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Title 22@ Social Security

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Division 7@ Health Planning and Facility Construction

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Chapter 12@ Postsurgical Recovery Care Demonstration Project

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Article 7@ Monitoring and Compliance

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Section 97560.17@ Methods of Withdrawing or Suspending Demonstration Project Designation

97560.17 Methods of Withdrawing or Suspending Demonstration Project Designation

(a)

The Office may withdraw or suspend, in whole or in part, demonstration project designation by the service of an accusation upon an authorized representative of a facility. The accusation shall state facts that give rise to the withdrawal or suspension. The withdrawal or suspension shall take effect 30 calendar days after receipt of service, unless the facility requests a hearing pursuant to subdivision (b) of this section.

(b)

If a facility wants to contest a withdrawal or suspension, in whole or in part, of its demonstration project designation, it may request an administrative hearing. A request for an administrative hearing shall be mailed to the Director by certified mail, return receipt requested, within 20 calendar days of receipt of the accusation. The Director shall then cause a hearing to be held within 30 calendar days after receipt of the request for hearing.

(c)

The Director may temporarily suspend, in whole or in part, demonstration project designation without the right to a prior administrative hearing when in the Director's opinion such action is necessary to protect the public health and safety. The Director shall notify an authorized representative of a facility of the effective

date of a temporary suspension by service of an accusation which clearly states that it includes a temporary suspension. The temporary suspension shall remain in effect until conclusion of the administrative hearing process described in section 97560.19, if an administrative hearing is requested. At the conclusion of the administrative hearing process the temporary suspension shall either be lifted in its entirety, modified or made permanent. If no administrative hearing is requested, the temporary suspension shall remain in effect until the Director determines whether the temporary suspension shall be lifted in its entirety, modified or made permanent.