five working days to verify that the unlicensed facility operation has ceased. (2) Notwithstanding Section 81058(c) above, if the unlicensed facility operation has not ceased, penalties shall continue to accrue without interruption from the date of initial penalty assessment.

(1)

A site visit shall be made immediately or within five working days to verify that the unlicensed facility operation has ceased.

(2)

Notwithstanding Section 81058(c) above, if the unlicensed facility operation has not

ceased, penalties shall continue to accrue without interruption from the date of initial penalty assessment.

(d)

All penalties shall be due and payable upon receipt of the Notice for Payment from the licensing agency, and shall be paid by check or money order made payable to the agency indicated in the notice.

(e)

The licensing agency shall have the authority to file a claim in a court of competent jurisdiction or to take other appropriate action for failure to pay penalties as specified in Section 81058(d) above.