

## **82058 Unlicensed Adult Day Program Penalties**

### **(a)**

A penalty of \$200 per day shall be assessed for the operation of an unlicensed day program under either of the following conditions: (1) The operator has not submitted a completed application for licensure (form LIC 200) within 15 calendar days of issuance of the Notice of Operation in Violation of Law (form LIC 195) pursuant to Section 82006, Operating Without a License, and continues to operate. (A) For purposes of this section, an application shall be deemed completed if it includes the information required in Section 82018(d). (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, day program operation must cease within 10 calendar days of the mailing of the notice of denial or upon the operator's receipt of the denial notice whichever occurs first.

### **(1)**

The operator has not submitted a completed application for licensure (form LIC 200) within 15 calendar days of issuance of the Notice of Operation in Violation of Law (form LIC 195) pursuant to Section 82006, Operating Without a License, and continues to operate. (A) For purposes of this section, an application shall be deemed completed if it includes the information required in Section 82018(d). (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 82018(d).

**(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, day program operation must cease within 10 calendar days of the mailing of the notice of denial or upon the operator's receipt of the denial notice whichever occurs first.

**(A)**

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

**(b)**

The \$200 per day penalty shall be assessed for the continued operation of an unlicensed day program as follows: (1) On the 16th calendar day after the operator has been issued the Notice of Operation in Violation of Law (form LIC 195), 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 82058(a)(1)(A) and (B). (2) Within 10 calendar days of the mailing of the notice of denial or upon the operator's receipt of the denial notice 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 (form LIC 195), 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 82058(a)(1)(A) and (B).

**(A)**

The \$200 per day penalty shall continue until the operator ceases operation, or submits a completed application pursuant to Sections 82058(a)(1)(A) and

**(B)**

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**(2)**

Within 10 calendar days of the mailing of the notice of denial or upon the operator's receipt of the denial notice 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 reports to the licensing agency that unlicensed operation, as defined in Health and Safety Code Section 1503.5, 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 day program operation has ceased. (2) Notwithstanding Section 82058(c), if the unlicensed day program 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 day program operation has ceased.

**(2)**

Notwithstanding Section 82058(c), if the unlicensed day program 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 an appropriate court or to take other appropriate action for failure to pay penalties as specified in Section 82058(d).

**(f)**

Payment of civil penalties or application for licensure in response to a citation under this section does not permit the operation of an adult day program without a license.