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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 Ill

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Article 5@ Enforcement Provisions

|-&gt;

Section 87858@ Unlicensed Facility Penalties

## **87858 Unlicensed Facility Penalties**

### **(a)**

An immediate penalty of \$100 per resident per day shall be assessed for the operation of an unlicensed facility under the following condition: (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, (LIC 195 (9/87)) pursuant to Section 87806, and continues to operate. (A) For purposes of this section, an application shall be deemed complete if it includes the information required in Section 87818. (B) The completed application shall be deemed to be submitted when received by the Department.

### **(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, (LIC 195 (9/87)) pursuant to Section 87806, and continues to operate. (A) For purposes of this section, an application shall be deemed complete if it includes the information required in Section 87818. (B) The completed application shall be deemed to be submitted when received by the Department.

### **(A)**

For purposes of this section, an application shall be deemed complete if it includes the information required in Section 87818.

### **(B)**

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

**(b)**

A penalty of \$200 per resident per day 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 penalty of \$200 per resident per day shall continue until the operator ceases operation, or submits a completed application pursuant to Section 87818. (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. (B) The penalty of \$200 per resident per day 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 penalty of \$200 per resident per day shall continue until the operator ceases operation, or submits a completed application pursuant to Section 87818.

**(A)**

The penalty of \$200 per resident per day shall continue until the operator ceases operation, or submits a completed application pursuant to Section 87818.

**(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. (B) The penalty of \$200 per resident per day shall continue until the operator ceases operation.

**(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)**

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

**(c)**

If the operator of the unlicensed facility or his/her representative reports to the Department that unlicensed operation, as defined in Sections 87801(u)(1) and 87806, has ceased, the penalty shall cease as of the day the Department 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 for Payment from

the Department, and shall be paid by check or money order made payable to the agency indicated in the notice.

**(e)**

The Department 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.

**(f)**

Payment of penalties or application for a license in response to a citation under this section does not permit the operation without a license of a Residential Care Facility for the Chronically III.