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Title 22@ Social Security

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Division 6@ Licensing of Community Care Facilities

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Chapter 8.5@ Residential Care Facilities for the Chronically III

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Article 3@ Application Procedures

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Section 87830@ Provisional License

87830 Provisional License

(a)

The Department shall have the authority to issue a provisional license to an applicant, pending action on a completed application for an initial license, if it determines that all of the following circumstances exist: (1) The facility is in substantial compliance with applicable law and regulation. (2) An urgent need for licensure exists. (3) A corporate applicant's board of directors, executive director and officer are eligible for licensure as specified in Health and Safety Code Section 1568.042(b).

(1)

The facility is in substantial compliance with applicable law and regulation.

(2)

An urgent need for licensure exists.

(3)

A corporate applicant's board of directors, executive director and officer are eligible for licensure as specified in Health and Safety Code Section 1568.042(b).

(b)

The capacity of a provisional license shall be limited to the number of residents for whom urgent need has been established, or the capacity established for the specific facility, whichever is less.

(c)

The Department shall have the authority to issue a provisional license for a maximum of six months when it determines that full compliance with licensing regulations will be achieved within that time period.

(d)

The Department shall have the authority to issue a provisional license for a maximum of 12 months when it determines, at the time of application, that more than six months is required to achieve full compliance with licensing regulations due to circumstances beyond the control of the applicant.

(e)

If, during the provisional license period, the Department discovers any serious deficiencies, the Department shall have the authority to institute administrative action or civil proceedings.

(f)

A provisional license shall not be renewable and shall terminate on the date specified on the license, or upon denial of the application, whichever is earlier.