
EVALUATOR MANUAL TRANSMITTAL SHEET

Distribution:

Adult and Senior Care Program
 Children's Residential Program
 Child Care Program
 All Programs

Transmittal No.

16RM-01

Date Issued

April 2016

Subject:

REFERENCE MATERIAL FOR ENFORCEMENT ACTIONS

Section 1-0030 – Glossary

Section 1-1000 – Administrative Actions or Other Legal Actions

Section 1-1020 – Evidence and Documentation

Section 1-1130 – Preparation of the Statement of Facts Package

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Section 1-1417 – Exclusions "For the Record"

Section 1-1430 – Certified Family Home Actions

Section 1-1810 – New Applicants

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Reason for Change:

Revises 18 sections of Reference Material for Enforcement Actions

Filing Instructions:

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Approved:*Original signed by Seton Bunker*

04/14/2016

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1-0030 GLOSSARY (Continued)

1-0030

Adequate and Advance Notice: A term applied to the time period required for notification to family members and other responsible parties before licensing actions can become effective.

Administrative Action: A term applied to legal actions against a licensee or applicant initiated by the California Department of Social Services. License revocations, denials of initial license applications, **Temporary Suspension Orders**, and exclusions are examples of administrative actions. By statute, these actions are held before the Department, although an Administrative Law Judge from another department conducts the hearing. Administrative actions should be distinguished from criminal actions, initiated in Superior Court by a criminal prosecutor, usually a District Attorney. Administrative actions should also be distinguished from civil actions and from other non-criminal Superior Court cases (injunctions and restraining orders, writ proceedings, juvenile proceedings, traffic cases, etc.)

Administrative Hearing: A formal proceeding, comparable to a trial. A licensee or applicant who has been served with a pleading to revoke a license or deny an initial application may request a hearing to contest the allegations contained in the pleadings. At the hearing, a state Licensing Attorney presents witnesses and evidence to prove the allegation(s), and the licensee or applicant may elect to engage the services of an attorney or choose to present his or her explanation(s) or defense(s) and witnesses in his or her own behalf.

Administrative Law Judge: An impartial hearing officer from the State Office of Administrative Hearings who presides over the Administrative Hearing in a licensing case.

Arrest: An arrest is the detention of a person to answer a criminal charge. An arrest does not become a conviction unless adjudicated as such in a court of law. Rap sheets from the Department of Justice now provide disclosure of arrests as well as convictions.

Attorney General's Office: The Agency within the Department of Justice responsible for representing State agencies in most litigation. The Attorney General's Office assists licensing offices in obtaining injunctions and inspection warrants when the local District Attorney or county counsel declines a request from the Licensing Office for assistance in such actions.

The Attorney General's Office represents the State in lawsuits arising from licensing cases, and in any appeal proceedings that may follow a licensing hearing. The Attorney General does not generally represent State and county licensing offices in license revocation and denial hearings. That responsibility has been delegated to the licensing attorneys in the Legal Division.

Bureau of Criminal Identification Division: A bureau within Department of Justice where the fingerprints of licensees and employees are sent for processing.

1-0030 GLOSSARY (Continued)**1-0030**

Child Abuse Central Index: A Department of Justice maintained statewide, multi-jurisdictional centralized index of child abuse investigation reports. These reports pertain to alleged incidents of physical abuse, sexual abuse, mental/emotional abuse and/or severe neglect. Each child protection agency (police, sheriff, county welfare and probation departments) is required by law to forward to the Department of Justice a report of every child abuse incident it investigates, unless the incident is determined to be unfounded.

Child Abuse Central Index Check: A name check of the Child Abuse Central Index. This check is not fingerprint based.

Civil Penalty: A fine assessed, by the Licensing Agency, against the licensee or unlicensed operator for failure to comply with applicable laws and regulations.

Complainant: An individual, or entity, who files a complaint to the Community Care Licensing Division by telephone, mail or other means, against a licensed or unlicensed care facility or individual.

Also in an administrative action, the party filing an Accusation or Statement of Issues is known as the complainant. In licensing cases, the complainant is the Community Care Licensing Division Deputy Director.

Compliance Plan Conference: The Compliance Plan Conference develops changes to the facility plan of operation that establishes specific actions the provider will take to improve the operation of the facility. The Compliance Plan Conference does not preclude the Department from initiating administrative action if the licensee fails to implement and maintain improvements to the quality of care and supervision or fails to make other changes as reflected in the plan.

Conduct Inimical: This is a statutory basis for application denials, revocations or excluding someone from a facility because they have acted in a harmful or injurious manner, either in or out of the facility per Health and Safety Code, Section 1596.8897.

Conviction: A conviction occurs when a person pleads guilty to a criminal charge, is found guilty by a jury verdict or is found guilty by a judge following a plea of nolo contendere (no contest). For criminal record purposes, only convictions of misdemeanors or felonies, not infractions, are considered.

Criminal Action: A legal action taken against a person for violation(s) of the criminal law, normally litigated by local law enforcement agencies.

Caregiver Background Check Bureau: The bureau in the Community Care Licensing Division that reviews and renders decisions on criminal record exemption requests, active arrest reports and child abuse central index check name matches for individuals associated with State licensed facilities.

1-0030 GLOSSARY (Continued)**1-0030**

Criminal Records Exemption: Written permission by Caregiver Background Check Bureau or a county Licensing Agency permitting a person with a criminal conviction to be present in a facility licensed by the Department. An exemption is not required for arrests, infractions or child abuse index check or Child Protective Services records.

Decision and Order: The final decision of California Department of Social Services after an administrative action to revoke a license, deny an application or exclude an employee from a facility. If there has been an Administrative Hearing, the Administrative Law Judge who presided at the hearing prepares a recommendation on the case to the Director of California Department of Social Services. The Director may either adopt or reject (alternate) the Administrative Law Judge's recommendation. Regardless of whether the Proposed Decision is adopted or alternated, the Director's final decision is known as the Decision and Order.

Default: The failure of an initial applicant to file a Notice of Defense to a Statement of Issues, or the failure of a licensee to file a Notice of Defense to an Accusation, or the failure of either an applicant or licensee to appear at a hearing after filing a Notice of Defense. If the applicant or licensee does not file a Notice of Defense, or does not file a Notice of Defense in a timely manner, California Department of Social Services may issue a Decision and Order revoking a license, denying an application or excluding an employee from a facility without a hearing. If a Notice of Defense is filed, but the applicant, licensee or employee fails to appear at the hearing, the Licensing Attorney must present the evidence to the Administrative Law Judge, after which the Director of California Department of Social Services may issue the appropriate Decision and Order.

Department's Facility Closure Plan: Regional Manager and other Regional Office staff's formal closure plan for operating facilities and client relocation.

Due Process: A principle set forth in both the State and federal constitutions in the statement, "No person may be deprived of life, liberty, or happiness without due process of law." For licensing purposes, the principle of due process requires that a licensee, upon **request**, must be given a fair and impartial hearing **before** the revocation or denial of a license can become final.

Exclusion Order: An order by the Department that a person may not be present in any facility licensed by the Department. An Exclusion Order may be based upon a criminal conviction or an investigation revealing conduct inimical or a violation of licensing statutes or regulations.

Facility Closure Plan: A formal plan developed by the Regional Manager and other Regional Office staff related to the closure of operating facilities and the relocation of clients.

Facility Compliance Plan: A formal plan (documented on the LIC 9112) developed by the Licensing Program Analyst and other Regional Office staff, outlining specific actions required to resolve facility problems with the licensee.

1-0030 GLOSSARY (Continued)**1-0030**

Hearsay: Hearsay is a statement made by one person, which is related in the testimony of a different person. For example, if you testify, “My head hurts,” your statement is not hearsay. But if you testify, “Tom said, ‘My head hurts,’” Tom’s statement is hearsay when you repeat it.

Hearsay is usually allowed in Administrative Hearings, but only to corroborate some other evidence, which is not hearsay, such as eyewitness testimony. A finding of fact cannot be based on hearsay alone.

Immediate Civil Penalty: A fine assessed at the time of citation for that day only.

Progressive Civil Penalty: Progressive civil penalties (formerly three-tier civil penalties) are assessed for a repeat violation of the same subsection within 12 months.

Informal Meeting: A meeting between licensing staff and the licensee or applicant to discuss deficiencies and an acceptable plan to bring the facility into compliance.

Injunction: A permanent order issued by a Superior Court after a hearing which prohibits some conduct or activity by a person or organization. In licensing, an injunction is usually requested by a local Licensing Office to stop a person or organization from operating a community care facility without a license.

Inspection Warrant: An order issued by a court permitting a department staff person (Licensing Program Analyst, Investigator, Auditor) to gain access to a facility or residence where unlicensed care may be provided, or to a licensed facility to which the department staff person has been refused access.

A local Licensing Office should seek assistance in obtaining an inspection warrant from the local District Attorney or county counsel or city counsel. In order to accomplish this, Regional Office staff should contact the Statewide Program Office for assistance in obtaining the warrant. If this request is rejected, an inspection warrants request should be referred to the Legal Division. These cases will be handled by the Attorney General’s office.

Licensee’s Facility Closure Plan: Licensee’s formal closure plan for licensee’s facility and client relocation.

Live Scan: An automated method of submitting fingerprint images to the Department of Justice. Live Scan technology digitally scans an individual’s fingerprints and electronically submits them to the Department of Justice within minutes.

Effective July 1, 2005 Penal Code section 11077.1 mandates the Department of Justice only accept electronically transmitted fingerprint images. Each licensing Regional Office has a Live Scan vendor on site.

Non-compliance Conference: A meeting held with the licensee at the request of the Regional Manager to discuss serious noncompliance issues and the consequences for failure to correct, such as referral to the Legal Division for revocation of the facility license.

1-0030 GLOSSARY (Continued)**1-0030**

Notice of Defense: The formal notice submitted by an applicant who has been served with a Statement of Issues, or by a licensee who has been served with an Accusation, to request an Administrative Hearing in the case.

Physical Abuse: A physical injury which is inflicted by other than accidental means. Includes acts of physical abuse done at the direction of the licensee, facility employee and/or unknown suspect resulting in injuries.

Plan of Correction: A plan developed by the licensee or authorized facility representative and jointly agreed to by the Licensing Program Analyst as to how and when a deficiency(s) shall be corrected in order to bring the facility into compliance.

Respondent: In an administrative action, the party against whom the action is filed is known as the respondent. In licensing cases, the respondent is the licensee or applicant.

Revocation: The administrative action to void or rescind a license because of serious or chronic violations of licensing laws or regulations.

Ritualistic Abuse: Ritualistic abuse is a brutal form of child abuse that involves sexual, physical, psychological, and spiritual abuse and the use of frightening rituals.

Sexual Assault: Any illegal activity performed for the sexual gratification of any of the parties involved (e.g., rape, unlawful sexual intercourse, voyeurism, exhibitionism, and child molestation) including sexual contact in which one party used his or her position of trust to obtain sex (i.e. caregiver with a developmentally disabled client or teenage foster child).

Statement of Facts: A report from a Licensing Office requesting revocation of a license, denial of an application or exclusion of an employee from a facility. The Statement of Facts fully identifies a facility and its licensee, summarizes the violations with which a licensee is charged, and lists the witnesses who might testify to the violations. The Statement of Facts is always accompanied by copies of appropriate licensing reports and other documents detailing the alleged violations.

Statement of Issues: A formal written statement, or pleading, prepared by the Legal Division which sets forth the grounds upon which an initial license application has been denied by the local Licensing Office. A Statement of Issues is based on the Statement of Facts prepared by the Licensing Program Analyst.

Subsection: The subsection is the Regulation Section denoted by a small alpha after the main Regulation Section number. Example: Sections 87155(a)(2) and 87155(a)(5) are in the same subsection. Sections 87155(a) and 87155(b) are **not** in the same subsection.

Suspicious Death: Death of a client at a care facility, or while under the care of the facility, which is not clearly the result of natural causes or in which the causes are unknown.

1-0030 GLOSSARY (Continued)

1-0030

Temporary Restraining Order: A temporary or interim order issued by a Superior Court judge prohibiting a person or organization from engaging in or continuing some activity until a hearing can be held and the dispute fully litigated. Occasionally, temporary restraining orders are sought by licensees, and issued by local Superior Court judges, to prevent Temporary Suspension Orders from going into effect. This is the only connection between a Temporary Suspension Orders and a temporary restraining order; they are otherwise unrelated legal remedies.

Temporary Suspension Order: A temporary order issued by the Deputy Director for Community Care Licensing Division which suspends a license prior to a hearing. Temporary Suspension Orders are issued, when imminent danger exists, to protect residents or clients of a facility from physical or mental abuse, abandonment, or any other substantial threat to health or safety. A Temporary Suspension Orders must be accompanied by an Accusation to revoke the license. A local Licensing Office **may not** order a licensed facility to stop operating. Only the Deputy Director for Community Care Licensing Division, or someone authorized to act in his or her stead, may issue a Temporary Suspension Orders.

Unlicensed Facility: A facility shall be deemed to be an unlicensed community care facility, Residential Care Facility for the Elderly, Residential Care Facility for the Chronically Ill or Child Care Center or Family Child Care Home if it is maintained and operated to provide nonmedical care, is not exempt from licensure and any one of the following conditions exists:

- The facility is providing care or supervision, as defined in the California Code of Regulations, Title 22, Sections 80001(c)(3) General Licensing Requirements, 82001(c)(3) Adult Day Programs, 86501(c)(3) Crisis Nurseries, 87101(c)(3) Residential Care Facilities for the Elderly, 87801(c)(3) Residential Care Facilities for the Chronically Ill, 89201(c)(3) Foster Family Homes, or 101152(c)(3) Child Care Centers.
- The facility is held out as or represented as providing care and supervision to a client, or clients not otherwise exempt from licensure.
- The facility accepts or retains residents who demonstrate the need for care and supervision whether the facility provides that care or not.
- The facility represents itself as a licensed community care facility, Residential Care Facility for the Elderly or Residential Care Facility for the Chronically Ill.

Please refer to Regulation Interpretations and Procedures for General Licensing Requirements Section 80006 and Regulation Interpretations and Procedures for Residential Care Facilities for the Elderly Section 87106 for guidelines in determining whether an in-home supportive services arrangement should be licensed.

Facility licensure is not required where all adults in a care setting are receiving care and supervision through the In-Home Supportive Services Program.

Other arrangements of care and supervision should be assessed on a case-by-case basis.

1-0790 CORRECTIVE ACTION ASSOCIATED WITH AUDIT FINDINGS 1-0790

At the conclusion of each audit finding, specific actions are outlined advising the licensee how to correct the particular noncompliance.

The Audit Section facilitates the recovery of all client funds as identified in the audit findings. Reimbursement made by licensees or surety bond companies is required to be in the form of a cashier's check made payable in the name of the affected client or in the name of a responsible person or authorized representative on behalf of the affected client.

All client restitution checks are sent to the address listed below:

Department of Social Services
Community Care Licensing Division
744 P Street, MS 19-49
Sacramento, CA 95814
Attention: Audit Manager

If a licensee fails to make the restitution required per the audit findings, the Audit Section will submit a claim against the licensee's surety bond.

The Audit Section maintains records to track the return of all funds recovered on behalf of facility clients. Once all audit findings have been corrected and recovered funds distributed, an internal memo is sent notifying involved Licensing personnel that the audit is closed.

1-1000 ADMINISTRATIVE ACTIONS OR OTHER LEGAL ACTIONS 1-1000

In addition to the following procedures, refer to Section 1-1190, Facility Closures: Notification and Client Relocation.

Administrative Action refers to the steps necessary to present a case in an Administrative Hearing. Such hearings may lead to the revocation of a license or the denial of an initial license. Hearings can also resolve whether employees or other persons should be excluded from facilities. The Licensing Program Analyst plays an essential role in the process as the Licensing Program Analyst has firsthand knowledge of the facility operation. The Licensing Program Analyst's firsthand knowledge and documentation will allow for the collection of necessary documentation and facts to successfully present a violations case. Violations which may form the basis of an Administrative Action are included in the case assessment indicators found in Section 1-0110.

The role of the Legal Division is to provide legal support and consultation to the Regional Office/county staff, the Statewide Program Office, the Assistant Program Administrator or Program Administrator and the Deputy Director. The Legal Division represents the Department in Administrative Actions.

The Regional Office (and county staff with their assigned attorneys) should be routinely involved with the Licensing Office's assigned Legal Consultant in discussion of cases, which may warrant some type of Administrative Action.

1-1000 ADMINISTRATIVE ACTIONS OR OTHER LEGAL ACTIONS (Continued)

1-1000

Planning for Impact on Clients:

Administrative Action or other legal actions against operating facilities, whether licensed or unlicensed, may result in the need to relocate clients. While the Department is not a placement agency and has no power to forcibly relocate clients, the Licensing Agency is responsible for planning and coordinating the relocation process. When clients are relocated, appropriate advance notice should be provided to clients, placement agencies, authorized representatives, and responsible persons. The Deputy Director or designee will determine the need for advance notice and whether to include appropriate documents with the notice (e.g., citation reports). In determining the need for advance notice, the Deputy Director or designee should consider the size of the facility and the specific circumstances, including, but not limited to, whether or not clients have responsible parties who can assist in placement, health and safety concerns (and specific health conditions of clients), the number of clients receiving Supplemental Security Income (SSI) and the involvement of local agencies. Balance these considerations with the need to maintain confidentiality of an impending facility closure. Regarding licensed facilities, Regional Managers shall ensure that a Department Facility Closure Plan is developed and implemented pursuant to Section 1-1190. The Department's Facility Closure Plan provides instructions for notification to clients, placement agencies and responsible persons, as well as procedures for client relocation.

Client information (e.g., physician's record, admission agreement, responsible party, Medi-Cal, Medicare, SSI information, pharmacy, etc.) contains essential identifying information necessary to relocate clients. Regarding facilities undergoing Administrative Action, whenever the Licensing Program Analyst discovers these client records are not available, all efforts should be made to locate the necessary information. If needed, the Licensing Program Analyst should seek assistance from persons associated with the client, including and not limited to the Investigations Bureau, the Public Guardian, payee services, or the website of the Department of Health Care Services to access or locate such records and information.

Administrative Actions and other legal actions which may lead to Client Relocation:

There are several types of possible administrative actions. The various options are described in Section 1-1010. Not all Administrative Actions will result in facility closure; however, when a facility is closed, clients will need to be relocated. The following Administrative Actions may result in facility closure:

- Temporary Suspension Order.
- Telephonic Temporary Suspension Order.
- Denial of an application when the facility is in operation.
- Order to Revoke Certificate of Approval for Certified Family Home (Regional Offices to follow the same procedures for a Temporary Suspension Order).

1-1000 ADMINISTRATIVE ACTIONS OR OTHER LEGAL ACTIONS 1-1000

(Continued)

- Denial of an application for which a currently operating facility has been issued a Provisional License.
- Legal actions taken if an unlicensed facility does not pursue the licensing process as directed by the Department.
- Decision and Order revoking an operating facility's license.
- Decision and Order Resulting from a Stipulated Agreement.
- Decision and Order revoking an operating facility's Probationary License.

In addition to the Administrative Actions listed above, immediate client relocation may be required when a Licensing Program Analyst or other representative of the Licensing Agency identifies a threat so severe that they must call emergency personnel while that licensing representative is at the facility. Examples include abandonment of a facility by the licensee, staff leaving clients without care and supervision, or hazardous physical plant conditions which place the health and safety of clients in jeopardy.

Actions taken by the Licensing Agency or the Department may result in client relocation. For instance, revocation of a license is a direct action taken by the Licensing Agency that may result in client relocation. Referral of an unlicensed situation to the local District Attorney or to the Attorney General is an indirect action that begins a process that may result in relocation of clients as well. In both situations, the Licensing Office will prepare a Department Facility Closure Plan and provide appropriate notifications to relatives and placement agencies.

1-1010 ADMINISTRATIVE ACTION AND OTHER LEGAL OPTIONS 1-1010

In addition to the following procedures, refer to Evaluator Manual, Enforcement Actions Section 1-1190, Facility Closures: Notification and Client Relocation.

After the Licensing Office has utilized all available and appropriate enforcement actions, and the licensee is still failing to comply, administrative action is the next step in the process. There are no hard and fast rules as to what action is appropriate in a given case, and it is important to assess each case individually. What follows is a list of the primary options available to you in dealing with a non-compliant facility. Each option should be considered in light of the assessment factors found in Evaluator Manual, Enforcement Actions Section 1-0110.

Attorney Review. In cases where the Licensing Program Analyst, Licensing Program Manager and Regional Manager are unsure if the problems with a licensee are serious enough to warrant revocation of the license, or if you are unsure if the evidence you have is sufficient, or if there are other factors which make you unsure of the appropriateness of administrative action, discuss the case with the Licensing Office's assigned Legal Consultant. If there is still question as to what type of administrative action should be taken, if any, the case may be referred for the action you think is appropriate and "Attorney Review".

1-1020 EVIDENCE AND DOCUMENTATION (Continued)**1-1020**

Do not contact the Department of Justice or Corrections directly. In addition, the person in question can be confronted with the information in his or her rap sheet and be asked to explain the convictions. He or she will often admit the offense(s), and the admission often can be used in lieu of a certified copy of the judgment of conviction.

Police Reports, Child Abuse Reports, Regional Center, Mental Health, and other Agency Reports. Copies of these reports can usually be obtained when the Licensing Program Analyst identifies himself or herself as an investigating officer from licensing. For Child Abuse Reports, Penal Code Section 11167 (c) allows the Licensing Agency to obtain abuse reports during the course of an investigation. Contact the Legal Division if you need assistance.

Facility records. The Licensing Program Analyst is authorized by regulations to inspect facility records. Refer to California Code of Regulations, Title 22, Sections 102391(d), 101200(c), 80044, 87755, and 89244. The authority should be used to read and copy the financial, employee, medical, or other records kept by the facility. These records can be used to illustrate or prove a violation.

Photographs. It is true that pictures are worth a thousand words. They are convincing, undeniable records of burns, bruises, and other injuries. They also prove that unsanitary conditions and filth can and do exist in facilities. Make sure to identify the subject of each photo, who took the photo, when it was taken, and who was present when it was taken. To preserve the integrity of the evidence in a hearing, do not write on the front of photographs, or any other exhibits. Use a Facility Photography Report (LIC 813), a separate piece of paper or a sticker on the back of the picture for identification purposes. [See Evaluator Manual Reference Material Documentation Section 3-3510 – Photography Report].

The Licensing Program Analyst may take pictures of conditions at a facility over the licensee's objection. However, the Licensing Program Analyst should never take any action that would jeopardize his/her own health and safety. It is a Licensing Program Analyst's duty to observe, assess and document conditions in a facility. Photographs are merely one method of recording those observations.

In a physical abuse case the Licensing Program Analyst may, after requesting the victim's permission, take pictures of bruises appearing on the victim's face, neck, lower legs, arms or other visible parts of the body. If the injuries are located on parts of the body normally covered by clothing (in keeping with conventional propriety) they may be photographed only to the extent the victim feels comfortable and only with his/her consent or that of his/her parents, conservator or authorized representative, who should be present.

1-1130 PREPARATION OF THE STATEMENT OF FACTS PACKAGE
(Continued)**1-1130**

Licensee admitted to spanking the child. Licensee was cited for Personal Rights violation and advised that the case would be submitted for legal action. Licensee voluntarily surrendered her license during the visit. Licensee was instructed to notify parents of children that her child care services would cease effective February 5, 2003, at 5:00 p.m.

History: This facility has been licensed since 1998. A personal rights violation - withholding food as punishment - was substantiated in 1999. There was also one complaint in 2000 regarding spanking children in care, which resulted in an inconclusive finding.

We are requesting an expedited revocation for the record due to the abuse that occurred. Additionally, while the licensee surrendered her license, there is concern that she may continue to operate her facility. The Regional Office will monitor the facility periodically to ensure no unlicensed care is being provided.

Special Issues/Pertinent Information

This section is the location you should use to add comments or notes about a case that do not neatly fit into any of the other sections of the Statement of Facts. In this section, for example, the Licensing Program Analyst could indicate that Child Protective Services, local law enforcement, or an Investigator are pursuing some other aspect of the case. Or the Licensing Program Analyst could explain why a given case is particularly sensitive in your location. This section could also be used to indicate why the Regional Office or county involved has particularly strong feelings about a given case, or concerns about the consequences of failure to pursue administrative action. If you have information indicating that the licensee or applicant in your case has or has had other licenses, that information should be noted here as well. Also note any of the following in this section:

- Whether the Statement of Facts package contains photographs, medical records or other special types of evidence.
- Whether the licensee has moved or otherwise forfeited the license. Send a forfeiture letter and enclose a copy in the Statement of Facts package. For forfeitures after the Statement of Facts, see Evaluator Manual Reference Material Enforcement Section 1-1150.
- The reason for any delay in referring the case to Legal Division.
- The date of the last facility visit and the census at that time.

1-1180 OPERATION AFTER REVOCATION (Continued)**1-1180**

A record of licensing revocations is kept by the Department of Justice. This information is obtained from the LIC 9011A, Department of Justice Notification, which is completed by the Licensing Program Analyst and sent to the Legal Division along with the Statement of Facts. When fingerprints are submitted for a check of a criminal record, the Department of Justice notifies the California Department of Social Services if a revocation is on the record. When a prior revocation is noted as a result of a fingerprint check, the former Licensing Agency and the Legal Division should be contacted for further information before a decision is made on the license or employment.

1-1190 FACILITY CLOSURES, NOTIFICATION AND CLIENT RELOCATION**1-1190**

The Licensing Agency recognizes that relocation of clients, while necessary to ensure their health and safety, has an enormous impact on these clients, their families and authorized representatives, local protective agencies and the community. If a care provider places clients in imminent danger or subjects them to continual poor care, the Licensing Agency is responsible for taking action to protect clients which may cause facility closure. When the licensee has not developed a Licensee Facility Closure Plan, the Licensing Agency will develop and follow the Department's Facility Closure Plan to ensure the health and safety of clients and minimize transfer trauma during their relocation. It is the policy of the Community Care Licensing Division to provide advance notice to clients, their relatives, and authorized representatives in those situations where facility closure is identified as a possible outcome of any licensing action, according to the timeframe developed by the Program Administrator or designee (with the exception of Child Care Facilities; see "Department Facility Closure Plan – Child Care" below). In addition, it is the policy of the Community Care Licensing Division that appropriate placement and protective agencies will be involved in the planning stages prior to Administrative Actions that could require a facility closure.

I. PLANNING FOR FACILITY CLOSURE AND CLIENT RELOCATION

Planning for any Administrative Actions that will result in facility closures and client relocation, including advance notification to relatives and authorized representatives, is an integral part of the Licensing Agency's responsibility to ensure the health and safety of persons in out of home care. Inadequate planning can create transfer and relocation trauma that is as dangerous as the situation being remedied.

A. Development of Department's Facility Closure Plan

It is the Licensing Agency's responsibility to develop a Department Facility Closure Plan notwithstanding the Licensee's Facility Closure Plan. It is the Department's policy that actions which necessitate client relocation will not be taken until a Department Facility Closure Plan is developed. The Department Facility Closure Plan will include advance notification to relatives and authorized representatives, with the exception of Child Care Facilities. For Child Care Facilities, parents will be notified on the day the Temporary

**1-1190 FACILITY CLOSURES, NOTIFICATION AND CLIENT
RELOCATION (Continued)****1-1190**

Suspension Order is issued. In addition, an exception exists to advance notification to allow transfer prior to the development of the Department Facility Closure Plan. This exception occurs when licensing staff identify a severe threat and must call emergency personnel while licensing staff is at the facility. See procedures in this section, Part II.A., Emergency Relocations.

Regional Offices are responsible for developing a Department Facility Closure Plan as soon as information necessitating closure of an operating facility is received. The planning process begins as soon as the Regional Manager learns that an operating facility is subject to closure. The Regional Manager will contact placement and other appropriate agencies immediately to jointly plan for relocation of clients. The plan needs to be completed as soon as possible after it is determined the facility closure is necessary to protect clients and the community.

The Department Facility Closure Plan will identify agencies and individuals responsible for clients in care, notification, timeframes, alternative care arrangements, and strategies to minimize transfer and relocation trauma to the clients. Parents, placement agencies and other responsible parties will be included in the development and implementation of the Department Facility Closure Plan as specified below. Other agencies such as law enforcement, medical consultants, the State Long-Term Care Ombudsman and County Health Departments may also be included.

B. Coordination with Placement Agencies

Coordination with other agencies and affected parties can minimize transfer trauma from clients' transfer and relocation required by a facility closure. Prior to closing a facility, the Regional Office will determine which parties to contact and the resources needed for relocation. This will vary with facility type, payment systems, and whether the facility clients were placed through a placement agency. Balance the need to maintain confidentiality of an impending closure with the need for advance notice to agencies facilitating transfers and placements for the clients.

Each Regional Office shall maintain a current list of possible agencies that will assist in relocation. (See Section 1-1245, Agency Resource List and Section 1-1260, Coordination with Placement Agencies.)

C. Notification Requirements

It is the policy of the Community Care Licensing Division that as much advance notice as possible is provided to facilitate the transfer and relocation process and to minimize disruption of the lives of clients and their families. The established minimum timeframes for this notification are dependent on the types of action being taken the facility type, the size of the facility and the specific circumstances, including but not limited to health and safety concerns, including specific health conditions of clients, number of clients receiving Supplemental Security Income, the involvement of local agencies, and whether

1-1190 FACILITY CLOSURES, NOTIFICATION AND CLIENT RELOCATION (Continued)

1-1190

clients have responsible parties who can assist in placement. Minimum timeframes and procedures for notification are described below.

II. ACTIONS THAT MAY REQUIRE CLIENT RELOCATION

A. Emergency Relocations

Advance notification will not be possible if licensing staff identify a threat so severe it requires an immediate call to emergency personnel. For emergency relocations, provide notification to:

1. The Program Administrator, Deputy Director and Director.
2. Known relatives or authorized representatives as soon as the situation is stabilized and clients are out of danger.
3. If the situation warrants, local elected officials, legislative representatives, and the Office of Legislation.
4. The Program Office notifies and coordinates with the Department's Office of Public Affairs and Outreach Programs if there has been or there is an expectation of media contact.
5. The Long Term Care Ombudsman, as appropriate and in accordance with the Memorandum of Understanding between the California Department of Social Services, Community Care Licensing Division and the Department of Aging, Office of the State Long-Term Care Ombudsman.

B. Temporary Suspension Orders – Department's Facility Closure Plan

1. Planning for Relocations

Child Care

The following is Child Care's Closure Plan:

- Resource and Referral Agencies: The resource and referral agency will be included in the development of the Department's Facility Closure Plan. The local resource and referral agency will be notified at least the day before the Temporary Suspension Order is served. Additional notice should be provided for Child Care Centers.

1-1190 FACILITY CLOSURES, NOTIFICATION AND CLIENT RELOCATION (Continued)**1-1190**

- On the day that the Temporary Suspension Order is issued, Child Care staff will call each parent to inform them of the reasons for the Temporary Suspension Order and will have a packet of information containing: the Parent Letter; a list of child care facilities in the area; the name and contact information of the Resource and Referral Agency that will be available to assist them in finding alternative child care; and the contact name and number of licensing staff available in the Regional Office.

Adult and Elderly Care

- All agencies responsible for the placement of clients in care will be included in the development of the Department's Facility Closure Plan. Such agencies may include, but not be limited to, the Public Guardian or Conservator, the Regional Center, and the County Mental Health office, as appropriate. In addition, the Long-Term Care Ombudsman and Adult Protective Services Agency may be included in the development of the Department Facility Closure Plan.

Children's Residential Care

- All agencies responsible for the placement of clients in care will be included in the development of the Department's Facility Closure Plan. Such agencies may include, but are not limited to, County Probation, County Social Services, Regional Center, and County Mental Health.
- When private placements are made by family members, licensing staff will notify them at least twenty-four (24) hours prior to serving the Temporary Suspension Order.

2. Notifying Family Members

Plans for advance notification to family members should be included in the Department's Facility Closure Plan developed by the Regional Office.

Child Care Facilities

- Notice to parents, a responsible party, or both: The Temporary Suspension Order will be effective on the day issued. Notify parents or responsible parties at the time they pick up children. Provide them with a copy of the Accusation and a letter describing the process in more detail, including information about childcare resource and referral services. On the evening the Temporary Suspension Order is served, give parents telephonic notice if they did not receive personal notice of the Temporary Suspension Order. Also, mail a copy of the Accusation and letter to them. (See sample letter below).

**1-1190 FACILITY CLOSURES, NOTIFICATION AND CLIENT
RELOCATION (Continued)****1-1190****Residential Facilities**

- The Regional Office will ensure that as much notice as possible is provided to family members based on the specific circumstances of the case. In all cases, notify family members within the time period developed by the Deputy Director or designee before the Temporary Suspension Order is effective.
- Listed below are options for providing advance notice to family members. These options are not all-inclusive. Consider such factors as the size of the facility, client type, and placement options in selecting the appropriate option for providing advance notice. Discuss the option selected in the Department's Facility Closure Plan developed by the Regional Office.

Option A – Twenty-four (24) hours' notice: Notify family members at time of Temporary Suspension Order service. Temporary Suspension Order is effective twenty-four (24) hours after service.

Option B – Twenty-four (24) hours' notice: Notify family members twenty-four (24) hours prior to serving the Temporary Suspension Order. Temporary Suspension Order is effective upon service.

Option C – Forty-eight (48) hours' notice: Notify family members twenty-four (24) hours before service of Temporary Suspension Order effective twenty-four (24) hours after service.

- Contact family members by telephone and mail to them a letter enclosing a copy of the Accusation. Give a copy of the letter and Accusation to family members who come to the facility. Family members who come to the facility may assist their relative.
- Notify clients who are competent or who do not have an identified authorized representative at least twenty-four (24) hours prior to the effective date of the facility closure. For clients who are not competent and have a responsible representative, the placement agency has discretion in providing notice to the responsible representative.
- In addition to the above timeframes and procedures, refer to Section 1-1220, Temporary Suspension Order Effective Date.

1-1190 FACILITY CLOSURES, NOTIFICATION AND CLIENT RELOCATION (Continued)**1-1190****3. Notifying other Agencies**

Once the Temporary Suspension Order is served, give notice to the following agencies, even though they may not need to be involved in the Department's Plan.

- Child Care: Notify the California Department of Education, Child Development Division and Child Care Food Program, and the local County Welfare Department as soon as possible within twenty-four (24) hours of the time of service.
- Adult and Elderly Care: State Department of Health Care Services – Licensing and Certification, State Department of Health Care Services – Long-Term Care Division (if any clients participate in the Assisted Living Waiver Program), County Medi-Cal, the Social Security Administration, and the State Long-Term Care Ombudsman will be notified as soon as possible within twenty-four (24) hours of the time of service.
- Children's Residential: Notify the California Department of Social Services Foster Care Branch and the California Department of Education as soon as possible within twenty-four (24) hours of the time of service.
- Developmentally Disabled: Notify the California Department of Developmental Services within twenty-four (24) hours of the time of service.

4. General Notification in All Cases

After the Deputy has signed the Temporary Suspension Order and on the same day the family members and other responsible parties are provided notice, with respect to the Child Care Program, provide notification to local elected officials and legislative representatives. In each case, provide telephonic notice followed by a fax of the notification letter mailed to the client's responsible representatives. Mail a copy of the Accusation within the next twenty-four (24) hours. Give consideration to the need to provide notification to other elected officials including mayors, city council members, and members of Boards of Supervisors. The Regional Office will develop and maintain current lists of local officials and legislative representatives for notification in the event of service of a Temporary Suspension Order.

Office of Public Affairs and Outreach Programs: At the time the Temporary Suspension Order is approved, the Program Office will notify the Department's Office of Public Affairs and Outreach Programs if there has been or there is an expectation of media contact.

1-1190 FACILITY CLOSURES, NOTIFICATION AND CLIENT RELOCATION (Continued)**1-1190****C. Actions Against Unlicensed Facilities**

Except for Family Child Care Homes, a Notice of Operation in Violation of Law must be issued to the facility operator at the time the unlicensed operation is verified. For Family Child Care Homes, the care provider is advised in a licensing field report of the need to apply for a license. The facility has fifteen (15) days after the issuance of the Notice of Operation in Violation of Law to submit an application or cease operating.

Send a second Notice of Operation in Violation of Law to the facility when the provider fails to cease operating and an application is not received on the sixteenth (16th) day after issuance of the Notice of Operation in Violation of Law, or when the application is denied.

If imminent danger is identified in an unlicensed facility, the Regional Office will contact the Legal Division to determine if a Temporary Suspension Order or injunction should be sought. The Regional Office will also inform placement agencies and Protective Services that the facility is unlicensed, so that the agencies can determine if clients in care should remain in the unlicensed environment. The decision to seek a Temporary Suspension Order or injunction, or assist a placement or protective agency to remove clients from an unlicensed facility, is made by the Regional Manager in consultation with the Assistant Program Administrator or Program Administrator and Deputy Director, and the Legal Division.

Unlicensed care providers may be unwilling or unable to share information regarding contacts for responsible parties for clients in care. Licensing staff will request that contact information be provided and contact the Legal Division if the care provider refuses to cooperate.

1. Notifying Family Members and Placement Agencies

Within one (1) day of issuing the Notice of Operation in Violation of Law, send copies of the Notice of Operation in Violation of Law and the related correspondence to identified responsible parties and clients except when no client files are available in unlicensed facilities. (See sample letter below).

The Regional Office will contact all responsible parties and other entities identified forty-eight (48) hours prior to making a referral to the Attorney General or the District Attorney or any other designated local authority for an injunction or criminal prosecution, or both. (See sample letter below).

2. General Notifications

California Department of Social Services Public Information Office: The Program Office notifies the Office of Public Affairs and Outreach Programs at the time when the decision is made to seek an injunction or temporary restraining order.

**1-1190 FACILITY CLOSURES, NOTIFICATION AND CLIENT
RELOCATION (Continued)**
1-1190

Local elected officials and legislative representatives: The Regional Office will call local elected officials and legislative representatives on the day that family members and other responsible parties are notified. Once a decision is made to obtain an injunction or restraining order, send a copy of the Notice of Operation in Violation of Law and the letter sent to responsible parties to local elected officials and legislative representatives.

Owner of the property: The Regional Office should contact the County Recorder's Office to verify the identity of the owner of the property, and then send the owner a copy of the Notice of Operation in Violation of Law.

D. Decision and Order Resulting from Revocation

Decisions and orders will state when they become effective. The Legal Division will notify the Program Office, Assistant Program Administrator or Program Administrator when a proposed Administrative Law Judge's closure decision is received from the Office of Administrative Hearings. This allows time for offices to verify that the facility is still operating, to develop a closure plan, and to update contact lists.

1. Notifying Family Members and Placement Agencies

The Legal Division will also contact the Regional Office when the Decision and Order has been signed. After such notification is received, the Regional Office will begin notifying responsible parties as follows:

- Facility in operation with clients in care: When the Regional Office receives the signed Decision and Order, it shall immediately begin the notification process. At a minimum, provide notification to agencies and individuals identified in the Department's Plan. (See sample letters below).
- Facility in operation with no clients in care: The Regional Office will identify the appropriate entities to be notified based on the situation.

2. Notifying other Agencies

At a minimum, for adult and elderly facilities, the local Long-Term Care Ombudsman and Adult Protective Services will be notified. The following agencies may not need to be involved in the Department's Plan, but will be notified as soon as closure action is taken:

- Child Care: Notify the California Department of Education, Child Development Division and Child Care Food Program, and local County Welfare Department as soon as possible within twenty-four (24) hours of the time of service of a closure action or decision.

1-1190 FACILITY CLOSURES, NOTIFICATION AND CLIENT RELOCATION (Continued)**1-1190**

- Adult and Elderly Care: State Department of Health Care Services – Licensing and Certification, State Department of Health Care Services – Long-Term Care Division (if any clients participate in the Assisted Living Waiver Program), County Medi-Cal, Department of Developmental Services, the Social Security Administration, and the State Long-Term Care Ombudsman will be notified of a closure action or decision as soon as possible within twenty-four (24) hours of the time of service.
- Children’s Residential: The California Department of Social Services Foster Care Branch Chief and the California Department of Education will be notified as soon as possible within twenty-four (24) hours of the time of service.

3. General Notifications

For the Child Care Program, the Regional Manager should call local elected officials and legislative representatives on the day that family members and responsible representatives are notified. For the Children’s Residential Program and Adult and Senior Care Program, call the Office of Legislation on the day that family members and responsible representatives are notified. In each case, upon receiving notice that the order has been signed, forward a copy of the proposed Decision and Order and a copy of the letter sent to responsible parties.

Office of Public Affairs and Outreach Programs: For the Child Care Program, Regional Manager notifies the Department’s Public Information Office when the Decision and Order is signed. For the Children’s Residential Program and Adult and Senior Care Program, Program Office notifies the Department’s Public Information Office when the Decision and Order is signed.

E. Decision and Order Resulting from Stipulated Agreements

Decisions and orders resulting from stipulated agreements that involve closure of a facility will become effective on a specific date identified in the settlement. The effective date will be no earlier than ten (10) days after the Decision and Order is signed. This will allow time for offices to verify that the facility is still operating, to develop a closure plan, and to update contact lists.

1. Notifying Family Members and Placement Agencies

The Legal Division will contact the Regional Office when a Decision and Order has been signed. The Regional Office will then begin notifying responsible parties as follows:

- Facility in operation with clients in care: At the time the Regional Office receives the notice that the Decision and Order has been signed, they shall

1-1190 FACILITY CLOSURES: NOTIFICATION AND CLIENT RELOCATION (Continued)**1-1190**

immediately begin the notification process. At a minimum, notification should be provided to agencies and individuals identified in the Department's Plan. A sample letter has been developed for this purpose.

- Facility in operation with no clients in care: The Regional Office should identify the appropriate entities to be notified based on the situation. At a minimum, for adult and elderly facilities, the Ombudsman and Adult Protective Services should be notified.

2. Notifying other Agencies

The following agencies may not need to be involved in the Department's Facility Closure Plan, but require notification upon completion of any action that is taken.

- Child Care: The California Department of Education, Child Development Division and Child Care Food Program, and local County Welfare Department will be notified as soon as possible within twenty-four (24) hours of service.
- Adult and Elderly Care: State Department of Health Care Services – Licensing and Certification, State Department of Health Care Services – Long-Term Care Division (if any clients participate in the Assisted Living Waiver Program), County Medi Cal, the Social Security Administration, and the State Long-Term Care Ombudsman (as appropriate) will be notified as soon as possible within twenty-four (24) hours of service.
- Children's Residential: The California Department of Social Services Foster Care Branch Chief and the California Department of Education will be notified as soon as possible within twenty-four (24) hours of the time of service.

3. General Notifications

For the Child Care Program, the Regional Manager should call local elected officials and legislative representatives on the day that family members and responsible representatives are notified. For the Children's Residential Program and Adult and Senior Care Program, call the Office of Legislation on the day that family members and responsible representatives are notified. In each case, upon receiving notice that the order has been signed, forward a copy of the proposed Decision and Order and letter sent to responsible parties.

California Department of Social Services Office of Public Affairs and Outreach Programs: Regional Manager notifies Office of Public Affairs and Outreach Programs at the time the Decision and Order is signed.

1-1190 FACILITY CLOSURES: NOTIFICATION AND CLIENT RELOCATION (Continued)**1-1190****III. GENERAL RELOCATION PROCEDURES****A. Scheduling of Effective Date for Facility Closure:**

The effective date of a licensing action shall be set with consideration to allow as much time as possible for the orderly transfer and relocation of clients with minimal disruption for the clients and their family members. In all cases, the effective date for closure of a facility shall be scheduled no earlier than twenty-four (24) hours after notice is provided to placement agencies, clients and family members. Normally, this will mean that even in the case of a Temporary Suspension Order, the facility will be authorized to continue operation for twenty-four (24) hours or more (as provided on the order) after such notification is provided. In some cases involving a Temporary Suspension Order, notification to family members may be made prior to the date of service. In determining the amount of advance notice to be given consideration should include several factors such as the size of the facility and the specific circumstances, including, but not limited to, whether or not clients have responsible parties who can assist in placement, any health and safety concerns, specific health conditions of clients, the number of clients receiving Supplemental Security Income, and the involvement of local agencies. In such cases, the action to close the facility can be effective on the date of service.

If there is reason to believe that any client identified in an investigation is likely to be subject to continued or future physical harm by remaining in the facility for additional time, it may be appropriate to contact representatives for that client earlier to provide for immediate transfer and relocation.

B. Staffing the Relocation Process:

If necessary, the Regional Manager (or county equivalent) will be present at the facility during the relocation process, and will be responsible for coordinating all activities. In the case of a Temporary Suspension Order, this will mean that the Regional Manager must be present at the facility on the date of service of the Temporary Suspension Order and, if necessary, the day clients are relocated.

Licensing staff will request that representatives from placement and Protective Services agencies, as well as clients' authorized representatives, are present at the facility at the time of transfer and relocation. Arrangements shall be made to ensure that sufficient licensing staff (including Regional Office staff and Investigators) are present to provide appropriate notification and to assist with transfer and relocation. Law enforcement, county health department officials and medical personnel may also be scheduled to be available depending on the circumstances of the action. The Department should negotiate with the consultant group well in advance and prior to the service of the Temporary Suspension Order in the event that a consultant group is used in the relocation process. This will enable the group to hire adequate staff to meet clients' needs.

SAMPLE LETTERS OF NOTIFICATION

The letters contained in this section are **intended as** sample letters. Actual letters will contain information on the specific actions to be taken and will need to be modified for a specific audience. Keep in mind that any letters sent to the general public will often be shared with local and State legislative representatives as well as the media. A well-written letter meeting the requirements **set forth** below will continue to send **the** message that the Licensing Agency is acting in a responsible and respectful manner. Letters should be developed based on the following guidelines:

- All letters must convey the supportive tone and the “non-bureaucratic” style of the sample letters.
- All letters to persons in care, parents or other family members must start with a brief description of the role of the Licensing Agency.
- In describing the action to be taken, use terms that can be easily understood.
- Timeframes for the actions should be as specific as possible.
- The letter should identify persons or agencies that can be of assistance, including a phone number to call.
- The letter should provide a contact number for the Licensing Office to respond to any questions.
- All letters to persons in care must be signed by the **Regional Manager or delegate**.
- **For the Adult and Senior Care Program, staff should personally hand serve the letters of notification to each client or resident and discuss resources and options to assist clients or residents in relocation.**

The following sample letters are included in this section:

1. Notification for Child Care **Temporary Suspension Order**.
2. Notification for Residential **Temporary Suspension Order**.
3. Notification for Residential Care Facility for the Elderly **Temporary Suspension Order**.
4. Notification of Unlicensed Facility **(first notice)**.
5. Decision and Order.

SAMPLE NOTIFICATION LETTER: TEMPORARY SUSPENSION ORDER**CHILD CARE FACILITY**

(Date)

Dear Child Care Parent:

The Department of Social Services, Community Care Licensing Division is responsible for licensing and monitoring Family Child Care Homes and Child Care Centers. Our goal is to protect the health and safety of children who are receiving child care in another person's home or out-of-home care. When it is determined that there is an immediate health and safety risk to children, the Department has the authority to immediately close a child care home. This action is called a Temporary Suspension Order (TSO).

The Department has determined that there is an immediate risk to children in care at ABC Child Care Center at 200 Pine Ave., Orange Town, California, 95000. This is to inform you that a Temporary Suspension Order is being served today on (date). This closure will be effective (date).

Because the suspension order prohibits the ABC Child Care Center from operating after (date), we have arranged to assist you in locating other care arrangements for your child. The Child Action Resource and Referral Agency is prepared to work with you over the next few days to find alternate child care that meets your needs. You may contact Susan Smith at (916) 300-0000 for assistance. She is prepared to take your call and work with you immediately.

We regret any distress or inconvenience this action may cause you or your child. However, it is necessary for the protection of children in care. If you have any questions, please contact me at (telephone number).

Sincerely,

_____, Regional Manager

Name of Office

Attachment

SAMPLE NOTIFICATION LETTER: TEMPORARY SUSPENSION ORDER**RESIDENTIAL**

(Note: If a client refuses to leave the facility, the Licensing Program Analyst may amend this letter after the Administrative Action and send an additional reminder to the client.)

(Date)

Dear Resident or Family member:

The Department of Social Services, Community Care Licensing Division is responsible for licensing and monitoring residential care facilities. Our goal is to protect the health and safety of elderly who are receiving out-of-home care. The Department has the authority to immediately close a facility when it has determined that there is an immediate health and safety risk to clients.

The purpose of this letter is to notify you that the Department will serve (name of facility) with a legal document called a Temporary Suspension Order. This document requires the facility to close on (date). The Department took this action after determining that clients in care at this facility are of immediate risk of neglect or abuse, or otherwise in immediate danger.

We are notifying you of this action because the facility records identify you as a relative or other authorized representative for a client in care at (name of facility). Enclosed with this notice is a copy of the accusation originally filed against this facility. The accusation lists the conditions at the facility that resulted in our need to take this action.

The urgency of this situation made it impossible for us to provide you with any more advance notice. Our staff attempted to telephone all relatives for whom phone numbers were available. It is our hope that we were able to reach you ahead of time in this way.

Because this action will prohibit the facility from operating after (date), enclosed is a listing of other licensed care facilities in the area that you may wish to contact for assistance in relocating yourself or your loved one. Once that action occurs, this facility will no longer be licensed by the Department of Social Services.

We regret any distress or inconvenience this action may have caused you or your family. If you have any questions or would like additional referral information, please contact me at (facility telephone number).

Sincerely,

_____, Regional Manager

Name of Office

Attachment

SAMPLE NOTIFICATION LETTER: TEMPORARY SUSPENSION ORDER**RESIDENTIAL (RCFE)****(Date)**Dear Resident **or** Family **Member**:

The Department of Social Services, Community Care Licensing Division is responsible for licensing and monitoring residential care facilities for the elderly. Our goal is to protect the health and safety of elderly who are receiving out-of-home care. The Department has the authority to immediately close a facility when it has determined that there is an immediate health and safety risk to clients.

The purpose of this letter is to notify you that the Department will serve **(name of facility)** with a legal document called a Temporary Suspension Order. This document requires the facility to close on **(date)**. The Department took this action after determining that clients in care at this facility are of immediate risk of neglect or abuse, or otherwise in immediate danger.

We are notifying you of this action because the facility records identify you as a relative or other authorized representative for a client in care at **(name of facility)**. Enclosed with this notice is a copy of the accusation originally filed against this facility. The accusation lists the conditions at the facility that resulted in our need to take this action.

The urgency of this situation made it impossible for us to provide you with any more advance notice. Our staff attempted to telephone all relatives for whom phone numbers were available. It is our hope that we were able to reach you ahead of time in this way.

Because this action will prohibit the facility from operating after **(date)**, enclosed is a listing of other licensed care facilities in the area that you may wish to contact for assistance in relocating yourself or your loved one.

We regret any distress or inconvenience this action may have caused you or your family. If you have any questions or would like additional referral information, please contact me at **(facility telephone number)**.

Sincerely,

_____, Regional Manager**_____****Name of Office**

Attachment

SAMPLE NOTIFICATION LETTER:**UNLICENSED FACILITY**

(Note: This letter shall not be used for Child Care, and will only be used when applicable.)

(Date)

Dear Resident or Family Member:

The Department of Social Services, Community Care Licensing Division is responsible for licensing and monitoring out-of-home care. Our goal is to protect the health and safety of clients who are receiving care in another person's home or out-of-home care. The Department has completed an investigation of (name of facility) located at (address of facility) and determined that this facility is operating and providing care to clients without a license. This operation violates sections of the criminal, civil, and administrative laws of California.

We are notifying you of this because we understand you may have a relative or other loved one residing at this facility. The Department has given the care provider, two options:

1. Stop providing care.
2. File an application within 15 days to become licensed.

If the operator of the facility files an application, we will process it and make a decision on whether to grant a license to operate as soon as possible. If the operator does not file an application within the fifteen (15) day time period, we will be required to seek action through the local District Attorney or the Attorney General's office. Even though an application is filed, the Department may not approve it.

If you wish to find a different facility, the Department will provide you with a list of licensed facilities and agencies that may be able to assist you in finding a suitable placement. Please contact me at (facility telephone number) if you wish further assistance.

Sincerely,

_____, Regional Manager

Name of Office

Attachment

SAMPLE NOTIFICATION LETTER:**DECISION AND ORDER**

(Date)

Dear Resident or Family Member:

On (date), the California Department of Social Services, Community Care Licensing Division notified you that an accusation was issued against (name of facility). The Department began legal action against the facility to protect the health and safety of clients in care. The Department has now received the decision from an Administrative Law Judge that revokes the license of (name of facility).

We are notifying you of this decision because facility records identify you as a relative or other authorized representative for a client in care at the facility. A prior letter included a copy of the accusation originally filed against this facility so you can see the reasons why the Department requested that the facility be closed.

The closure will be effective on (date). Please contact me at (facility telephone number) in order to obtain lists of other licensed facilities in the area or be referred to local placement agencies that may assist you in relocating yourself or your loved one.

Sincerely,

_____, Regional Manager

Name of Office

Attachment

1-1195 DEPARTMENT'S FACILITY CLOSURE PLAN**1-1195**

The following shall be used prior to, during and after any Administrative Action that results in the relocation of clients. The following provides a documentation record and guide to assist staff in organizing and assigning various tasks.

Facility Name _____ License _____

Address _____

Telephone _____

License Category _____

Licensee Name _____ Telephone _____

Address _____

Proposed Admin. Action: TSO___Unlic . Facility _____Dec. & Order_____

Proposed Date _____

Proposed Closure Date If Different _____

CCLD Attorney _____ Telephone _____

Client Type (Check All That Apply)

[] Children (Number) _____ [] Developmental Disability No. _____

[] Adults (Number) _____ [] Mental Disability No. _____

[] Elderly (Number) _____ [] Non-ambulatory (Number) _____

Total Number of Clients _____ Date Roster Obtained _____

Update Needed? [] Yes [] No Date _____

1-1195 DEPARTMENT'S FACILITY CLOSURE PLAN (Continued)**1-1195**

Agencies to be Involved. (Check all that Apply and Complete Information.) Refer to Section 1-1245, Resource List, for Information on Agencies.

- | | | | |
|--------------------------|--------------------------------|-------------|-------|
| <input type="checkbox"/> | DPSS/Child | Contact | _____ |
| | Telephone # | Date Called | _____ |
| <input type="checkbox"/> | APS or CPS | Contact | _____ |
| | Telephone # | Date Called | |
| <input type="checkbox"/> | Public Guardian/Conservator | Contact | |
| | Telephone # | Date Called | |
| <input type="checkbox"/> | SSA | Contact | |
| | Telephone # | Date Called | |
| <input type="checkbox"/> | Mental Health/Crisis Team | Contact | |
| | Telephone # | Date Called | |
| <input type="checkbox"/> | Regional Center | Contact | |
| | Telephone # | Date Called | |
| <input type="checkbox"/> | Local Long-Term Care Ombudsman | Contact | |
| | Telephone # | Date Called | |
| <input type="checkbox"/> | DHS Licensing & Certification | Contact | |
| | Telephone # | Date Called | |
| <input type="checkbox"/> | Medical Consultant | Contact | |
| | Telephone # | Date Called | |

1-1195

DEPARTMENT'S FACILITY CLOSURE PLAN (Continued)

1-1195

- | | | | |
|-----|----------------------------|-------------|--|
| [] | County Probation | Contact | |
| | Telephone # | Date Called | |
| [] | Foster Care Placement | Contact | |
| | Telephone # | Date Called | |
| [] | Resource & Referral Agency | Contact | |
| | Telephone # | Date Called | |
| [] | CDE – Child Development | Contact | |
| | Telephone # | Date Called | |
| [] | Child Care Food Program | Contact | |
| | Telephone # | Date Called | |
| [] | Law Enforcement | Contact | |
| | Telephone # | Date Called | |
| [] | Other | Contact | |
| | Telephone # | Date Called | |

Planning/Strategy Meetings

<u>Date/Time</u>	<u>Location</u>	<u>Agenda</u>

Overtime Needed [] Yes [] No RO Staff Names _____

1-1195 **DEPARTMENT'S FACILITY CLOSURE PLAN** (Continued) **1-1195**

FOR ALL CLOSURE ACTIONS WHERE CLIENTS ARE IN CARE, EITHER THE REGIONAL OR PROGRAM ADMINISTRATOR SHALL BE ON SITE AND SHALL PERSONALLY SERVE THE ACTION AND ANSWER MEDIA INQUIRIES.

RO Staff Teams

Major Task

LPM

Lead LPA

LPA(s)

Investigator

Support Staff

Attorney

Resident Planning & Relocation

Agency/Person Responsible

Team Leader/Coordinator

Service of Accusation/TSO

Locate Facilities

Arrange **Clients'** Transportation

Handle **Clients'** Funds Issues

Competency Hearings

Log & Track **Clients**

Contact Relatives

Screen/Interview **Clients**

Take Declarations (**Regional Office**)

1-1195

DEPARTMENT'S FACILITY CLOSURE PLAN (Continued)

1-1195

Take Photographs (RO)

Clients' Belongings

Clients' Medications

Clients' Meals

Clients' Records

Change of Address Cards

Licensing Reports (RO)

Supplies/Other

Assignment Areas At Facility (Attach Copy Of Facility Sketch If Needed)

Task

Location

Meeting Place Prior to Closure
Action

Time

Meeting Place After Closure Action

Time

Media/Public Contacts:

Refer To

At the Facility

Regional or Program Administrator

Refer To

At the RO/Program
Office

Regional or Program Administrator

1-1195

DEPARTMENT'S FACILITY CLOSURE PLAN (Continued)

1-1195

Media Sources Interested:

TV/Radio/Newspaper

Name

Wrap Up: Clients All Out? Yes No

Parents/Guardians/Representatives Contacted? Yes No

Copies Of Accusation To Parents/Guardians/Representatives? Yes No

Names, If Not _____

Notices To Representatives Sent By _____ Date _____

Follow-up Needed _____

Notice to all entities identified in this planning guide and specified in Section 1-1190,

Facility Closure Plan _____ Date: _____

Follow-up Needed _____

Prepared By _____ Date _____

*** AVAILABLE IN COMMON LIBRARY**

1-1200 TEMPORARY SUSPENSION ORDERS**1-1200**

In addition to the following procedures, refer to Section 1-1190, Facility Closures: Notification and Client Relocation.

A Temporary Suspension Order is an order signed by a Deputy Director, usually the Deputy Director of Licensing, or someone delegated by the Deputy Director of Licensing, suspending a license in order to protect clients from physical or mental abuse, abandonment or any other substantial threat to their health and safety. Temporary Suspension Orders involving children's residential facilities should also be approved by the Children and Family Services Division. Refer to Section 3-2628 of the Complaint Section for details.

Temporary Suspension Orders are pursued in conjunction with revocation actions. In a revocation action, the licensee has the legal right to continue to operate unless an immediate health or safety hazard exists.

A Temporary Suspension Order may be sought when an immediate health or safety hazard exists in a facility and the operation must be closed immediately. A Temporary Suspension Order may be sought in conjunction with an investigation report or may result from an action taken collaterally such as the denial of a fire clearance. The Temporary Suspension Order will specify an effective date when the facility must cease operations. The effective date will be established by the Deputy Director or designee, based upon the recommendation of the Regional Office, Statewide Program Office and Legal Division staff, taking into consideration the size of the facility and specific circumstances. In addition, refer to Section 1-1220, Temporary Suspension Order Effective Date.

1-1205 NECESSITY FOR A TEMPORARY SUSPENSION ORDER**1-1205**

In addition to the following procedures, refer to Section 1-1190, Facility Closures: Notification and Client Relocation.

Prior to requesting a temporary suspension order, the Licensing Agency shall consider the necessity of such an action based on Health and Safety Code, Sections 1550, 1569.50, 1568.082 and 1596.885. If you are reading this section because you have a facility problem and are wondering whether a temporary suspension order is appropriate, discuss the case with your Licensing Program Manager, Regional Manager and the Licensing Office's assigned Legal Consultant. Counties will also consult with their Program County Liaison.

Factors to be considered in assessing whether an immediate substantial health or safety risk exists, include but are not limited to:

1. Is there danger to the health, welfare or safety of the clients in care? If so, a temporary suspension order recommendation may be appropriate.
 - a. Is the danger serious?

1-1205 NECESSITY FOR A TEMPORARY SUSPENSION ORDER (Continued)**1-1205**

- d. What is the licensee's capability to appropriately control such event(s) in the future? A lack of control supports a temporary suspension order recommendation.
 - e. What is the licensee's history on these issues? A history of previous similar incidents support a conclusion that the licensee should have acted sooner to avoid or prevent the event(s) and that a temporary suspension order recommendation is appropriate.
9. What are the number, frequency, and seriousness of the incidents?
- a. One serious incident, physical or sexual abuse for example, is often enough to warrant a temporary suspension order recommendation.
 - b. Is the most recent incident one in a pattern of similar incidents? The last incident, alone, may not appear to be sufficient, but taken as a pattern of conduct a temporary suspension order recommendation may be warranted.
10. Has the licensee, a staff member, volunteer, client or outsider with access to the facility been arrested for and/or convicted of any of the crimes for which an exemption cannot be granted? Conviction information and arrest information (if the arrest information is supported by other evidence, such as statements from competent witnesses) usually is a sufficient basis for a temporary suspension order recommendation.
- a. For residential community care facilities and adult day programs, see Health and Safety Code Section 1522(f)(1) or
 - b. For child care facilities and family child care homes, see Health and Safety Code Section 1596.8897(g).
 - c. For residential care facilities for the elderly, see Health and Safety Code Section 1569.17(e)(1).
 - d. For residential care facilities for the chronically ill, see Health and Safety Code Section 1568.09(e)(1).

1-1205 NECESSITY FOR A TEMPORARY SUSPENSION ORDER (Continued)**1-1205**

11. Is there evidence that a death or serious injury occurred because of abuse or willful neglect by the personnel of the facility? If so, refer back to numbers four and nine.
 - a. At a child care facility (child care center or family day care home), a temporary suspension order must be issued within two working days of receipt of evidence that the death or serious injury was due to abuse or willful neglect by the licensee or facility personnel. (See Health and Safety Code Section 1596.8865).
 - b. As used in Health and Safety Code Section 1596.8865, “serious injury” means a serious impairment of physical condition, including, but not limited to, the following: Loss of consciousness; concussion, bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.
12. The passage of time since a serious incident occurred does not necessarily make a temporary suspension order recommendation inappropriate, nor does time between a serious incident and the receipt of a complaint about that incident, alter the requirement that it be investigated immediately.
 - a. If the incident is serious enough to warrant a temporary suspension order, a temporary suspension order recommendation should be made, regardless of the length of time since the incident(s) occurred.
13. If a fire clearance is required by the facility category and the facility is operating without a fire clearance a temporary suspension order recommendation must be made unless an immediate call to the fire authority verifies that an immediate correction is possible to rescind the fire clearance denial and the licensee agrees to take immediate corrective action. If this is not clearly the case, make the temporary suspension order referral.

NOTE: Size and type of facility, and potential transfer trauma are significant questions to be considered in the implementation of a temporary suspension order (See [Reference Material, Facility Closures, Notification and Relocation, Section 1-1190](#) and [Planning Procedures Prior to a Temporary Suspension Order, Section 1-1235](#) through [Temporary Suspension Order Service Procedures, Section 1-1270](#)).

**1-1235 PLANNING PROCEDURES PRIOR TO A TEMPORARY
SUSPENSION ORDER****1-1235**

Some of the routine temporary suspension order planning procedures can be prepared and maintained well in advance, while others will require last minute preparations. The procedures, discussed in the following sections, will begin with those preparations that can be done well in advance and lead into the actual service of a temporary suspension order.

1-1240 TEMPORARY SUSPENSION ORDER MASTER KIT**1-1240**

In addition to the following procedures, refer to Section 1-1190, Facility Closures: Notification and Client Relocation.

Each Regional Office should maintain a readily available master Temporary Suspension Order kit. The following, while not comprehensive, contains the basic items to be included in each kit:

1. Facility Roster
2. Licensing Information System facility lists for relatives and placement agencies
3. Copies of the Temporary Suspension Order for relatives and placement agencies
4. . Camera
5. . Cellular Phone
6. Business cards for licensing staff
7. Water and cups
8. Large plastic bags and ties (client's property)
9. Assorted sizes of paper bags (evidence and medication bags)
10. Gloves, masking tape, safety pins and stapler
11. Markers, pens and note pads
12. Name tags labels and receipts
13. Boxes for packaging records and personal items of clients
14. Kleenex and toilet paper
15. **LIC Forms Packet:**

LIC 622 - Centrally Stored Medication and Destruction Record

LIC 605A - Release of Client/Resident Medical Information

LIC 811 - Confidential Names

LIC 859 - Review of Staff/Volunteer

LIC 858 - Client/Resident Records Review

LIC 857 - Children's Record Review (child care centers)

LIC 855 - Declaration

LIC 813 - Facility Photography report

LIC 812 - Detail Supportive Information

LIC 809 - Facility Evaluation Visit Report

1-1245 AGENCY RESOURCE LIST**1-1245**

In addition to the following procedures, refer to Section 1-1190, Facility Closures: Notification and Client Relocation.

The Regional Office must determine the agency resources needed for relocation. Depending upon the payment status (SSI or private pay), **existence of a** placement agency and conditions of the **clients**, the Regional Office will need to call upon other agencies to assist in the relocation process. The purpose of coordination is twofold: (1) to keep other entities informed as a Temporary Suspension Order may affect the agency's operation, and (2) to obtain assistance in placing clients, thereby reducing transfer **and relocation** trauma **to clients as well as** adverse **effects** on families of clients in care.

Each Regional Office should create and maintain a list of possible resources. Sections 1-1260 and 1-1265 describe further how these agencies may be utilized and why coordination is important.

The following list should be used as a basis for creating an individual master list in each Regional Office:

- **County Department of Public Social Services or County Welfare Department Management:** This contact should be made by the Licensing Program Manager or Regional Manager, seeking a commitment of cooperation with Regional Office staff. This agency may be able to facilitate emergency placement services or provide staff to assist in the relocation process.

County Medi-Cal Eligibility Unit: If a client does not already have Medi-Cal and needs medical care, this unit may be able to expedite the process.

- **Adult Protective Services:** The extent of Adult Protective Services involvement may vary by county depending on staff resources. However, Adult Protective Services should be contacted and included whenever possible to facilitate placement for those **clients** meeting Adult Protective Services criteria, who have no other case manager.
- **Public Guardian or Conservator's Office:** Upon becoming the court-appointed representative, the Public Guardian or Conservator's Office will place **clients** in community care facilities or residential care facilities for the elderly **and may manage clients' funds. In the event of a pending facility closure, timely notice should be given to the Public Guardian or Conservator's Office so that they may identify appropriate placement for the court-appointed conservatee(s) for whom they have placement authority.**

1-1245 AGENCY RESOURCE LIST (Continued)

1-1245

- **Social Security Administration:** The Social Security Administration is a resource in the relocation process when a client is determined to be eligible for benefits, which may facilitate an appropriate placement and ease transfer and relocation. For example, a social worker from Adult Protective Services may determine that a client is eligible for SSI, and would contact the Social Security Administration to begin the process. Ideally, the Social Security Administration would designate an assigned staff person who would expedite the process. The Social Security Administration worker can process a change of address over the phone or provide the change of address form needed to ensure that the recipient's checks are mailed to the correct facility the following month. This also can be done online at <http://www.ssa.gov/myaccount>.
- **County Mental Health Department, Continuing Care and Crisis Team:** The County Mental Health Department may have clients placed in the facility and would be involved. This agency may also be helpful assisting with clients who appear to have a psychiatric illness.
- **Regional Centers for the Developmentally Disabled:** These agencies often have clients in facilities, and they may be able to assist clients who have a dual diagnosis of developmental disability and psychiatric illness.
- **Long-Term Care Ombudsman:** The local Long-Term Care Ombudsman may know of current vacancies in suitable facilities able to meet the needs of clients. Ombudsman representatives are familiar with resources available to clients and families and can provide information about the facility closure to clients and families. The local Long-Term Care Ombudsman will follow up with clients after relocation to ensure clients are safely moved and content with their new homes.
- **Department of Public Health, Licensing and Certification Division:** This Division's licensed medical personnel may be consulted when the medical level of care is an issue at the facility. This agency must also be involved if the facility has a skilled nursing facility affiliated with it.
- **Department of Health Care Services, Long-Term Care Division:** For a list of RCFEs participating in the Assisted Living Waiver Program, visit their website at <http://www.dhcs.ca.gov/services/ltc/Documents/RCFE%20%20List.docx>
- **County Probation Office:** This agency may have clients in placement at the facility or know of vacancies where clients may be placed.
- **Child Protective Services or County Welfare Foster Placement:** These agencies may have clients placed in the facility or know of vacancies and be able to assist in relocation.
- **Resource and Referral Agencies:** These agencies may know of vacancies and be able to assist parents in finding other suitable care.

1-1245 AGENCY RESOURCE LIST (Continued)**1-1245**

- **Medical Consultant or Medical Personnel:** A medical consultant or medical personnel will provide on-site evaluations of clients and assist in the transfer of clients in order to prevent transfer and relocation trauma as specified in Health and Safety Code sections 1556-(c)(1) and 1569.525(a).
- **Law Enforcement:** Depending on the situation, there may be a need for support from local law enforcement.
- **Other Agencies:** Any other local agency that the Regional Office determines can assist in the serving of the Temporary Suspension Order or in the relocation of clients.

1-1255 OBTAINING A CLIENT CENSUS PRIOR TO A TEMPORARY SUSPENSION ORDER**1-1255**

In addition to the following procedures, refer to Section 1-1190, Facility Closures: Notification and Client Relocation.

If a temporary suspension order is necessary, the Licensing Agency shall conduct a visit to the facility to obtain a current client census. The LIC 9020, Roster of Facility Clients/Residents can be used to record the names of each client's placement agency or other authorized representative and their addresses and telephone numbers. If the temporary suspension order will be served on a day care facility, the LIC 9040, Child Care Facility Roster should be used to obtain the names, addresses and telephone numbers of the parents/guardians who have children in care at the facility.

If the facility is large it may be necessary to send more than one Licensing Program Analyst to assist in gathering the information. During this visit, the Licensing Program Analyst(s) should also document any medical conditions of the residents, which could place the residents at risk for transfer trauma if moved from the facility.

If it appears that clients are in need of, but are not receiving proper medical attention, the Licensing Agency shall do the following: Contact and consult with physicians or other medical staff regarding the necessity of immediately removing clients from the facility. If the temporary suspension order is served before removing the clients, the Licensing Agency shall use physicians or other medical consultants to provide an on-site evaluation.

If there is a considerable delay between obtaining the client census and the probable service date, it will be necessary to revisit the facility prior to serving the temporary suspension order to obtain an up-to-date client census.

**1-1255 OBTAINING A CLIENT CENSUS PRIOR TO
A TEMPORARY SUSPENSION ORDER (Continued)****1-1255**

In nearly all cases, a client census can be obtained during the visit at which the Licensing Program Analyst determines the need for the temporary suspension order: i.e., complaint, annual or case management visit.

1-1260 COORDINATION WITH PLACEMENT AGENCIES**1-1260**

In addition to the following procedures, refer to Section 1-1190, Facility Closures: Notification and Client Relocation.

In accordance with the statewide Memorandums of Understanding (Refer to Appendix E), Regional Offices are expected to meet regularly with local agencies in order to establish professional relationships and develop local Memorandums of Understanding when appropriate. To foster cooperation and communication, the Regional Office may meet regularly with other local agencies not covered by statewide Memorandums of Understanding, such as Adult Protective Services. The Regional Office may also enter into separate local Memorandums of Understanding with these agencies to delineate client relocation roles and responsibilities.

Prior to serving a Temporary Suspension Order, the Regional Office must initiate contact and determine the resources needed for relocation. The need to retain confidentiality of the impending Temporary Suspension Order is balanced with the need for as much advance notice as possible to agencies which will be seeking other placements for the clients. Refer to Section 1-1245 for agency resources.

There are certain agencies the Regional Office must notify prior to the service of a Temporary Suspension Order. Those agencies include the following:

- Regarding Child Care facilities, Health and Safety Code Section 1596.853(d)(1)(C) mandates notification to the appropriate resource and referral as soon as possible and within two (2) business days after issuance of the Temporary Suspension Order against a facility within the resource and referral's jurisdiction.
- Regarding Child Care facilities that are funded by the State Department of Education, the Department is required to provide a copy of any Temporary Suspension Order immediately to the Child Development Division of the State Department of Education.
- Health and Safety Code Sections 1556 and 1569.525 require prior notification to any local agency that may have placement or advocacy responsibility for the clients of a community care facility or Residential Care Facility for the Elderly.

1-1260 COORDINATION WITH PLACEMENT AGENCIES (Continued) 1-1260

- Federal law (Keys Amendment, section 1616(e) of the Social Security Act, 42 U.S.C. § 1382e) requires the Regional Office to inform the Social Security Administration of the impending service of the Temporary Suspension Order the name and address of the facility and the name of all Supplemental Security Income recipients residing in the facility. Refer to Section 1-1700.
- The Memorandum of Understanding with the Office of the State Long-Term Care Ombudsman requires the Regional Office to notify the local Ombudsman Program prior to the issuance of a Temporary Suspension Order. Refer to Appendix E for further details on the Memorandum of Understanding.

Once it has been determined which agencies need to be notified of the impending Temporary Suspension Order, Regional Office staff should schedule a coordination meeting with the management staff from the designated agencies as identified by the Executive Director. A brief explanation of the facts supporting the Temporary Suspension Order should be provided. During the meeting, Regional Office staff should provide full disclosure to the agency managers, and stress the need for confidentiality of the Temporary Suspension Order and protected information. For the Adult and Senior Care Program, the Regional Manager shall notify the Executive Director of Adult Protective Services and Program Coordinator of the local Long-Term Care Ombudsman Program, or any other appropriate agency.

As soon as the Department has determined that a Temporary Suspension Order will be served, a coordination meeting will be held. Due to the speed of a telephonic Temporary Suspension Order, the Regional Office may need a conference call or to make individual calls.

Other issues to be discussed during the planning meeting with placement agencies include the following:

- Consider the time of day and day of week the Temporary Suspension Order can be served and what can realistically be accomplished during usual working hours, before the weekend or a holiday.
- It may be necessary to use a delayed effective date for a Temporary Suspension Order in the event the necessary beds are not available. See Section 1-1190 for scheduling a Temporary Suspension Order.
- Depending on the clients' medical condition, discuss the need for the use of a nurse consultant to ensure the least level of transfer and relocation trauma to clients.

1-1260 COORDINATION WITH PLACEMENT AGENCIES (Continued) 1-1260

- Considering the layout of the facility, determine where various actions will take place. For example, where could Adult Protective Services or the Public Guardian or Conservator conduct private interviews of clients? Where will clients wait for transportation to a new facility? In large facilities, it may be necessary to copy and distribute the facility sketch from the case file.

If there is danger of desertion of the facility by the licensee, plans must be made for someone to stay with the residents who are not placed. Decide which agency will supply staff.

- If competency hearings are needed, no transfers may be made until after a competency determination and final hearing. The Public Guardian or Conservator will be familiar with the local procedures. A seventy-two (72) hour involuntary hold may be appropriate in some cases. (Welfare and Institutions Code Section 5150 provides the authority and requirements for use of an involuntary hold.)
- The Regional Office staff will immediately notify the Regional Manager and Program Administrator to address situations in which clients refuse to relocate and to discuss the need for sending an additional letter. (See Section 1-1190 for sample letters).
- If there are any clients anticipated to be challenging placements or any clients resistant to relocation, the Regional Office shall elevate these situations to the Department's Legal Division and the Program Office to discuss options available.
- If client funds are held by the facility or pro-rated refunds are not going to be available, financial planning will be necessary. Clients will need to be connected with the appropriate agencies assisting with this process. In some cases, it may be appropriate for the Department to use the emergency resident relocation fund to assist in this process. In addition, special circumstance allowances are available for Supplemental Security Income recipients and may be obtained through a county agency such as Adult Protective Services.
- Determine which agencies will have primary resident planning and relocation responsibilities before and at the time of service of the Temporary Suspension Order, and engage in the following:
 - Contact other licensed facilities. The purpose of these calls is to identify potential and available placements for clients (but not necessarily to identify a specific placement for each client) and to arrange for transportation to the new facilities. The licensee of the new facility will need to meet regulatory requirements in accepting a relocated client into the facility. These requirements include, but are not limited to, assessing clients to ensure the licensee can meet their needs and making sure each client has an appropriate physician's report. In cases where client records are either incomplete or non-existent, the Regional Office should exhaust all remedies to obtain these

1-1260 COORDINATION WITH PLACEMENT AGENCIES (Continued) 1-1260

records or information that would be contained within these records. It may become necessary to use the emergency resident relocation fund to relocate a client.

- The Regional Office should provide copies of the list of appropriate facilities in the area to the clients, responsible parties, etc.
- Arrange transportation for clients to new placements. Regional Office staff should not provide actual transportation for clients, but should ensure transportation is coordinated. In some instances, it may be appropriate to use the emergency resident relocation fund to pay for the transportation of clients.
- In order to leave the facility landline telephones available for on-site use, contact clients' relatives from the Regional Office or from other agencies, to inform them of the Temporary Suspension Order prior to its effective date.
- Ensure clients are refunded from the facility all amounts due and owed to them. The Regional Office should ensure that clients and clients' responsible parties, if any, are provided available contact information for the appropriate agencies for assistance in enforcing refunds of clients' funds and assets.
- Ensure clients' medications, personal belongings and records accompany them to the new location.
- Provide clients and their responsible parties with change of address forms so they can request mail forwarding. Change of address may also be completed online through the U.S. Postal Service at <https://www.mychangeaddress.com>.
- The Social Security Administration may process a change of address over the telephone or provide the change of address forms for clients to continue to receive benefit checks. Change of address may also be completed online with Social Security by visiting their website at <http://www.socialsecurity.gov/coa/>.

1-1265 TEMPORARY SUSPENSION ORDER TEAM 1-1265

In addition to the following procedures, refer to Section 1-1190, Facility Closures: Notification and Client Relocation.

The Regional Office has the ultimate responsibility for service of the Temporary Suspension Order and the relocation process, although some tasks may be delegated to other agencies. To ensure that the process operates smoothly and efficiently, the Regional Office should develop a Temporary Suspension Orders team and schedule a planning meeting.

1-1265 TEMPORARY SUSPENSION ORDER TEAM (Continued)

1-1265

The size of the team will be determined by the size of the facility and the number of clients. The team should consist of the following:

- The Regional Manager or Program Administrator, or county equivalent
- The Licensing Program Analyst assigned to the facility
- The Licensing Program Manager assigned to the facility
- Other experienced Licensing Program Analysts and support staff
- Investigators
- The Legal Division attorney assigned to the case

The team leader or coordinator will be the Program Administrator. If more than one team will be needed, make sure that everyone is clear on who is in charge of which team and which functions. In very large facilities, it may be useful to have color-coded name tags to identify teams. All Regional Office staff involved will not always be known to outside agency staff. Knowing that anyone with a red name tag is working on interviews and declarations may cut down on some of the confusion.

Utilizing the Agency Resource List in Section 1-1245 and the Temporary Suspension Order Procedures in Section 1-1235, the next step is to assign team roles or tasks. Tasks not assigned may be overlooked in what may be a very stressful situation. Some of the tasks may have been delegated to other agencies during your planning meeting with those agencies as outlined in Section 1-1260.

Suggested team roles to be assigned as part of the Department's Facility Closure Plan development:

- **Temporary Suspension Order Server** - This duty shall be assigned to the Regional Manager or Program Administrator. For county licensing offices, the Licensing Program Manager shall serve the temporary suspension order. Follow procedures as outlined in Sections 1-1190 and 1-1270.
- **Team Leader** - Sets up temporary suspension order command post, reviews team assignments, assesses each team member's progress and assigns additional help if needed. The Regional Manager or Program Administrator (or county equivalent) will serve as team leader.
- **Client and Family Contacts** - Depending on client population, inform residents of temporary suspension order in the best way to minimize trauma. This may be done in a group meeting or may require individual notification. A letter explaining why the temporary suspension order is being served should be passed out to residents, relatives and responsible representatives. Assist with calming residents and family members.
- **Client Needs** - Ensure that residents' needs are met by licensee or designated agency or Regional Office staff until close of business, including meals and medications. Check rooms to determine if all personal items have been packed and provide assistance as needed.

1-1265 TEMPORARY SUSPENSION ORDER TEAM (Continued)

1-1265

- **Client Relocations** - Assign someone to ensure that when children are removed from a child care facility that the persons taking the children away are the parents or person authorized in facility records to have custody of the child. In a Residential Care Facility for the Elderly, ensure that clients leave in the custody of an authorized placement agency or other responsible person. If the facility is large or has several exits, it may be necessary to station a person at each exit to ensure that placement agencies or relatives do not move clients without informing the Community Care Licensing Division that the clients are safe and in the custody of responsible persons. It is appropriate to ask for identification from unknown persons.
- **Communications** - Notifies the Regional Office, Statewide Program Office and the Legal Division after the Temporary Suspension Order has been served. If work is expected to extend after normal work hours, the team leader should have the attorney's and other appropriate staff's home telephone numbers.
- **Parent Contacts** - Contact parents as they arrive to pick up their children and provide them with a copy of the Accusation and accompanying letter.
- **Media Responsibility** - The Regional Manager provides a copy of the Temporary Suspension Order and Accusation to the Office of Public Affairs and Outreach Programs at the time the Temporary Suspension Order is approved. If the Regional Office is contacted by the media regarding the Temporary Suspension Order, the Regional Office should refer the media to the Office of Public Affairs and Outreach Programs; the Program Administrator should consult with the Statewide Program Office and the Office of Public Affairs and Outreach Programs on how best to handle it. Prepared statements, news releases and or copies of the Accusation and Suspension Order may be necessary. The Accusation is a public document once the Temporary Suspension Order is served.
- **Duplication of Records** - Copy needed documents for transfer (consent forms, emergency information, etc.) from each client's file. Prior to service, discuss with the attorney assigned to the case what should be done if the licensee refuses to allow access to the records.
- **Medication Packaging and Transfer** - Package each client's medication in individual bags and label each bag. Include Medi-Cal Cards and medication list.
- **Client Property and Cash Resources** - Determine balances and prepares receipts and money for transfer to a new facility.
- **Interviewer/Photographer** - After consultation with the Legal Division, obtain declarations (written statements under oath) coordinated with the Legal Division and take pictures of evidence gathered.

1-1265 TEMPORARY SUSPENSION ORDER TEAM (Continued)**1-1265**

- **Licensing Report** - Only one LIC 809 need be written per visit. The Licensing Program Analyst who prepares the report prior to leaving the facility should clearly understand what it should contain. Some of the key areas to be documented are as follows:
 - a. Facts confirming personal service of Temporary Suspension Order. (Identify name and title of person served, and recipient and on whose behalf they accepted service if not their own, exact time served, and any client notification.)
 - b. Client census, other persons present (include Temporary Suspension Order Team and agency personnel).
 - c. Any problems or unusual incidents.
 - d. Any information regarding the needs of clients during the relocation process (including meals and medications).
 - e. Status of refunds to clients.
 - f. Time of departure and client census.
 - g. In the event licensing staff provide ongoing oversight at the facility, the Regional Office should obtain direction from the Program Office with consultation with the Legal Division and the Deputy on reports to prepare documenting the Department's presence at the facility and types of enforcement actions appropriate while oversight is being provided.

1-1270 TEMPORARY SUSPENSION ORDER SERVICE PROCEDURES**1-1270**

In addition to the following procedures, refer to Evaluator Manual Section 1-1190, Facility Closures: Notification and Client Relocation.

The Legal Division will notify the Licensing Office as soon as the Temporary Suspension Order and Accusation have been signed. Prior to serving the Temporary Suspension Order, the Regional Office should ensure that appropriate notifications to outside agencies have been made as specified in Evaluator Manual Sections 1-1190 and 1-1260, Coordination with Placement Agencies. The Regional Office should also determine if there is a need for local law enforcement support and arrange for this support if appropriate.

The local Licensing Office shall then:

1. Receive the temporary suspension order package from the Legal Division. The Temporary Suspension Order package will contain the following documents:

1-1270 TEMPORARY SUSPENSION ORDER SERVICE PROCEDURES 1-1270
(Continued)

- a. Temporary Suspension Order
 - b. Accusation
 - c. Confidential Name List (if any)
 - d. Notice of Defense (2) copies
 - e. Statement to Respondent
 - f. **Relevant** Government Code Statutes
 - g. Request for Discovery
 - h. Additional instructions and documents concerning Interim Hearing Rights if **the** facility is a Community Care Facility (excluding Residential Care Facilities for the Elderly, Residential Care Facilities for the Chronically Ill, Child Care Centers and Family Child Care Homes)
 - i. Proof of Personal Service
2. The Regional Manager (or designee) or equivalent county staff shall serve the Temporary Suspension Order in person to the licensee or person designated to accept licensing reports (per form LIC 308) in the facility file.
 - a. Give the person served items “a” through “g” or for a Community Care Facility “a” through “h” above, depending on the type of facility.
 - b. Inform the person served of the effective date of the Temporary Suspension Order.
 - c. Upon return to the Regional Office, complete and sign the Proof of Personal Service (item “i” above), make a copy for the facility file and forward original to the Legal Division.
 3. If it is not possible to serve the licensee and there is no other authorized representative to accept service, call the Legal Division for further instructions on service.
 4. Direct questions posed by the respondent following service to the assigned attorney.
 5. Document refusals to honor the Temporary Suspension Order and forward **this documentation** to the assigned attorney to determine the best course of action based on case-by-case analysis.

1-1270 TEMPORARY SUSPENSION ORDER SERVICE PROCEDURES 1-1270
(Continued)

6. For Child Care Centers or Family Child Care Homes, post the Temporary Suspension Order Notice (LIC 9031) on the main entrance used by parents dropping off or picking up children in a Child Care Center or Family Child Care Home.

Upon serving the Temporary Suspension Order, the Licensing Program Analyst shall review the Identification and Emergency Information Form LIC 601 for Residential Care Facilities for the Elderly and LIC 700 for Child Care Centers and Family Child Care Homes or other appropriate records in the facility's client records to obtain the name of each client and authorized representative, parent or guardian to ensure that the facility roster is accurate and current, in order to determine whether changes exist in the client population.

If there are authorized representatives other than the agencies already notified (refer to Evaluator Manual Sections 1-1190 and 1-1260) who have not been notified, immediately telephone the Licensing Program Manager at the Regional Office or assigned staff and relay those names.

For Child Care Centers and Family Child Care Homes, provide list of parents'/guardians' names to the Licensing Program Manager or assigned staff so that they may contact those persons as appropriate.

Determine whether the licensee is the representative payee for any clients' Social Security or Supplemental Security Income and State Supplementary Program payments. If the licensee is the representative payee, immediately telephone the local Social Security office and notify them that the designated representative payee is no longer a licensed Community Care Facility operator.

The Regional Manager (or designee) or county equivalent shall:

1. Ensure that all authorized representatives are notified at least twenty-four (24) hours prior to the effective date of the Temporary Suspension Order. (For Child Care Centers and Family Child Homes, include parent(s) or guardian(s) of children in care.)

If the facility is large, designate a team of evaluators to ensure notification of all agencies and authorized representatives at least twenty-four (24) hours prior to the effective date of the Temporary Suspension Order. As noted in Section 1-1190, contacts with known placement agencies and other responsible agencies should have occurred during the Department's facility closure planning process.

2. Follow up all verbal notifications with written notification via certified return receipt U.S. mail, within twenty-four (24) hours of service of the Temporary Suspension Order (see sample letters in Section 1-1190).

1-1270 TEMPORARY SUSPENSION ORDER SERVICE PROCEDURES 1-1270
(Continued)

3. For the Children's Residential Program or the Child Care Program, contact the local legislators' offices by telephone. Forward a copy of the Temporary Suspension Order and Accusation within twenty-four (24) hours of the day of service to the local legislators' offices. Contacts may also be made with other local elected officials as provided in Section 1-1190, Facility Closure, Notification and Client Relocation. For the Adult and Senior Care Program, notify the Program Office immediately upon service of the Temporary Suspension Order.
4. Follow up to ensure that facilities are closed and that no clients remain in the licensee's care. Verification must occur within thirty (30) days of the Temporary Suspension Order, or as required by the Department's Facility Closure Plan. Most often, verification will require a follow-up visit. An appropriate placement agency may verify that clients no longer remain and no clients are being placed in the facility. Verification not made by an actual visit must be approved by the Licensing Program Manager. Whatever verification action is taken, documentation of the action must be included in the facility file. Upon determination that the facility is operating in violation of the law, immediately take steps to ensure facility closure.

1-1290 LEGAL DIVISION PROCEDURES FOR TEMPORARY 1-1290
SUSPENSION ORDERS AND UNLICENSED OPERATIONS

The Community Care Licensing Division and the Legal Division are separate parts of the team who handle administrative actions that can result in the relocation of clients from licensed, or unlicensed care facilities. What follows are the steps carried out by the Legal Division in cooperation with the Licensing Division in such actions.

1. TEMPORARY SUSPENSION ORDERS

The Legal Division Attorney who is assigned a Temporary Suspension Order shall prepare the Accusation, Suspension Order, and all necessary documents consistent with our standard practices. However, the effective date of the Temporary Suspension Order may not be known until the Deputy Director has reviewed the Accusation so the pleading may be routed for approval and review before the effective date is known. Legal Assistants and support staff will assist in the preparation of those materials as necessary under the direction of the attorney. The attorney shall consult with the Licensing Office and Statewide Program Office as is necessary. The attorney shall contact the appropriate Deputy Attorney General to obtain approval and if approved, prepare a circulating memorandum and route the whole package for approval to the Community Care Licensing Deputy Director.

While this process is occurring, the Licensing Office shall prepare a memorandum known as a closure report to the Assistant Program Administrator or Program Administrator or delegate for his/her review and approval.

**1-1290 LEGAL DIVISION PROCEDURES FOR TEMPORARY
SUSPENSION ORDERS AND UNLICENSED OPERATIONS**
(Continued)

1-1290

The Assistant Program Administrator or Program Administrator or delegate will forward the closure report to the Deputy Director of the Department for his/her review and for the Deputy Director's notification to the Director and Agency.

During this time, the assigned attorney shall remain available for any questions that may arise throughout the process.

If there is an imminent danger situation, the Department may exercise its discretion to act immediately for the protection of clients. The Legal Division and/or Licensing Office or Statewide Program Office may make that recommendation, but the Director or individual that is designated by the Director, shall have the sole discretion to make the decision.

If the Accusation and Temporary Suspension Order are assigned by the Community Care Licensing Division Deputy Director, then it shall be faxed to the Licensing Office at once.

2. PROPOSED DECISIONS REQUIRING CLOSURE

This procedure applies where a facility will be closed if the Deputy Director adopts a proposed Decision and Order revoking a license or denying the application of an operating facility. This procedure does not apply where the license has already been suspended and there are no clients in care and nor does this procedure apply to exclusion actions.

A proposed decision received from the Office of Administrative Hearings that will result in the closure of the facility shall be handled in the following manner:

a. **Receipt of Proposed Decision Revoking Suspended License:**

The attorney should ensure that the Regional Office is notified by telephone when the proposed decision is received, regardless of the recommendation decision.

If a proposed decision revokes the license, the Order adopting the decision shall be effective immediately. The proposed Decision and Order shall be served on the respondent and the Regional Office by mail.

If a proposed decision does not revoke the suspended license, the procedures for reviewing and recommending adoption or alternation shall be followed.

1-1417 EXCLUSIONS “FOR THE RECORD”**1-1417**

Unless instructed otherwise by the Regional Manager, the Department should file formal allegations against the employee or other person who is not a client, and if necessary, conduct a hearing for the purpose of creating a record of the person’s misconduct. If the person is no longer employed, present, or residing at the facility, and a pre-hearing Exclusion Order appears to be unnecessary or the pre-hearing Exclusion Order was served but not appealed by the excluded person, the case should always be referred for filing of an Accusation seeking the person’s exclusion “for the record.” Cases where this would be appropriate are similar to cases where revocation of a license “for the record” are appropriate – namely, serious violations of the licensing statutes or regulations or other serious misconduct. Examples might include:

- a. An employee is arrested for client abuse and is awaiting trial in jail.
- b. An employee was fired for abusing a client and left the State.
- c. The facility now is closed but the employee was responsible for many of the violations.
- d. The person was served with a prehearing Exclusion Order but did not file an appeal. In these instances, no information about the exclusion will be recorded on the person’s rap sheet unless the Department also files an Accusation against the person and obtains a Formal Exclusion Order issued by the Department. Prehearing Exclusion Orders are not the kind of “due process” required by the Department of Justice before information about action by the Department against the person can be placed on the person’s rap sheet.

In cases that are referred for exclusion “for the record” the Regional Office prepares the Statement of Facts and supporting information in the same manner as a referral for revocation “for the record.” Because an immediate Exclusion Order either was not served on the person or, if served, was not appealed, the expedited time frames for serving an Accusation and conducting the hearing do not apply. The Legal Division will give the case the same priority as it does to revocation “for the record.”

If the person to be excluded is the administrator of an Adult Residential Facility, Group Home, or Residential Care Facility for the Elderly, contact the Manager of the Administrator Certification Section to discuss any other actions that should be included in the Statement of Facts such as revocation of the administrator certificate or revocation of an approved vendor. The Administrator Certification Section will provide all information/evidence necessary to the Regional Office for inclusion in the Statement of Facts.

1-1430 CERTIFIED FAMILY HOME ACTIONS**1-1430**

Certified family homes of Foster Family Agencies are not, of themselves, licensees. Foster Family Agencies are licensed to recruit, certify and decertify their own family homes. Thus, the Licensing Agency does not directly license certified family homes. However, the Licensing Agency may inspect the homes and, under Health and Safety Code Section 1534 (b), may require a Foster Family Agency to deny or revoke certification of a family home if the home is not in compliance with licensing requirements.

A certified family home does not have a right to a hearing from the Licensing Agency if the Foster Family Agency acts on its own initiative to deny certification to a family home, or to decertify a family and no administrative action is pursued by the Licensing Agency. However, Health and Safety Code Section 1534(b) provides that the family home shall be afforded the due process provided by the Community Care Facility Act if the Licensing Agency requires the Foster Family Agency to deny or revoke the home's certification. This means that the certified home is entitled to a hearing upon a written appeal when the Licensing Agency requires the Foster Family Agency to deny or revoke the home's certification. Samples of Foster Family Agency letters titled "Order to Deny Certificate of Approval" and "Order to Revoke Certificate of Approval" are included below. The Order to deny or revoke the certificate of approval must be served to both the Foster Family Agency and the Certified Family Home.

In addition, if a member or the Certified Family Home is a licensee (of another facility type, i.e., Family Child Care Homes), a Temporary Suspension Order or Exclusion Order should be considered. (For Temporary Suspension Order see Sections 1-1010, 1-1205, 1-1210, 1-1215) (For Exclusion Order see Sections 1-1400, 1410, 1417, and 1450).

1-1430 CERTIFIED FAMILY HOME ACTIONS (Continued)

1-1430

ORDER TO REVOKE CERTIFICATE OF APPROVAL

To: _____ **Effective Date:** _____
Subject: _____

As a result of an investigation by the California Department of Social Services concerning inimical conduct of _____ the Department has determined that the continued or future use of the _____ Certified Family Home constitutes a threat to the health and safety of clients in care. Pursuant to Health and Safety Code Section 1534(b), the Department orders your Foster Family Agency to revoke the Certificate of Approval of _____ to operate a Certified Family Home.

If foster children are currently placed in this home, you must contact the county placement worker to inform them of this Order to Revoke Certificate of Approval. The county placement worker will advise you whether the children must be removed from the home or not as a result of this order.

If you fail or refuse to comply with this order, your license to operate a Foster Family Agency may be revoked under Health and Safety Code Section 1534(b)(9).

If the individual(s) identified as the Certified Family Home parent(s) above wishes to appeal this Order by the Department, one or both may do so in writing by addressing their appeal to:

Statewide Children's Residential Program Office
Acting Program Administrator
744 P Street, M.S. 8-3-54
Sacramento, CA 95814
Attention: Certified Family Home Action

The appeal must be mailed within 15 days of the effective date of this order. The request by the individual(s) must include their current mailing address and a copy of this order. The individual(s) will receive an acknowledgment of their appeal from the Department. The individual(s) must also notify the Department in writing, at the address listed above, of any subsequent change in their mailing address until the administrative hearing process has been completed or terminated.

Name, Regional Manager
Children's Residential Regional Office

Attachment

c: Name, Certified Family Home parent(s)
Name, Program Administrator

EXPIRATION OF TEMPORARY LICENSE

1. During the 150 day temporary license term, the applicant is responsible for making payment arrangements with the District Attorney's office. Per Statute, the temporary license cannot be extended. The Central Operations Branch State Licensing Match System Coordinator will send out a "Notification of Expiration of Provisional License" letter ten days prior to the expiration. This letter is to inform the applicant that a release form has not been received and their license will expire in ten days. See sample of Notification of Expiration of Provisional License [below](#).
2. If the applicant fails to comply with the provisions of AB 1394, Chapter 50, Statutes of 1992 within 150 days, the facility cannot continue to operate and the application for a permanent license is denied.
3. The applicant has no appeal rights to the Department.
4. Once the unpaid child support is paid, or arrangements for payment are made with the District Attorney, the applicant may submit a new application, with new application fees.

1-1810 NEW APPLICANTS (Continued)**1-1810**

Below is a sample of the Notification of Intent to Withhold Issuance of License letter that is sent out by the Central Operations Branch State Licensing Match System Coordinator. Attached to the letter is a form for the applicant to request a review from the District Attorney's office.

NOTIFICATION OF INTENT TO WITHHOLD ISSUANCE OF LICENSE

THE STATE OF CALIFORNIA, CALIFORNIA DEPARTMENT OF SOCIAL SERVICES PARTICIPATES IN THE STATE LICENSING MATCH SYSTEM PROGRAM. THE PROGRAM SEEKS TO PREVENT ANY ABSENT PARENT/LICENSEE WHO IS AT LEAST 30 DAYS IN ARREARS ON HIS/HER COURT ORDERED CHILD SUPPORT OBLIGATION FROM RECEIVING EITHER INITIAL OR PERMANENT ISSUANCE OF HIS/HER LICENSE WITHOUT FIRST PAYING OR MAKING AN AGREEMENT TO PAY HIS/HER UNPAID CHILD SUPPORT.

PURSUANT TO SECTION 17520 OF THE FAMILY CODE, THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES, COMMUNITY CARE LICENSING DIVISION IS REQUIRED TO WITHHOLD ISSUANCE OF YOUR COMMUNITY CARE LICENSE. THIS ACTION HAS BEEN TAKEN BECAUSE YOUR NAME HAS BEEN IDENTIFIED AS A PROBABLE MATCH ON THE LISTING OF ABSENT PARENTS/LICENSEES. THIS LISTING WAS PROVIDED BY THE FOLLOWING DISTRICT ATTORNEY'S OFFICE:

D.A. COUNTY:

ADDRESS:

TELEPHONE: (000) 000-0000

CASE I.D.: 0000000000

THIS IS YOUR FORMAL NOTIFICATION THAT IT IS YOUR RESPONSIBILITY TO RESOLVE THIS MATTER. UNTIL PROOF OF RESOLUTION IS PROVIDED TO THE COMMUNITY CARE LICENSING DIVISION, YOU WILL NOT BE ISSUED A PERMANENT LICENSE. YOU MAY ONLY BE ISSUED A TEMPORARY LICENSE FOR A MAXIMUM OF 150 DAYS. YOUR TEMPORARY LICENSE CANNOT BE EXTENDED. FAILURE TO RESOLVE THIS ISSUE WITHIN 150 DAYS WILL RESULT IN EXPIRATION OF YOUR TEMPORARY LICENSE. ANY FEES PAID BY AN APPLICANT WILL NOT BE REFUNDED.

1-1810 NEW APPLICANTS (Continued)

1-1810

THIS ACTION IS AUTHORIZED UNDER FAMILY CODE SECTION 1752.

REASONS WHY I CONTEST THIS ACTION ARE:

SIGNATURE _____ DATE _____

RETURN THIS COMPLETED FORM TO:

D.A.
TELEPHONE NUMBER: (000) 000-0000

D.A.
ADDRESS:

1-1820 LICENSEES**1-1820****Family Code Section 17520**

This program seeks to prevent any absent parent/licensee who is at least 30 days in arrears on his/her court ordered child support obligation from receiving initial issuance or renewal of his/her business or professional license without first paying or making an agreement to pay his/her unpaid child support.

STATE LICENSING MATCH SYSTEM MATCH

1. Since a renewal process no longer exists, we will not pursue license revocation under Welfare and Institutions Code Statute.
2. However, the Central Operations Branch State Licensing Match System Coordinator will send a "Licensee Notification" letter to the licensee, anticipating that they will cooperate with the District Attorney and fulfill their child support obligation. If the licensee fails to meet his/her obligation, the Central Operations Branch State Licensing Match System Coordinator may pursue administrative action against the licensee. All activities related to this procedure will be handled by Central Operations Branch.
3. If it is determined by the Central Operations Branch State Licensing Match System Coordinator that the licensee's conduct supports an administrative action due to conduct inimical, such action may be pursued.

1-1820 STATE LICENSING MATCH SYSTEM LICENSEES
(Continued)**1-1820**

Below is a sample of the Licensee Notification letter that is sent out by the Central Operations Branch State Licensing Match System Coordinator. Attached to the letter is a form for the licensee to request a review from the District Attorney's office.

LICENSEE NOTIFICATION

THE STATE OF CALIFORNIA, CALIFORNIA DEPARTMENT OF SOCIAL SERVICES PARTICIPATES IN THE STATE LICENSING MATCH SYSTEM PROGRAM. THE PROGRAM SEEKS TO PREVENT ANY ABSENT PARENT/LICENSEE WHO IS AT LEAST 30 DAYS IN ARREARS ON HIS/HER COURT ORDERED CHILD SUPPORT OBLIGATION FROM RECEIVING EITHER INITIAL OR PERMANENT ISSUANCE OF HIS/HER LICENSE WITHOUT FIRST PAYING OR MAKING AN AGREEMENT TO PAY HIS/HER UNPAID CHILD SUPPORT.

PURSUANT TO SECTION **17520 OF THE FAMILY CODE**, THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES, COMMUNITY CARE LICENSING DIVISION IS REQUIRED TO NOTIFY YOU THAT THIS ISSUE MUST BE RESOLVED OR IT MAY AFFECT YOUR LICENSING STATUS. THIS NOTIFICATION IS BEING SENT TO YOU BECAUSE YOUR NAME HAS BEEN IDENTIFIED AS A PROBABLE MATCH ON THE LISTING OF ALL ABSENT PARENTS/LICENSEES. THIS LISTING WAS PROVIDED BY THE FOLLOWING DISTRICT ATTORNEY'S OFFICE:

D.A. COUNTY:
ADDRESS:

TELEPHONE :
CASE I.D.: 0000000000

THIS IS YOUR FORMAL NOTIFICATION THAT IT IS YOUR RESPONSIBILITY TO RESOLVE THIS MATTER. IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT THE DISTRICT ATTORNEY FAMILY SUPPORT DIVISION AT THE ADDRESS AND TELEPHONE NUMBER PROVIDED ABOVE. WHEN THIS MATTER IS RESOLVED, THE COMMUNITY CARE LICENSING DIVISION WILL RECEIVE A NOTICE OF CLEARANCE FROM THE DISTRICT ATTORNEY'S OFFICE.

1-1820 STATE LICENSING MATCH SYSTEM LICENSEES
(Continued)**1-1820**

DATE NOTIFICATION LETTER MAILED: 07/01/95
LICENSING AGENCY : Community Care Licensing

LICENSE TYPE:
LICENSE NUMBER:
ABSENT PARENT NAME: John Doe
ADDRESS: 111 Dead Beat Ave.
Sacramento, CA 95000
SSN: 000-00-0000
CASE I.D.: 0000000000

**STATE LICENSING MATCH SYSTEM
REQUEST FOR REVIEW**

IF YOU WISH TO CONTEST THIS ACTION, YOU MAY ASK THE DISTRICT ATTORNEY FAMILY SUPPORT DIVISION LISTED BELOW TO REVIEW YOUR CHILD SUPPORT CASE. YOU MUST REQUEST A REVIEW BY SETTING FORTH THE REASONS YOU DISAGREE WITH THIS ACTION IN THE SPACE PROVIDED BELOW. YOU SHOULD MAIL YOUR REQUEST FOR REVIEW TO THE DISTRICT ATTORNEY FAMILY SUPPORT DIVISION AS SOON AS POSSIBLE SO THAT YOUR CASE CAN BE REVIEWED BEFORE THE 150 DAY PERIOD EXPIRES.

SOME POSSIBLE REASONS WHY YOU MAY CONTEST THIS ACTION ARE: THIS IS A CASE OF MISTAKEN IDENTITY, NO SUPPORT JUDGMENT WAS ENTERED AGAINST YOU, BANKRUPTCY LAWS IN EFFECT AT THE TIME OF YOUR FILING FOR BANKRUPTCY DISCHARGED YOUR SUPPORT OBLIGATIONS, OR YOU DO NOT OWE DELINQUENT CHILD SUPPORT. YOU MAY ALSO REQUEST BELOW THAT THE DISTRICT ATTORNEY FAMILY SUPPORT DIVISION ESTABLISH A PAYMENT SCHEDULE FOR YOU TO REPAY YOUR UNPAID CHILD SUPPORT OBLIGATIONS IF CIRCUMSTANCES WARRANT.

THIS ACTION IS AUTHORIZED UNDER **FAMILY** CODE SECTION **17520**.