

87852 Deficiencies in Compliance

(a)

When a licensing evaluation is conducted and the evaluator determines that a deficiency exists, the evaluator shall issue a notice of deficiency, unless the deficiency is not serious and is corrected during the visit.

(b)

Prior to completion of an evaluation or other licensing visit, the licensee, administrator, or other person in charge of the facility shall meet with the evaluator to discuss any deficiencies noted, to jointly develop a plan for correcting each deficiency, and to acknowledge receipt of the notice of deficiency.

(c)

The notice of deficiency shall be in writing and shall include the following: (1) Citation of the law or regulation which has been violated. (2) A description of the nature of the deficiency stating the manner in which the licensee failed to comply with a specified law or regulation, and the particular place or area of the facility in which it occurred. (3) The plan developed, as specified in (b) above, for correcting each deficiency. (4) A date by which each deficiency shall be corrected.(A) In determining the date for correcting a deficiency, the evaluator shall consider the following factors: 1. The potential hazard presented by the deficiency. 2. The number of residents affected. 3. The availability of equipment or personnel necessary to correct the deficiency. 4. The estimated time necessary for delivery

and for any installation of necessary equipment. (B) The time limit for correcting a deficiency shall not be more than 30 calendar days following the date the notice of deficiency was served. (C) The Department shall have the authority to require the deficiency to be corrected before the 30 calendar day time limit for serious deficiencies. (D) The Department shall have the authority to require the correction of serious deficiencies within 24 hours or less if they present an immediate threat to the health and safety of the residents. (5) The amount of the penalty being assessed and the date the penalty begins. (6) The address and telephone number of the Department office responsible for reviewing notices of deficiencies for the area in which the facility is located.

(1)

Citation of the law or regulation which has been violated.

(2)

A description of the nature of the deficiency stating the manner in which the licensee failed to comply with a specified law or regulation, and the particular place or area of the facility in which it occurred.

(3)

The plan developed, as specified in (b) above, for correcting each deficiency.

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A date by which each deficiency shall be corrected.(A) In determining the date for correcting a deficiency, the evaluator shall consider the following factors: 1. The potential hazard presented by the deficiency. 2. The number of residents affected. 3. The availability of equipment or personnel necessary to correct the deficiency. 4. The estimated time necessary for delivery and for any installation of necessary equipment. (B) The time limit for correcting a deficiency shall not be more than 30 calendar days following the date the notice of deficiency was served. (C) The Department shall have

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2.

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3.

The availability of equipment or personnel necessary to correct the deficiency.

4.

The estimated time necessary for delivery and for any installation of necessary equipment.

(B)

The time limit for correcting a deficiency shall not be more than 30 calendar days following the date the notice of deficiency was served.

(C)

The Department shall have the authority to require the deficiency to be corrected before the 30 calendar day time limit for serious deficiencies.

(D)

The Department shall have the authority to require the correction of serious deficiencies within 24 hours or less if they present an immediate threat to the health and safety of the

residents.

(5)

The amount of the penalty being assessed and the date the penalty begins.

(6)

The address and telephone number of the Department office responsible for reviewing notices of deficiencies for the area in which the facility is located.

(d)

The evaluator shall notify the licensee in writing of all deficiencies identified by one of the following means: (1) Personal delivery to the licensee at the completion of the visit. (2) If the licensee is not at the facility site, by leaving the notice with the person in charge of the facility at the completion of the visit. (A) Under such circumstances, a copy of the notice shall also be mailed to the licensee. (3) If the licensee or the person in charge of the facility refuses to accept the notice or the notice cannot be completed during the visit, mailing the notice to the licensee.

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(e)

Reports on the results of each inspection and evaluation or consultation shall be maintained by the Department and made available for public review.