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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 7@ Personnel

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Section 87408@ Administrator Certificate Denial or Revocation

87408 Administrator Certificate Denial or Revocation

(a)

The Department may deny or revoke any administrator certificate on violation of licensing regulations or on any of the following grounds: (1) The certificate holder or applicant procured or attempted to procure a certificate by fraud, misrepresentation, bribery, or other unlawful behavior. (2) The certificate holder or applicant knowingly made or gave a false statement or information in conjunction with the application for a certificate. (3) The Department has issued an exclusion order against the certificate holder pursuant to Health and Safety Code sections 1558, 1568.092, 1569.58 or 1596.8897 after the Department issued the certificate, and; (A) The certificate holder did not appeal the exclusion order, or (B) After the appeal, the Department issued a decision and order that upheld the exclusion order. (4) The certificate holder or applicant does not have a current criminal record clearance or exemption. (5) The certificate holder fails to comply with certificate renewal requirements. (A) The Department may reinstate a certificate that has been revoked for failure to comply with certificate renewal requirements provided all conditions for recertification have been satisfied, including payment of all appropriate renewal and delinquency fees. (6) The certificate holder engaged in conduct which is inimical to the health, morals, welfare, or safety of either an individual in or receiving services from the facility or the people of the State of California.

(1)

The certificate holder or applicant procured or attempted to procure a certificate by fraud, misrepresentation, bribery, or other unlawful behavior.

(2)

The certificate holder or applicant knowingly made or gave a false statement or information in conjunction with the application for a certificate.

(3)

The Department has issued an exclusion order against the certificate holder pursuant to Health and Safety Code sections 1558, 1568.092, 1569.58 or 1596.8897 after the Department issued the certificate, and; (A) The certificate holder did not appeal the exclusion order, or (B) After the appeal, the Department issued a decision and order that upheld the exclusion order.

(A)

The certificate holder did not appeal the exclusion order, or

(B)

After the appeal, the Department issued a decision and order that upheld the exclusion order.

(4)

The certificate holder or applicant does not have a current criminal record clearance or exemption.

(5)

The certificate holder fails to comply with certificate renewal requirements. (A) The Department may reinstate a certificate that has been revoked for failure to comply with certificate renewal requirements provided all conditions for recertification have been satisfied, including payment of all appropriate renewal and delinquency fees.

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The Department may reinstate a certificate that has been revoked for failure to comply with certificate renewal requirements provided all conditions for recertification have been satisfied, including payment of all appropriate renewal and delinquency fees.

(6)

The certificate holder engaged in conduct which is inimical to the health, morals, welfare, or safety of either an individual in or receiving services from the facility or the people of the State of California.

(b)

Any denial or revocation of an administrator certificate may be appealed as provided by Health and Safety Code section 1569.51.

(c)

Unless otherwise ordered by the Department, any application for an administrator certificate submitted after a denial or revocation action shall be processed in accordance with the provisions of Health and Safety Code section 1569.16.