

84030.1 Provisional License

(a)

All group home license applicants who complete an application and who meet the regulatory and statutory requirements shall receive a provisional license for the first twelve months. After eight months of operation, the licensing agency shall conduct a comprehensive review of the facility for compliance with all applicable laws and regulations and shall assist the applicant to develop a plan of correction, when necessary. (1) Before the first business day of the thirteenth month of operation, if the Department determines that the group home is in substantial compliance with licensing standards, the Department shall issue a permanent group home license except as provided in Section 84030.1(b).

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(b)

If the Department determines that the group home is in substantial compliance with licensing standards, the Department may extend the provisional license for up to an additional six months for either of the following reasons: (1) The group home requires additional time to be in full compliance with licensing standards.

(2) After twelve months of operation, the group home is not operating at fifty percent of its licensed capacity.

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(2)

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(c)

By no later than the first business day of the seventeenth month of operation, the Department shall conduct an additional review of a facility for which a provisional license is extended pursuant to Section 84030.1(b), to determine whether a permanent license should be issued.

(d)

Under the following conditions, a group home licensee with a permanent license may apply for a provisional license: (1) A temporary change in facility location of not more than six months due to unforeseen circumstances beyond the control of the licensee (i.e. flood, earthquake, etc.). (A) The licensing agency shall have the authority to authorize a temporary facility change following a licensing agency review, a finding of substantial compliance with licensing standards, and the securing of an appropriate fire clearance.

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(e)

If, during the provisional license period, the licensing agency discovers any serious deficiencies, the Department shall have the authority to institute administrative action, or civil proceedings, or to refer the case for criminal prosecution. As one of the options under the administrative action process, the Department may deny a group home license application at any time during the term of the provisional license to protect the health and safety of clients. If the Department denies the application, the group home shall cease operation immediately. Continued operation of the facility after the Department denies the application or after the provisional license expires shall constitute unlicensed operation.

(f)

A provisional license shall not be renewable and shall terminate on the date specified on the license or upon denial of the application, whichever is earlier.