

|->

Title 22@ Social Security

|->

Division 6@ Licensing of Community Care Facilities

|->

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

|->

Article 13@ Enforcement

|->

Section 87768@ Unlicensed Facility Penalties

87768 Unlicensed Facility Penalties

(a)

A penalty of \$100 per day per resident shall be assessed for the operation of an unlicensed facility under either of the following conditions: (1) The operator has not submitted a completed application for licensure within 15 calendar days of issuance of the Notice of Operation in Violation of Law pursuant to Section 87106. (A) For purposes of this section, an application shall be deemed completed if it includes the information required in Section 87155, Application for License. (B) The completed application shall be deemed to be submitted when received by the licensing agency. (2) Unlicensed operation continues after denial of the initial application. (A) Notwithstanding any appeal action, facility operation must cease within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first.

(1)

The operator has not submitted a completed application for licensure within 15 calendar days of issuance of the Notice of Operation in Violation of Law pursuant to Section 87106. (A) For purposes of this section, an application shall be deemed completed if it includes the information required in Section 87155, Application for License. (B) The completed application shall be deemed to be submitted when received by the licensing agency.

(A)

For purposes of this section, an application shall be deemed completed if it includes the information required in Section 87155, Application for License.

(B)

The completed application shall be deemed to be submitted when received by the licensing agency.

(2)

Unlicensed operation continues after denial of the initial application. (A)

Notwithstanding any appeal action, facility operation must cease within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first.

(A)

Notwithstanding any appeal action, facility operation must cease within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first.

(b)

A \$200 per day per resident penalty shall be assessed for the continued operation of an unlicensed facility as follows: (1) On the 16th calendar day after the operator has been issued the Notice of Operation in Violation of Law, and has not submitted a completed application as required. (A) The \$200 per day per resident penalty shall continue until the operator ceases operation, or submits a completed application pursuant to Section 87768(a)(1)(A) and (B). (2) Within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first. (A) The \$200 per day per resident penalty shall continue until the operator ceases operation.

(1)

On the 16th calendar day after the operator has been issued the Notice of Operation in

Violation of Law, and has not submitted a completed application as required. (A) The \$200 per day per resident penalty shall continue until the operator ceases operation, or submits a completed application pursuant to Section 87768(a)(1)(A) and (B).

(A)

The \$200 per day per resident penalty shall continue until the operator ceases operation, or submits a completed application pursuant to Section 87768(a)(1)(A) and

(B)

.

(2)

Within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first.(A) The \$200 per day per resident penalty shall continue until the operator ceases operation.

(A)

The \$200 per day per resident penalty shall continue until the operator ceases operation.

(c)

If the unlicensed operator or his/her representative reports to the licensing agency that unlicensed operation, as defined in 1569.44 of the Health and Safety Code, has ceased, the penalty shall cease as of the day the licensing agency receives the notification. (1) A site visit shall be made immediately or within five working days to verify that the unlicensed facility operation has ceased. (2)

Notwithstanding (c) above, if the unlicensed facility operation has not ceased, penalties shall continue to accrue without interruption from the date of initial penalty assessment.

(1)

A site visit shall be made immediately or within five working days to verify that the unlicensed facility operation has ceased.

(2)

Notwithstanding (c) above, if the unlicensed facility operation has not ceased, penalties shall continue to accrue without interruption from the date of initial penalty assessment.

(d)

All penalties shall be due and payable upon receipt of the Notice of Payment from the licensing agency, and shall be paid by check or money order made payable to the agency indicated in the notice.

(e)

The licensing agency 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 (d) above.