

87828 Capacity Determination

(a)

A license shall be issued for a specific capacity not to exceed 50 persons.

(b)

The number of persons for whom the facility is licensed to provide care and supervision shall be determined on the basis of the application review by the Department, which shall take into consideration the following: (1) Whether the appropriate fire clearance has been approved. (2) The applicant's/licensee's ability to comply with applicable laws and regulations. (3) Any other household members who reside at the facility and their individual needs. (A) The applicant's/licensee's responsibilities to other persons in the home may preclude his/her ability to care for residents. (4) Physical features of the facility, including available living spaces, which are necessary in order to comply with regulations. (5) Number of qualified staff available to meet the care and supervision needs of the residents.

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(2)

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(3)

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(4)

Physical features of the facility, including available living spaces, which are necessary in order to comply with regulations.

(5)

Number of qualified staff available to meet the care and supervision needs of the residents.

(c)

The Department shall have the authority to issue a license for fewer residents than is requested based upon determinations made pursuant to Section 87828(b) above.

(d)

When the license is issued for fewer residents than requested, the licensee shall be notified in writing of the reasons for the limitation and of the licensee's rights to appeal the decision.

(e)

The Department shall have the authority to decrease existing licensed capacity when there is a change in any of the factors specified in (b) above. (1) If the licensee does not comply with the decrease in capacity, the Department shall have the authority to initiate revocation action.

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(f)

The Department shall have the authority to restrict care to specific individuals:(1)

If care and supervision is limited to specific individuals, the Department shall specify the names of the individuals in a letter to the licensee. (2) Except where the limitation is requested by the licensee, the licensee shall be notified in writing of the reasons for such limitation and of the licensee's right to appeal the decision.

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(2)

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