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Title 22@ Social Security

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Division 6@ Licensing of Community Care Facilities

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Chapter 8@ Residential Care Facilities for the Elderly (RCFE)

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Article 2@ License

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Section 87111@ Continuation of License Under Emergency Conditions or Sale of Property

## **87111 Continuation of License Under Emergency Conditions or Sale of Property**

### **(a)**

The licensing agency may consent to a change of location and continuation of the existing license of any facility for a reasonable period of time when the change is requested because of the accidental destruction of the licensed premises or similar emergency conditions, so long as the new location or place of performance conforms to building, fire and life safety standards.

### **(b)**

In the event of a licensee's death, an adult who has control of the property, and had been designated by the licensee as the party responsible to continue operation of the facility upon a licensee's death shall: (1) notify the Department by the next working day of the licensee's death; (2) inform the Department within five working days if the designee decides not to apply for licensure. (A) If the designee decides not to apply, the Department will help the designee develop and implement a relocation plan for facility residents.

#### **(1)**

notify the Department by the next working day of the licensee's death;

#### **(2)**

inform the Department within five working days if the designee decides not to apply for licensure. (A) If the designee decides not to apply, the Department will help the

designee develop and implement a relocation plan for facility residents.

**(A)**

If the designee decides not to apply, the Department will help the designee develop and implement a relocation plan for facility residents.

**(c)**

The Department may permit a designee to continue operation of a previously licensed facility, and grant an Emergency Approval to Operate (EAO) to a facility for up to 60 days pending issuance or denial of a license, provided the following requirements of Health and Safety Code section 1569.193 are met: (1) The designee notifies the Department during the next working day following the death of the licensee, that he/she will continue to operate the facility. (2) A notarized designation of the adult, authorized by the licensee, to continue operation of the facility in the event of the licensee's death, was filed by the licensee with the Department. (A) The notarized statement was signed by the designee, and indicated acceptance of the designation. (B) The notarized statement contains, or is accompanied by a declaration under penalty of perjury, regarding any criminal convictions of the designee. (3) The designee is able to operate the facility to the satisfaction of the Department. (4) The designee files an application for licensure, and provides a copy of the licensee's death certificate, obituary notice, certification of death from the decedent's mortuary, or a letter from the attending physician or coroner's office verifying the death of the licensee, within 20 working days of the licensee's death. (5) The applicant who is issued an EAO shall perform all the duties, functions, and responsibilities required of a licensee. (A) Failure to comply with licensing laws and regulations under Section 87111(b) as determined by the licensing agency, shall result in the denial of the application for license. This denial shall also constitute termination of the EAO. (B) The licensing agency

shall provide written notification of the denial and this notice shall be effective immediately upon receipt. (C) The licensing agency shall provide written notification of the denial and this notice shall be effective immediately upon receipt.

**(1)**

The designee notifies the Department during the next working day following the death of the licensee, that he/she will continue to operate the facility.

**(2)**

A notarized designation of the adult, authorized by the licensee, to continue operation of the facility in the event of the licensee's death, was filed by the licensee with the Department. (A) The notarized statement was signed by the designee, and indicated acceptance of the designation. (B) The notarized statement contains, or is accompanied by a declaration under penalty of perjury, regarding any criminal convictions of the designee.

**(A)**

The notarized statement was signed by the designee, and indicated acceptance of the designation.

**(B)**

The notarized statement contains, or is accompanied by a declaration under penalty of perjury, regarding any criminal convictions of the designee.

**(3)**

The designee is able to operate the facility to the satisfaction of the Department.

**(4)**

The designee files an application for licensure, and provides a copy of the licensee's death certificate, obituary notice, certification of death from the decedent's mortuary, or a letter from the attending physician or coroner's office verifying the death of the

licensee, within 20 working days of the licensee's death.

**(5)**

The applicant who is issued an EAO shall perform all the duties, functions, and responsibilities required of a licensee. (A) Failure to comply with licensing laws and regulations under Section 87111(b) as determined by the licensing agency, shall result in the denial of the application for license. This denial shall also constitute termination of the EAO. (B) The licensing agency shall provide written notification of the denial and this notice shall be effective immediately upon receipt. (C) The licensing agency shall provide written notification of the denial and this notice shall be effective immediately upon receipt.

**(A)**

Failure to comply with licensing laws and regulations under Section 87111(b) as determined by the licensing agency, shall result in the denial of the application for license. This denial shall also constitute termination of the EAO.

**(B)**

The licensing agency shall provide written notification of the denial and this notice shall be effective immediately upon receipt.

**(C)**

The licensing agency shall provide written notification of the denial and this notice shall be effective immediately upon receipt.

**(d)**

The Department shall determine within 60 days after receipt of the completed application whether a license will be issued.

**(e)**

Following receipt of a completed application, the designee shall not be considered to be operating an unlicensed facility while the Department decides whether to

grant the license.

**(f)**

In the event of the sale and transfer of property and business, the applicant (buyer) shall be issued an EAO if the applicant (buyer) complies with Health and Safety Code section 1569.191.

**(g)**

"A bona-fide offer", as specified in Health and Safety Code section 1569.191(a)(1), shall mean a proposal by the buyer to purchase the facility with definite terms in writing communicated to the seller and accompanied by a cash deposit.