

## **87106 Operation Without a License**

### **(a)**

An unlicensed facility as defined in Section 87101(u)(2) is in violation of section 1569.10, 1569.44 and/or 1569.45 of the Health and Safety Code unless the facility is exempted from licensure under Section 87101(a).

### **(b)**

If the facility is alleged to be in violation of section 1569.10 and/or 1569.44 and/or 1569.45 of the Health and Safety Code, the licensing agency shall conduct a site visit and/or evaluation of the facility pursuant to Health and Safety Code section 1569.35.

### **(c)**

If the facility is operating without a license, the licensing agency shall issue a Notice of Operation in Violation of Law, and shall refer the case for criminal prosecution and/or civil proceedings.

### **(d)**

The licensing agency shall issue an immediate civil penalty pursuant to Section 87768, Unlicensed Facility Penalties and Health and Safety Code section 1569.485.

### **(e)**

Sections 87106(c) and (d) shall be applied in any combination deemed appropriate by the licensing agency.

**(f)**

The licensing agency shall notify the appropriate local or state Ombudsman, placement, or adult protective service agency if either of the following conditions exist: (1) There is an immediate threat to the resident's health and safety. (2) The facility does not submit an application for licensure within 15 calendar days of being served a Notice of Operation in Violation of Law.

**(1)**

There is an immediate threat to the resident's health and safety.

**(2)**

The facility does not submit an application for licensure within 15 calendar days of being served a Notice of Operation in Violation of Law.