

## **87844 Inspection Authority of the Department**

### **(a)**

The Department shall have the authority to conduct an inspection of any licensed residential care facility or residential care facility which has applied to be licensed at any time. (1) The Department shall conduct an inspection of the licensed facility within 90 days after the date of issuance of a license. (2) Any duly authorized officer, employee, or agent of the Department may, upon presentation of proper identification, enter and inspect any place providing personal care, supervision and services at any time, with or without advance notice, to secure compliance with, or to prevent a violation of, any provision of this chapter.

#### **(1)**

The Department shall conduct an inspection of the licensed facility within 90 days after the date of issuance of a license.

#### **(2)**

Any duly authorized officer, employee, or agent of the Department may, upon presentation of proper identification, enter and inspect any place providing personal care, supervision and services at any time, with or without advance notice, to secure compliance with, or to prevent a violation of, any provision of this chapter.

### **(b)**

An inspection of a Residential Care Facility for the Chronically Ill as a result of a request for inspection shall be governed by the following provisions: (1) Any

person may request an inspection of the facility. The request may be made anonymously. (2) The request for an inspection may be made to the Department either orally or in writing. (3) The Department shall act upon a request for inspection as specified below if the request alleges a violation of applicable statute or regulation by the facility: (A) If the complaint does not allege a denial of a statutory right of access to the facility the Department shall do the following: 1. Make a preliminary review of the complaint to determine if it is willfully intended to harass the licensee or is without any reasonable basis. 2. If the complaint is neither willfully intended to harass the licensee nor is without any reasonable basis, inspect the facility and investigate the complaint within 10 days after receiving the complaint. Notwithstanding the preceding sentence, the Department shall not be required to inspect the facility within 10 days after receiving the complaint if doing so would adversely affect the Department's investigation or the investigation of another agency. 3. Promptly inform the complainant, if not anonymous, of the Department's proposed course of action in response to the complaint. (B) If the complaint alleges denial of a statutory right of access to the facility the Department shall do the following: 1. Review the complaint. 2. Promptly inform the complainant, if not anonymous, of the Department's proposed course of action in response to the complaint. (4) The Department shall not be required to act upon a request for inspection if the request does not allege a violation of an applicable statute or regulation by the facility. (5) The Department shall not disclose the identity of the complainant or of any other person named in the complaint unless the complainant authorizes disclosure of those identities. (6) The Department shall provide the substance of the complaint to the licensee of the facility at a time no sooner than at the time of the inspection made in response to the complaint.

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The request for an inspection may be made to the Department either orally or in writing.

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The Department shall act upon a request for inspection as specified below if the request alleges a violation of applicable statute or regulation by the facility: (A) If the complaint does not allege a denial of a statutory right of access to the facility the Department shall do the following: 1. Make a preliminary review of the complaint to determine if it is willfully intended to harass the licensee or is without any reasonable basis. 2. If the complaint is neither willfully intended to harass the licensee nor is without any reasonable basis, inspect the facility and investigate the complaint within 10 days after receiving the complaint. Notwithstanding the preceding sentence, the Department shall not be required to inspect the facility within 10 days after receiving the complaint if doing so would adversely affect the Department's investigation or the investigation of another agency. 3. Promptly inform the complainant, if not anonymous, of the Department's proposed course of action in response to the complaint. (B) If the complaint alleges denial of a statutory right of access to the facility the Department shall do the following: 1. Review the complaint. 2. Promptly inform the complainant, if not anonymous, of the Department's proposed course of action in response to the complaint.

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Promptly inform the complainant, if not anonymous, of the Department's proposed course of action in response to the complaint.

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If the complaint alleges denial of a statutory right of access to the facility the Department shall do the following: 1. Review the complaint. 2. Promptly inform the complainant, if not anonymous, of the Department's proposed course of action in response to the complaint.

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**(4)**

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**(5)**

The Department shall not disclose the identity of the complainant or of any other person named in the complaint unless the complainant authorizes disclosure of those identities.

**(6)**

The Department shall provide the substance of the complaint to the licensee of the facility at a time no sooner than at the time of the inspection made in response to the complaint.

**(c)**

The Department shall have the authority to interview residents or staff members without prior consent. (1) The licensee shall ensure that provisions are made for private interviews with any residents or staff members.

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**(d)**

The Department shall have the authority to inspect, audit, and copy resident or facility records upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the requirements in Sections 87866(c) and 87870(d). (1) The licensee shall make

provisions for the examination of all records relating to the operation of the facility.

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**(e)**

The Department shall have the authority to observe the physical condition of the resident, including conditions which could indicate abuse, neglect, or inappropriate placement, and to have a licensed medical professional physically examine the resident.