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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 11@ Health-Related Services and Conditions

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Section 87638@ Resident Request for Review of Health Condition Relocation Order

87638 Resident Request for Review of Health Condition Relocation Order

(a)

A resident, or the resident's responsible person, if any, shall be permitted to request a review and determination of the Department's health condition relocation order by the interdisciplinary team. (1) If the resident has no responsible person, as defined in Section 87101, the Long-Term Care Ombudsman and/or the resident's representative payee, if any, shall be permitted to submit a request for review and determination on behalf of the resident.

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(b)

The resident, or the resident's responsible person, if any, shall have three (3) working days, from receipt of the relocation order, to submit to the licensee a written, signed and dated request for a review and determination by the interdisciplinary team. (1) For purposes of this section, a working day is any day except Saturday, Sunday or an official state holiday.

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(c)

The licensee shall mail or deliver such a request to the Department within two (2) working days of receipt. (1) Failure or refusal to do so may result in civil penalties, as provided in Section 87761, Penalties.

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(d)

The Department shall give written notification to the resident, or the resident's responsible person, if any, acknowledging receipt of the resident's request for review of the relocation order. Notification shall occur within three (3) working days of receipt by the Department of the request for review.

(e)

Within ten (10) working days from the date of the resident's review request, the licensee shall submit to the Department the documentation specified in Section 87638(g) to complete the resident's review request.

(f)

The licensee shall cooperate with the resident, or the resident's responsible person, if any, in gathering the documentation to complete the resident's review request.

(g)

The documentation to complete the resident's review request shall include, but not be limited to, the following: (1) The reason(s) for disagreeing that the resident has the health condition identified in the relocation order and why the resident believes he/she may legally continue to reside in a residential care facility

for the elderly. (2) A current medical assessment signed by the resident's physician. (A) For purposes of this section, this assessment shall include the information specified in Sections 87611(a)(1)(A) through (E). (B) For purposes of this section "current" shall mean a medical assessment completed on or after the date of the relocation order. (3) An appraisal or reappraisal of the resident as specified in Sections 87457(c)(1) and 87463, Reappraisals. (A) The licensee shall be permitted to use the form LIC 603 (Rev. 6/87), Preplacement Appraisal Information, to document the appraisal or reappraisal. (4) A written statement from a placement agency, if any, currently involved with the resident, addressing the relocation order.

(1)

The reason(s) for disagreeing that the resident has the health condition identified in the relocation order and why the resident believes he/she may legally continue to reside in a residential care facility for the elderly.

(2)

A current medical assessment signed by the resident's physician. (A) For purposes of this section, this assessment shall include the information specified in Sections 87611(a)(1)(A) through (E). (B) For purposes of this section "current" shall mean a medical assessment completed on or after the date of the relocation order.

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For purposes of this section, this assessment shall include the information specified in Sections 87611(a)(1)(A) through (E).

(B)

For purposes of this section "current" shall mean a medical assessment completed on or after the date of the relocation order.

(3)

An appraisal or reappraisal of the resident as specified in Sections 87457(c)(1) and 87463, Reappraisals. (A) The licensee shall be permitted to use the form LIC 603 (Rev. 6/87), Preplacement Appraisal Information, to document the appraisal or reappraisal.

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(4)

A written statement from a placement agency, if any, currently involved with the resident, addressing the relocation order.

(h)

The Department shall inform the resident and/or the resident's responsible person, if any, in writing, of the interdisciplinary team's determination and the reason for that determination not more than 30 days after the resident or his/her responsible person, if any, is notified of the need to relocate.

(i)

The resident's right to a review of a health condition relocation order issued by the Department shall not: (1) Nullify a determination by the Department that the resident must be relocated in order to protect the resident's health and safety as specified in Section 87637(a). (2) Apply to eviction under Section 87224, Eviction Procedures. (3) Imply a right to a state hearing or any other administrative review beyond that set forth in this section. (4) Apply if the facility license has been temporarily suspended as specified in Section 87775(c).

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Nullify a determination by the Department that the resident must be relocated in order to protect the resident's health and safety as specified in Section 87637(a).

(2)

Apply to eviction under Section 87224, Eviction Procedures.

(3)

Imply a right to a state hearing or any other administrative review beyond that set forth in this section.

(4)

Apply if the facility license has been temporarily suspended as specified in Section 87775(c).