

## **82035 Conditions for Forfeiture of a License**

### **(a)**

A license shall be forfeited by operation of law, pursuant to Section 1524 of the Health and Safety Code.

### **(b)**

The licensee is considered to have abandoned the facility if either of the following conditions occur: (1) The licensee informs the licensing agency that the licensee no longer accepts responsibility for the day program, or (2) The licensing agency is unable to determine the licensee's whereabouts after the following: (A) The licensing agency requests information of the licensee's whereabouts from the day program staff if any staff can be contacted; and (B) The licensing agency has made at least one (1) phone call per day, to the licensee's last telephone number of record, for five (5) consecutive workdays with no response; and (C) The licensing agency has sent a certified letter, requesting the licensee to contact the licensing agency, to the licensee's last mailing address of record with no response within seven (7) calendar days.

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#### **(2)**

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following: (A) The licensing agency requests information of the licensee's whereabouts from the day program staff if any staff can be contacted; and (B) The licensing agency has made at least one (1) phone call per day, to the licensee's last telephone number of record, for five (5) consecutive workdays with no response; and (C) The licensing agency has sent a certified letter, requesting the licensee to contact the licensing agency, to the licensee's last mailing address of record with no response within seven (7) calendar days.

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**(B)**

The licensing agency has made at least one (1) phone call per day, to the licensee's last telephone number of record, for five (5) consecutive workdays with no response; and

**(C)**

The licensing agency has sent a certified letter, requesting the licensee to contact the licensing agency, to the licensee's last mailing address of record with no response within seven (7) calendar days.

**(c)**

If the licensee dies, an adult relative who has control of the property shall be permitted to operate a previously licensed day program under an Emergency Approval to Operate (LIC 9117) providing the following conditions are met: (1) The relative or an adult acting on the relative's behalf notifies the Department by telephone during the first working day after the licensee's death that the relative intends to operate the adult day program. (2) The relative files with the Department within five days of the licensee's death an Application for License (LIC 200) and evidence of the licensee's death as defined in Section 82001(e). (A)

Notwithstanding the instructions on the Application for License (LIC 200), the Department shall permit the relative to submit only the information on the front side of that form. (3) The relative files with the California Department of Justice within five calendar days of the licensee's death his/her fingerprints.

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The relative files with the Department within five days of the licensee's death an Application for License (LIC 200) and evidence of the licensee's death as defined in Section 82001(e). (A) Notwithstanding the instructions on the Application for License (LIC 200), the Department shall permit the relative to submit only the information on the front side of that form.

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**(3)**

The relative files with the California Department of Justice within five calendar days of the licensee's death his/her fingerprints.

**(d)**

If the adult relative complies with Sections 82035(c)(1) and (2), he/she shall not be considered to be operating an unlicensed day program pending the Department's decision on whether to approve a provisional license.

**(e)**

Within 60 days after granting an emergency approval to operate, the Department

shall make a decision whether to issue a provisional license pursuant to Section 82030(a). (1) A provisional license shall be granted only if the Department is satisfied that the conditions as specified in Section 82030, Provisional License, have been met and that the health and safety of the clients of the day program will not be jeopardized.

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