

## 86554 Penalties

### (a)

A notice of penalty shall be in writing and include: (1) The amount of penalty assessed and the date payment is due. (2) The name and address of the agency responsible for collecting the penalty.

#### (1)

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#### (2)

The name and address of the agency responsible for collecting the penalty.

### (b)

A penalty of \$50 per day, per cited violation, shall be assessed for serious deficiencies that are not corrected by the date specified in the notice of deficiency, up to a maximum of \$150 per day.

### (c)

Notwithstanding Section 86554(b), an immediate penalty of \$100 per cited violation per day for a maximum of five (5) days shall be assessed if any individual required to be fingerprinted under Health and Safety Code Section 1522(b) has not obtained a California clearance or a criminal record exemption, requested a transfer of a criminal record clearance or requested and be approved for a transfer of an exemption as specified in Section 86519(e) prior to working, residing, or volunteering in the crisis nursery. (1) Subsequent violations within a

twelve (12) month period shall result in a civil penalty of one hundred dollars (\$100) per violation per day for a maximum of thirty (30) days. (A) The Department may assess civil penalties for continued violations as permitted by Health and Safety Code Section 1522. (B) Progressive civil penalties specified in Sections 86554(e), (f) and (g) shall not apply.

**(1)**

Subsequent violations within a twelve (12) month period shall result in a civil penalty of one hundred dollars (\$100) per violation per day for a maximum of thirty (30) days.

(A) The Department may assess civil penalties for continued violations as permitted by Health and Safety Code Section 1522. (B) Progressive civil penalties specified in Sections 86554(e), (f) and (g) shall not apply.

**(A)**

The Department may assess civil penalties for continued violations as permitted by Health and Safety Code Section 1522.

**(B)**

Progressive civil penalties specified in Sections 86554(e), (f) and (g) shall not apply.

**(d)**

Notwithstanding Section 86554(b), an immediate penalty of \$150 per day shall be assessed for any of the following: (1) A child's sickness, injury or death has occurred as a result of the deficiency.

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**(e)**

When a crisis nursery is cited for a deficiency and violates the same regulation subsection within a 12-month period, the crisis nursery shall be cited and an immediate penalty of \$150 per cited violation shall be assessed for one day only.

Thereafter a penalty of \$50 per day, per cited violation, shall be assessed until the deficiency is corrected.

**(f)**

When a crisis nursery that was cited for a deficiency subject to the immediate penalty assessment in Section 86554(e), violates the same regulation subsection within a 12-month period of the last violation, the crisis nursery shall be cited and an immediate penalty of \$150 per cited violation shall be assessed for one day only. Thereafter, a penalty of \$150 per day, per cited violation, shall be assessed until the deficiency is corrected. (1) For purposes of Sections 86554(e) and (f), a regulation subsection is the regulation denoted by a lower-case letter after the main regulation number. An example of the same regulation subsections are Section 87218(a)(2) and (a)(5). Section 87218(a) and (b) are not the same regulatory subsection.

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For purposes of Sections 86554(e) and (f), a regulation subsection is the regulation denoted by a lower-case letter after the main regulation number. An example of the same regulation subsections are Section 87218(a)(2) and (a)(5). Section 87218(a) and (b) are not the same regulatory subsection.

**(g)**

If any deficiency is not corrected by the date specified in the notice of deficiency, a penalty shall be assessed for each day following that date until compliance has been demonstrated. (1) Immediate penalty assessment as specified in Section 86554(e) and (f) shall begin on the day the deficiency is cited.

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**(h)**

If a licensee or designated representative notifies the Department that a deficiency has been corrected, the penalty shall cease as of the day the Department receives notification that the correction was made.(1) If the deficiency has not been corrected, civil penalties shall continue to accrue from the date of the original citation. (2) If it can be verified that the correction was made prior to the date of notification, the penalty shall cease as of the earlier date.

**(1)**

If the deficiency has not been corrected, civil penalties shall continue to accrue from the date of the original citation.

**(2)**

If it can be verified that the correction was made prior to the date of notification, the penalty shall cease as of the earlier date.

**(i)**

If necessary, a site visit shall be made immediately or within five working days to confirm that the deficiency has been corrected.

**(j)**

When an immediate penalty has been assessed pursuant to this section and correction is made when the licensing program analyst is present, a follow-up visit is not required.

**(k)**

If an immediate civil penalty is assessed, and the deficiency is corrected on the same day, the penalty shall still be assessed for that day.

**(l)**

Unless otherwise ordered by the Department all penalties are due and payable upon receipt of notice for payment, and shall be paid only by check or money

order made payable to the agency indicated on the notice.

**(m)**

The Department shall have the authority to file a claim in a court of competent jurisdiction or to take other appropriate action for failure to pay penalties as specified in Section 86544 (l).