

86552 Deficiencies in Compliance

(a)

When a licensing evaluation is conducted and the licensing program analyst determines that a deficiency exists, the licensing program analyst shall issue a notice of deficiency, unless the deficiency is not serious and is corrected during the visit.

(b)

Prior to completion of a visit, the administrator, or other person in charge of the crisis nursery, shall meet with the licensing program analyst to discuss any deficiencies noted, to jointly develop a plan for correcting each deficiency, and to acknowledge receipt of the notice of deficiency.

(c)

The licensing program analyst shall provide notice of deficiency to the licensee by one of the following: (1) Personal delivery to the administrator, at the completion of the visit. (2) If the administrator is not at the crisis nursery site, the notice shall be given to the person in charge of the crisis nursery at the completion of the visit and mailed to the licensee. (3) If the administrator or the person in charge of the crisis nursery refuses to accept the notice, a notation of the refusal shall be written on the notice and a copy left at the crisis nursery and mailed to the licensee.

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If the administrator is not at the crisis nursery site, the notice shall be given to the person in charge of the crisis nursery at the completion of the visit and mailed to the licensee.

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If the administrator or the person in charge of the crisis nursery refuses to accept the notice, a notation of the refusal shall be written on the notice and a copy left at the crisis nursery and mailed to the licensee.

(d)

The notice of deficiency shall be in writing and shall include the following: (1) Citation of the statute or regulation which has been violated. (2) A description of the nature of the deficiency that states the manner in which the licensee failed to comply with a specified statute or regulation and the particular place or area of the crisis nursery in which it occurred. (3) The plan developed, as specified in Section 86552(b), for correcting each deficiency. (4) A date by which each deficiency shall be corrected. (A) In determining the date for correcting a deficiency, the licensing program analyst shall consider the following factors: 1. The potential hazard presented by the deficiency. 2. The number of children affected. 3. The availability of equipment or personnel necessary to correct the deficiency. 4. The estimated time necessary for delivery, and for any installation, of necessary equipment. (B) The date for correcting a deficiency shall not be more than 30 calendar days following service of the notice of deficiency, unless the licensing program analyst determines that the deficiency cannot be completely corrected in 30 calendar days. (C) If the date for correcting the deficiency is more than 30 calendar days following service of the notice of

deficiency, the notice shall specify the corrective actions which must be taken within 30 calendar days to begin correction. (D) The licensing program analyst shall require correction of the deficiency within 24 hours and shall specify on the notice the date by which the correction must be made whenever penalties are assessed pursuant to Section 86554(g). (5) The amount of penalty being assessed and the date the penalty begins. (6) The address and telephone number of the licensing office responsible for reviewing notices of deficiencies for the area in which the crisis nursery is located.

(1)

Citation of the statute or regulation which has been violated.

(2)

A description of the nature of the deficiency that states the manner in which the licensee failed to comply with a specified statute or regulation and the particular place or area of the crisis nursery in which it occurred.

(3)

The plan developed, as specified in Section 86552(b), for correcting each deficiency.

(4)

A date by which each deficiency shall be corrected. (A) In determining the date for correcting a deficiency, the licensing program analyst shall consider the following factors: 1. The potential hazard presented by the deficiency. 2. The number of children affected. 3. The availability of equipment or personnel necessary to correct the deficiency. 4. The estimated time necessary for delivery, and for any installation, of necessary equipment. (B) The date for correcting a deficiency shall not be more than 30 calendar days following service of the notice of deficiency, unless the licensing program analyst determines that the deficiency cannot be completely corrected in 30 calendar days. (C) If the date for correcting the deficiency is more than 30 calendar

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(A)

In determining the date for correcting a deficiency, the licensing program analyst shall consider the following factors: 1. The potential hazard presented by the deficiency. 2. The number of children affected. 3. The availability of equipment or personnel necessary to correct the deficiency. 4. The estimated time necessary for delivery, and for any installation, of necessary equipment.

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The number of children affected.

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The availability of equipment or personnel necessary to correct the deficiency.

4.

The estimated time necessary for delivery, and for any installation, of necessary equipment.

(B)

The date for correcting a deficiency shall not be more than 30 calendar days following service of the notice of deficiency, unless the licensing program analyst determines that the deficiency cannot be completely corrected in 30 calendar days.

(C)

If the date for correcting the deficiency is more than 30 calendar days following service of the notice of deficiency, the notice shall specify the corrective actions which must be taken

within 30 calendar days to begin correction.

(D)

The licensing program analyst shall require correction of the deficiency within 24 hours and shall specify on the notice the date by which the correction must be made whenever penalties are assessed pursuant to Section 86554(g).

(5)

The amount of penalty being assessed and the date the penalty begins.

(6)

The address and telephone number of the licensing office responsible for reviewing notices of deficiencies for the area in which the crisis nursery is located.

(e)

The following are examples of regulations that, if not complied with, nearly always result in a serious deficiency. (1) Section 86510 relating to limitations on capacity or ambulatory status of children in crisis nurseries. (2) Section 86519 relating to criminal record clearance. (3) Section 86520 relating to fire clearance. (4) Section 86521 relating to water supply. (5) Section 86572 relating to personal rights. (7) Section 86575 relating to storing and dispensing medications. (8) Section 86576 relating to food storage, preparation and service. (9) Section 86587 relating to safety of child(ren) accommodations. (10) Section 86588 relating to hot water temperature, toilet facilities, storage, and disposal of solid wastes. (11) Any other regulation, the violation of which is deemed by the Department to constitute a serious deficiency as defined in Section 86501(s)(1).

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Section 86510 relating to limitations on capacity or ambulatory status of children in crisis nurseries.

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Section 86519 relating to criminal record clearance.

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Section 86520 relating to fire clearance.

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Section 86521 relating to water supply.

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Section 86572 relating to personal rights.

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Section 86575 relating to storing and dispensing medications.

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Section 86576 relating to food storage, preparation and service.

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Section 86587 relating to safety of child(ren) accommodations.

(10)

Section 86588 relating to hot water temperature, toilet facilities, storage, and disposal of solid wastes.

(11)

Any other regulation, the violation of which is deemed by the Department to constitute a serious deficiency as defined in Section 86501(s)(1).

(f)

Failure to operate according to the plan of operation, as specified in Section 86522, may result in a citation for a serious deficiency.