

82028 Capacity Determination

(a)

A license shall be issued for a specific capacity.

(b)

The number of persons for whom the day program is licensed to provide care and supervision shall be determined on the basis of the application review by the licensing agency, taking into consideration the following: (1) The fire clearance as specified in Section 82020. (2) The licensee's/administrator's ability to comply with applicable law and regulation. (3) Physical features of the day program, including available living activity space, which are necessary in order to comply with regulations. (4) Number of available staff to meet the care and supervision needs of the clients. (5) Any restrictions pertaining to the specific category of day program.

(1)

The fire clearance as specified in Section 82020.

(2)

The licensee's/administrator's ability to comply with applicable law and regulation.

(3)

Physical features of the day program, including available living activity space, which are necessary in order to comply with regulations.

(4)

Number of available staff to meet the care and supervision needs of the clients.

(5)

Any restrictions pertaining to the specific category of day program.

(c)

When the license is issued for fewer clients than requested, the licensee shall be notified in writing of the reasons for the limitation and of the licensee's rights to appeal the decision as specified in Section 82040, Denial of Initial License.

(d)

The licensing agency shall have the authority to decrease existing licensed capacity with the licensee's agreement, when there is a change in any of the factors as specified in Section 82028(b). (1) If the licensee does not agree to the decrease in capacity, the licensing agency shall have the authority to initiate revocation action as specified in Section 82042, Revocation or Suspension of License.

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(e)

The licensing agency shall be authorized to restrict care to specific individuals. (1) If care and supervision is limited to specific individuals, the licensing agency shall specify the names of the individuals in a letter to the licensee. (2) Except where the limitation is requested by the licensee, the licensee shall be notified in writing of the reasons for such limitation and of the licensee's right to appeal the decision as specified in Section 82040, Denial of License.

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If care and supervision is limited to specific individuals, the licensing agency shall specify the names of the individuals in a letter to the licensee.

(2)

Except where the limitation is requested by the licensee, the licensee shall be notified in writing of the reasons for such limitation and of the licensee's right to appeal the decision as specified in Section 82040, Denial of License.