

89252 Deficiencies in Compliance

(a)

When a licensing agency visits a home and determines that a deficiency exists, the licensing agency shall issue a notice of deficiency unless the deficiency is not serious and is corrected during the visit.

(b)

Prior to completion of a visit, the caregiver or other person in charge of the home shall meet with the licensing agency to discuss any deficiencies noted, jointly develop a plan for correcting each deficiency, and acknowledge receipt of the notice of deficiency.

(c)

The licensing agency shall provide a notice of deficiency to the caregiver by one of the following: (1) Personal delivery to the caregiver at the completion of the visit. (2) If the caregiver is not at the home, the notice shall be given to the person in charge at the completion of the visit, and mailed to the caregiver. (3) If the caregiver refuses to accept the notice or the notice cannot be completed during the visit, the notice shall be mailed to the caregiver.

(1)

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If the caregiver is not at the home, the notice shall be given to the person in charge at

the completion of the visit, and mailed to the caregiver.

(3)

If the caregiver refuses to accept the notice or the notice cannot be completed during the visit, the notice shall be mailed to the caregiver.

(d)

The notice of deficiency shall be in writing and shall include the following: (1) Citation of the statute or regulation which has been violated. (2) A description of the nature of the deficiency that states the manner in which the caregiver failed to comply with a specified statute or regulation, and the particular place or area of the home in which it occurred. (3) The plan developed, as specified in subsection (b), for correcting each deficiency. (4) A date by which each deficiency shall be corrected. (A) In determining the date for correcting a deficiency, the licensing agency shall consider the following factors: 1. The potential hazard presented by the deficiency. 2. The number of children 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 date for correcting a deficiency shall not be more than 30 calendar days following service of the notice of deficiency, unless the licensing agency determines that the deficiency cannot be completely corrected in 30 calendar days. (C) If the date for correcting the deficiency is more than 30 calendar days following service of the notice of deficiency, the notice shall specify corrective actions which must be taken within 30 calendar days to begin correction. (D) The licensing agency shall have the authority to require correction of a deficiency within 24 hours or less if there is an immediate threat to the health or safety of children. (5) The address and telephone number of the licensing office responsible for reviewing notices of deficiencies for the area in which the home is located. (6)

A follow-up visit shall be conducted to determine compliance with the plan of correction specified in the notice of deficiency.

(1)

Citation of the statute or regulation which has been violated.

(2)

A description of the nature of the deficiency that states the manner in which the caregiver failed to comply with a specified statute or regulation, and the particular place or area of the home in which it occurred.

(3)

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

(4)

A date by which each deficiency shall be corrected. (A) In determining the date for correcting a deficiency, the licensing agency shall consider the following factors: 1. The potential hazard presented by the deficiency. 2. The number of children 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 date for correcting a deficiency shall not be more than 30 calendar days following service of the notice of deficiency, unless the licensing agency determines that the deficiency cannot be completely corrected in 30 calendar days. (C) If the date for correcting the deficiency is more than 30 calendar days following service of the notice of deficiency, the notice shall specify corrective actions which must be taken within 30 calendar days to begin correction. (D) The licensing agency shall have the authority to require correction of a deficiency within 24 hours or less if there is an immediate threat to the health or safety of children.

(A)

In determining the date for correcting a deficiency, the licensing agency shall consider the

following factors: 1. The potential hazard presented by the deficiency. 2. The number of children 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.

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The potential hazard presented by the deficiency.

2.

The number of children 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 date for correcting a deficiency shall not be more than 30 calendar days following service of the notice of deficiency, unless the licensing agency determines that the deficiency cannot be completely corrected in 30 calendar days.

(C)

If the date for correcting the deficiency is more than 30 calendar days following service of the notice of deficiency, the notice shall specify corrective actions which must be taken within 30 calendar days to begin correction.

(D)

The licensing agency shall have the authority to require correction of a deficiency within 24 hours or less if there is an immediate threat to the health or safety of children.

(5)

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

(6)

A follow-up visit shall be conducted to determine compliance with the plan of correction specified in the notice of deficiency.

(e)

If the caregiver disagrees with a citation or civil penalty assessed by the licensing agency, the caregiver has the right to appeal. (1) The caregiver shall begin their appeal with the Licensing Program Manager listed on the licensing report, or county first level manager, in writing within 10 days from the date the caregiver receives the report or penalty assessment notice. (2) If the caregiver disagrees with the decision made by the Licensing Program Manager or county first level manager, the second level of appeal shall be made to the Regional Manager or county second level manager. The appeal shall be made in writing after the caregiver receives the written decision from the Licensing Program Manager or county first level manager. (3) If the caregiver disagrees with the decision made by the Regional Manager or county second level manager, the third level of appeal shall be made to the Program Administrator or county third level manager. The appeal shall be made in writing after the caregiver receives the written decision from the Regional Manager or county second level manager. (4) If the caregiver disagrees with the decision made by the Program Administrator or county third level manager, the fourth level of appeal shall be made to the Deputy Director, Community Care Licensing Division, California Department of Social Services. The appeal shall be made in writing after the caregiver receives the written decision from the Program Administrator or county third level manager.

(1)

The caregiver shall begin their appeal with the Licensing Program Manager listed on the licensing report, or county first level manager, in writing within 10 days from the

date the caregiver receives the report or penalty assessment notice.

(2)

If the caregiver disagrees with the decision made by the Licensing Program Manager or county first level manager, the second level of appeal shall be made to the Regional Manager or county second level manager. The appeal shall be made in writing after the caregiver receives the written decision from the Licensing Program Manager or county first level manager.

(3)

If the caregiver disagrees with the decision made by the Regional Manager or county second level manager, the third level of appeal shall be made to the Program Administrator or county third level manager. The appeal shall be made in writing after the caregiver receives the written decision from the Regional Manager or county second level manager.

(4)

If the caregiver disagrees with the decision made by the Program Administrator or county third level manager, the fourth level of appeal shall be made to the Deputy Director, Community Care Licensing Division, California Department of Social Services. The appeal shall be made in writing after the caregiver receives the written decision from the Program Administrator or county third level manager.