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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 4@ Administrative Actions

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Section 87842@ Revocation or Suspension of License

87842 Revocation or Suspension of License

(a)

The Department shall have the authority to suspend or revoke any license under any of the following conditions: (1) Violation by the licensee of any of the provisions of Health and Safety Code, Division 2, Chapter 3.01 (commencing with Section 1568.01) or applicable regulations. (2) Aiding, abetting, or permitting the violation by the licensee of any provision of Health and Safety Code, Division 2, Chapter 3.01 (commencing with Section 1568.01) and applicable regulations promulgated under this chapter. (3) Conduct which is inimical to the health, welfare, or safety of either an individual in or receiving services from the facility or the people of the State of California. (4) The provision of services beyond the level the facility is authorized to provide, or accepting or retaining residents who require services of a higher level than the facility is authorized to provide. (5) Engaging in acts of financial malfeasance concerning the operation of a facility, including, but not limited to, improper use or embezzlement of client moneys and property or fraudulent appropriation for personal gain of facility moneys and property, or willful or negligent failure to provide services. (6) A corporate licensee having a member of the board of directors, an executive director, or an officer who is not eligible for licensure as specified in Health and Safety Code Section 1568.042(c).

(1)

Violation by the licensee of any of the provisions of Health and Safety Code, Division 2, Chapter 3.01 (commencing with Section 1568.01) or applicable regulations.

(2)

Aiding, abetting, or permitting the violation by the licensee of any provision of Health and Safety Code, Division 2, Chapter 3.01 (commencing with Section 1568.01) and applicable regulations promulgated under this chapter.

(3)

Conduct which is inimical to the health, welfare, or safety of either an individual in or receiving services from the facility or the people of the State of California.

(4)

The provision of services beyond the level the facility is authorized to provide, or accepting or retaining residents who require services of a higher level than the facility is authorized to provide.

(5)

Engaging in acts of financial malfeasance concerning the operation of a facility, including, but not limited to, improper use or embezzlement of client moneys and property or fraudulent appropriation for personal gain of facility moneys and property, or willful or negligent failure to provide services.

(6)

A corporate licensee having a member of the board of directors, an executive director, or an officer who is not eligible for licensure as specified in Health and Safety Code Section 1568.042(c).

(b)

The Department may temporarily suspend any license prior to any hearing, if the action is necessary to protect residents of the facility from physical or mental abuse, abandonment, or any other substantial threat to health or safety. (1) The

Department shall notify the licensee of the temporary suspension and the effective date of the temporary suspension and at the same time shall serve such licensee with an accusation. (2) Upon receipt of a notice of defense to the accusation from the licensee, the Department shall, within 15 days, set the matter for hearing. (3) The hearing shall be held as soon as possible but not later than 30 days after receipt of such notice. (4) The temporary suspension shall remain in effect until the hearing is completed and the Department has made a final determination on the merits. (A) The temporary suspension shall be deemed vacated if the Department fails to make a final determination on the merits within 30 days after the original hearing has been completed.

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Upon receipt of a notice of defense to the accusation from the licensee, the Department shall, within 15 days, set the matter for hearing.

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The hearing shall be held as soon as possible but not later than 30 days after receipt of such notice.

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The temporary suspension shall remain in effect until the hearing is completed and the Department has made a final determination on the merits. (A) The temporary suspension shall be deemed vacated if the Department fails to make a final determination on the merits within 30 days after the original hearing has been completed.

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(c)

Proceedings to hear a revocation action or a revocation and temporary suspension action shall be conducted pursuant to the provisions of Government Code Section 11500 et seq.