

Amend Section 80007 to read:

80007 EXEMPTION FROM LICENSURE

80007

(a)(1) (Continued)

(17) Any housing project for elderly or disabled individuals that meets federal requirements specified in Health and Safety Code Section 1505(p).

HANDBOOK BEGINS HERE

“(p) Any housing for elderly or disabled persons, or both, that is approved and operated pursuant to Section 202 of Public Law 86-372 (12 U.S.C.A. Sec. 1701q), or Section 811 of Public Law 101-625 (42 U.S.C.A. Sec. 8013), or whose mortgage is insured pursuant to Section 236 of Public Law 90-448 (12 U.S.C.A. Sec. 1715z), or that receives mortgage assistance pursuant to Section 221d(3) of Public Law 87-70 (12 U.S.C.A. Sec. 17151), where supportive services are made available to residents at their option, as long as the project owner or operator does not contract for or provide the supportive services. The project owner or operator may coordinate, or help residents gain access to, the supportive services, either directly, or through a service coordinator.”

HANDBOOK ENDS HERE

(~~17~~18) The Department.

(~~18~~19) Any similar facility as determined by the Director.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1505, 1505(p), 1508, 1530, 1530.5, ~~and~~ 1536.1, and 1568.03, Health and Safety Code; Sections 226.2, 226.5 and 226.6, Civil Code; and Sections 362, 727 and 16100, Welfare and Institutions Code; ~~and Grimes v. CDSS (1999) 70 Cal.App.4th 1065, (No. Civ B105899, Mar 22, 1999.)~~

Amend Section 87101 to read:

87101 DEFINITIONS (Continued)

87101

(s)(1) (Continued)

(3) “Significant Other” means a person, including a person of the same gender, with whom a resident was sharing a partnership prior to his/her placement in a Residential Care Facility for the Elderly (RCFE). The partnership involves two adults who have chosen to share one another’s lives in an intimate and committed relationship of mutual caring.

~~(34)~~ (Continued)

~~(45)~~ (Continued)

~~(56)~~ (Continued)

~~(67)~~ (Continued)

~~(78)~~ (Continued)

~~(89)~~ (Continued)

~~(910)~~ (Continued)

Authority Cited: Sections 1569.23(d), 1569.30, 1569.616(j) and 1569.698(c), Health and Safety Code.

Reference: 42 CFR 418.3; Sections 1569.1, 1569.2, 1569.5, 1569.10, 1569.145, 1569.15, 1569.153, 1569.157, 1569.158, 1569.17, 1569.19, 1569.191(e), 1569.193(a) and (c), 1569.20, 1569.21, 1569.23, 1569.30, 1569.31, 1569.312, 1569.38, 1569.44, 1569.47, 1569.54, 1569.616, 1569.699(a), 1569.73, 1569.74, 1569.82, 5350, and 7185 et seq., Health and Safety Code; and Sections 1800, 4615, and 4753, Probate Code.

Amend Section 87102 to read:

87102 DEFINITIONS - FORMS

87102

The following forms, which are incorporated by reference, apply to the regulations in Title 22, Division 6, Chapter 8 (Residential Care Facilities for the Elderly).

(a) LIC 9117 (2/00) – Emergency Approval to Operate

~~(a)~~(b) (Continued)

~~(b)~~(c) (Continued)

~~(c)~~(d) (Continued)

~~(d)~~(e) (Continued)

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1530 and 1569.616(i), Health and Safety Code; and Section 1536, Government Code.

Amend Section 87107 to read:

87107 EXEMPTION FROM LICENSURE

87107

(a) (1) (Continued)

- (7) Any care and supervision of persons by a ~~relative~~ family member. For purposes of this section “family member” means any spouse, by marriage or otherwise, child or stepchild, by natural birth or by adoption, parent, brother, sister, half-brother, half-sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or any person denoted by the prefix “grand” or “great”, or the spouse of any of these persons, even if the marriage has been terminated by death or dissolution.
- (8) (Continued)
- (9) Any housing project for elderly or disabled individuals that meets federal requirements as specified in Health and Safety Code Section 1569.145(g).

HANDBOOK BEGINS HERE

“(g) Any housing for elderly or disabled persons, or both, that is approved and operated pursuant to Section 202 of Public Law 86-372 (12 U.S.C.A. Sec. 1701q), or Section 811 of Public Law 101-625 (42 U.S.C.A. Sec. 8013), or whose mortgage is insured pursuant to Section 236 of Public Law 90-448 (12 U.S.C.A. Sec. 1715z), or that receives mortgage assistance pursuant to Section 221d(3) of Public Law 87-70 (12 U.S.C.A. Sec. 17151), where supportive services are made available to residents at their option, as long as the project owner or operator does not contract for or provide the supportive services. The project owner or operator may coordinate, or help residents gain access to, the supportive services, either directly, or through a service coordinator.”

HANDBOOK ENDS HERE

(~~9~~10) (Continued)

Authority Cited: Sections 1569.145(f)(2) and 1569.30, Health and Safety Code.

Reference: Sections 1505, 1569.145, 1569.145(~~f~~)(1), (~~g~~), (~~h~~), (i), and 11834.11, Health and Safety Code, and *Grimes v. CDSS* (1999) 70 Cal.App.4<sup>th</sup> 1065, (No. Civ B105899, Mar 22, 1999).

Amend Section 87114 to read:

87114 CONTINUATION OF LICENSE UNDER EMERGENCY  
CONDITIONS/SALE OF PROPERTY (Continued)

87114

- (b) In the event of a licensee's death, ~~the licensing agency shall be permitted to consent to an adult relative operating a previously licensed facility providing the requirements of Section 1569.193 of the Health and Safety Code are met.~~ an adult who has control of the property, and had been designated by the licensee as the party responsible to continue operation of the facility upon a licensee's death shall:

HANDBOOK BEGINS HERE

- (1) ~~Health and Safety Code, Section 1569.193 provides:~~

- (a) ~~When a licensee dies, an adult relative who has control of the property may continue operation of the facility if the following conditions are met:~~
- (1) ~~The department receives notification of the death during the next normal workday and is informed of the relative's intent to continue operating the facility as a residential care facility for the elderly.~~
- (2) ~~The relative files an application within five days of the date of death, shows evidence satisfactory to the department that he or she has the ability to operate the facility, submits his or her fingerprint card, and provides evidence of the licensee's death.~~
- (b) ~~The department shall make a decision within 60 days after the application is submitted on whether to issue a provisional license pursuant to Section 1569.21. A provisional license shall be granted only if the department is satisfied that the conditions specified in subdivision (a) have been met and that the health and safety of the residents of the facility will not be jeopardized.~~
- (c) ~~If the relative complies with this section, he or she shall not be considered to be operating an unlicensed facility while the department decides whether to grant the provisional license.~~

HANDBOOK ENDS HERE

- ~~(2) For purposes of Section 87114(b), the adult relative shall have control of property, as defined in Section 87101e.(6), prior to the continued operation of the facility.~~
- ~~(3) For purposes of Section 87114(b), submission of application within five (5) days of the date of death shall mean within five calendar days of licensee's death.~~
- ~~(4) For purposes of Section 87114(b), the adult relative shall provide to the licensing agency evidence of the licensee's death as defined in Section 87101e.(4).~~
- ~~(5) If the adult relative complies with Section 87114(b), he/she shall be issued an Emergency Approval to Operate (EAO) as defined in Section 87101e(2).~~
  - ~~(A) The applicant (adult relative) who is issued an EAO shall perform all the duties, functions, and responsibilities required of a licensee.~~
  - ~~(B) Failure to comply with licensing laws and regulations under Section 87114(b) as determined by the licensing agency, shall result in the denial of the application for license. This denial shall also constitute termination of the EAO.~~
  - ~~(C) The licensing agency shall provide written notification of the denial and this notice shall be effective immediately upon receipt.~~
- (1) notify the Department by the next working day of the licensee's death;
- (2) inform the Department within 5 working days if the designee decides not to apply for licensure.
  - (A) If the designee decides not to apply, the Department will help the designee develop and implement a relocation plan for facility residents.
- (c) The Department may permit a designee to continue operation of a previously licensed facility, and grant an Emergency Approval to Operate (EAO) (LIC 9117) to a facility for up to 60 days pending issuance or denial of a license, provided the following requirements of Section 1569.193 of the Health and Safety Code are met:
  - (1) The designee notifies the Department during the next working day following the death of the licensee, that he/she will continue to operate the facility.
  - (2) A notarized designation of the adult, authorized by the licensee, to continue operation of the facility in the event of the licensee's death, was filed by the licensee with the Department.
    - (A) The notarized statement was signed by the designee, and indicated acceptance of the designation.

- (B) The notarized statement contains, or is accompanied by a declaration under penalty of perjury, regarding any criminal convictions of the designee.
- (3) The designee is able to operate the facility to the satisfaction of the Department.
- (4) The designee files an application for licensure, and provides a copy of the licensee's death certificate, obituary notice, certification of death from the decedent's mortuary, or a letter from the attending physician or coroner's office verifying the death of the licensee, within 20 calendar days of the licensee's death.
- (5) The applicant who is issued an EAO shall perform all the duties, functions, and responsibilities required of a licensee.
  - (A) Failure to comply with licensing laws and regulations under Section 87114(b) as determined by the licensing agency, shall result in the denial of the application for license. This denial shall also constitute termination of the EAO.
  - (B) The licensing agency shall provide written notification of the denial and this notice shall be effective immediately upon receipt.
- (d) The Department shall determine, within 60 days, after receipt of the completed application, whether a license will be issued.
- (e) Following receipt of a completed application, the designee shall not be considered to be operating an unlicensed facility while the Department decides whether to grant the license.
- ~~(e)~~(f) In the event of the sale and transfer of property and business, the applicant (buyer) shall be issued an EAO if the licensee ~~(seller)~~ applicant (buyer) complies with Section 1569.191 of the Health and Safety Code.

HANDBOOK BEGINS HERE

(1) Health and Safety Code Section 1569.191 provides in part:

“(a) Notwithstanding Section 1569.19, in the event of a sale of a licensed facility where the sale will result in a new license being issued, the sale and transfer of property and business shall be subject to both of the following:

“(1) The licensee shall provide written notice to the department and to each resident or his or her legal representative of the licensee's intent to sell the facility at least 30 days prior to the transfer of the property or business, or at the time that a bona fide offer is made, whichever period is longer.

“(2) The licensee shall, prior to entering into an admission agreement, inform all residents, or their legal representatives, admitted to the facility after notification to the department, of the licensee's intent to sell the property or business.

“(b) Except as provided in subdivision (e), the property and business shall not be transferred until the buyer qualifies for a license or provisional license within the appropriate provisions of this chapter.

“(1) ~~For purposes of this section, it shall be the seller's responsibility to inform a prospective buyer of the necessity to obtain a license, as required by this chapter, if the buyer's intent is to continue operating the facility as a residential care facility for the elderly.~~ The seller shall notify, in writing, a prospective buyer of the necessity to obtain a license, as required by this chapter, if the buyer's intent is to continue operating the facility as a residential care facility for the elderly. The seller shall send a copy of this written notice to the licensing agency.

“(2) The prospective buyer shall submit an application for a license. ~~For purposes of this section, it shall be the buyer's responsibility to apply for a license,~~ as specified in Section 1569.15, within five days of the acceptance of the offer by the seller.

“(c) No sale of the facility shall be permitted until 30 days have elapsed from the date upon which notice has been provided pursuant to paragraphs (1) and (2) of subdivision (a).

“(d) The department shall give priority to applications for licensure that are submitted pursuant to this section in order to ensure timely transfer of the property and business. The department shall make a decision within 60 days after



a complete application is submitted on whether to issue a license pursuant to Section 1569.15.

“(e) If the parties involved in the transfer of the property and business fully comply with this section, then the transfer may be completed and the buyer shall not be considered to be operating an unlicensed facility while the department makes a final determination on the application for licensure.

HANDBOOK ENDS HERE

~~(d)~~(g) "A bona-fide offer", as specified in Health and Safety Code Section 1569.191(a)(1), shall mean a proposal by the buyer to purchase the facility with definite terms in writing communicated to the seller and accompanied by a cash deposit.

Authority Cited: Sections 1569.30 and 1569.30(a), Health and Safety Code.

Reference: Sections 1569.1, 1569.15, 1569.191, 1569.193, and 1569.30, Health and Safety Code.

Amend Section 87118 to read:

87118 NONDISCRIMINATION

87118

- (a) All licensed facilities shall receive persons on a nondiscriminatory basis according equal treatment and services without regard to race, color, religion, national origin, actual or perceived sexual orientation or ancestry. (Continued)

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1569.30, and 1569.31, Health and Safety Code.

Amend Section 87222 to read:

87222 PLAN OF OPERATION

87222

(a)(1) (Continued)

(6) Plan for training of staff, as required by Section ~~87510-87565(c)~~. (Continued)

(11) If the licensee intends to admit and/or specialize in care for one or more residents who have a propensity for behaviors that result in harm to self or others, the facility plan of operation shall include a description of precautions that will be taken to protect that resident and all other residents.

Authority Cited: Sections 1569.30, Health and Safety Code.

Reference: Sections 1569.15, 1569.157, 1569.175, 1569.2, 1569.30, 1569.31, 1569.312, ~~and~~ 1569.313, and 1569.316(a), Health and Safety Code; and Section 11006.9, Welfare and Institutions Code.

Adopt Section 87227.1 to read:

87227.1 THEFT AND LOSS

87227.1

- (a) The licensee shall ensure an adequate theft and loss program as specified in Health and Safety Code Section 1569.153.
- (1) The initial personal property inventory shall be completed by the licensee, and the resident, or the resident's representative.
- (2) A licensee who fails to make reasonable efforts to safeguard resident property, shall reimburse a resident for or replace stolen or lost resident property at its current value. The licensee shall be presumed to have made reasonable efforts to safeguard resident property if there is clear and convincing evidence of efforts to meet each requirement specified in Section 1569.153.
- (A) A civil penalty shall be levied if the licensee or facility staff have not implemented the theft and loss program in place, or if the licensee has not shown clear and convincing evidence of its efforts to meet all of the requirements set forth in Section 1569.153.

HANDBOOK BEGINS HERE

- (3) Section 1569.153 of the Health and Safety Code provides in part:
- “A theft and loss program shall be implemented by the residential care facilities for the elderly within 90 days after January 1, 1989. The program shall include all of the following:
- “(a) Establishment and posting of the facility's policy regarding theft and investigative procedures.
- “(b) Orientation to the policies and procedures for all employees within 90 days of employment.
- “(c) Documentation of lost and stolen resident property with a value of twenty-five dollars (\$25) or more within 72 hours of the discovery of the loss or theft and, upon request, the documented theft and loss record for the past 12 months shall be made available to the State Department of Social Services, law enforcement agencies and to the office of the State Long-Term Care Ombudsman in response to a specific complaint. The documentation shall include, but not be limited to, the following:
- “(1) A description of the article.

“(2) Its estimated value.

“(3) The date and time the theft or loss was discovered.

“(4) If determinable, the date and time the loss or theft occurred.

“(5) The action taken.

“(d) A written resident personal property inventory is established upon admission and retained during the resident's stay in the residential care facility for the elderly. Inventories shall be written in ink, witnessed by the facility and the resident or resident's representative, and dated. A copy of the written inventory shall be provided to the resident or the person acting on the resident's behalf. All additions to an inventory shall be made in ink, and shall be witnessed by the facility and the resident or resident's representative, and dated. Subsequent items brought into or removed from the facility shall be added to or deleted from the personal property inventory by the facility at the written request of the resident, the resident's family, a responsible party, or a person acting on behalf of a resident. The facility shall not be liable for items which have not been requested to be included in the inventory or for items which have been deleted from the inventory. A copy of a current inventory shall be made available upon request to the resident, responsible party, or other authorized representative.

“(e) Inventory and surrender of the resident's personal effects and valuables upon discharge to the resident or authorized representative in exchange for a signed receipt.

“(f) Inventory and surrender of personal effects and valuables following the death of a resident to the authorized representative in exchange for a signed receipt. Immediate written notice to the public administrator of the county upon the death of a resident whose heirs are unable or unwilling to claim the property as specified in Chapter 20 (commencing with Section 1140) of Division 3 of the Probate Code.

“(g) Documentation, at least semiannually, of the facility's efforts to control theft and loss, including the review of theft and loss documentation and investigative procedures and results of the investigation by the administrator and, when feasible, the resident council.

“(h) Establishment of a method of marking, to the extent feasible, personal property items for identification purposes upon admission and, as added to the property inventory list, including engraving of dentures and tagging of other prosthetic devices.

“(i) Reports to the local law enforcement agency within 36 hours when the administrator of the facility has reason to believe resident property with a then

current value of one hundred dollars (\$100) or more has been stolen. Copies of those reports for the preceding 12 months shall be made available to the State Department of Social Services and law enforcement agencies.

“(j) Maintenance of a secured area for residents' property which is available for safekeeping of resident property upon the request of the resident or the resident's responsible party. Provide a lock for the resident's bedside drawer or cabinet upon request of and at the expense of the resident, the resident's family, or authorized representative. The facility administrator shall have access to the locked areas upon request.

“(k) A copy of this section and Sections 1569.152 and 1569.154 is provided by a facility to all of the residents and their responsible parties, and available upon request, to all of the facility's prospective residents and their responsible parties.

“(l) Notification to all current residents and all new residents, upon admission, of the facility's policies and procedures relating to the facility's theft and loss prevention program.

“(m) Only those residential units in which there are no unrelated residents and where the unit can be secured by the resident or residents are exempt from the requirements of this section.”

HANDBOOK ENDS HERE

- (4) The facility contract of admission, including all documents a resident, or his or her representative must sign as a condition of admission, shall not require or suggest a lesser standard of responsibility for the personal property of residents than the law requires.

Authority Cited:        Sections 1569.30, Health and Safety Code.

Reference:            Sections 1569.152, 1569.153, and 1569.154, Health and Safety Code.

Amend Section 87561 to read:

87561 REPORTING REQUIREMENTS

87561

(a) (Continued)

(1) (Continued)

(A) Death of any resident from any cause regardless of where the death occurred, including but not limited to a day program, a hospital, en route to or from a hospital, or visiting away from the facility. (Continued)

Authority Cited: Sections 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.30, 1569.31, 1569.312, and 1569.616, Health and Safety Code.

Adopt Section 87583.1 to read:

87583.1 RESIDENT PARTICIPATION IN DECISIONMAKING

87583.1

- (a) Prior to, or within two weeks of the resident's admission, the licensee shall arrange a meeting with the resident, the resident's representative, if any, appropriate facility staff, and a representative of the resident's home health agency, if any, and any other appropriate parties, to prepare a written record of the care the resident will receive in the facility, and the resident's preferences regarding the services provided at the facility.
- (1) At a minimum the written record shall include the date of the meeting, name of individuals who participated and their relationship to the resident, and the agreed-upon services to be provided to the resident.
- (2) If the resident has a regular physician, the licensee shall send a copy of the record to the physician.
- (3) The licensee shall arrange a meeting with the resident and appropriate individuals identified in Section 87583.1(a)(1) to review and revise the written record as specified, when there is a significant change in the resident's condition, or once every 12 months, whichever occurs first. Significant changes shall include, but not be limited to occurrences specified in Section 87587.
- (4) The meeting and documentation described in this section may be used to satisfy the reappraisal requirements of Section 87587.

Authority Cited:        Sections 1569.30, Health and Safety Code.

Reference:            Sections 1569.80 and 1569.156, Health and Safety Code.



Amend Section 87585 to read:

87585 MENTAL CONDITION

87585

(a) The licensee shall determine the amount of supervision necessary by assessing the ~~applicant's~~ mental status of the prospective resident to determine if the individual:

- (1) tends to wander;
- (2) is confused or forgetful;
- (3) is capable of managing his/her own cash resources;
- (4) ~~and if he/she~~ actively participates in social activities or is withdrawn;
- (5) has a propensity for behaviors which may result in harm to self or others.

Authority Cited: Sections 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.30, 1569.31 ~~and~~ 1569.312, and 1569.316(a), Health and Safety Code.

Amend Section 87587 to read:

87587 REAPPRAISALS (Continued)

87587

(c) The licensee shall arrange a meeting with the resident, the resident's representative, if any, appropriate facility staff, and a representative of the resident's home health agency, if any, when there is significant change in the resident's condition, or once every 12 months, whichever occurs first, as specified in Section 87583.1.

Authority Cited: Sections 1569.30, Health and Safety Code.

Reference: Sections 1569.1, 1569.156, 1569.2, 1569.30, 1569.31, 1569.312 and 1569.315, Health and Safety Code.

Amend Section 87700 to read:

87700 HEALTH AND SAFETY PROTECTION (Continued)

87700

(c) Licensees who employ or permit health care practitioners to provide care to residents shall:

(1) post a visible notice in a prominent location that states, “Section 680 of the Business and Professions Code requires health care practitioners to disclose their name and license status on a name tag in at least 18-point type while working in this facility.”

Authority Cited: Sections 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j);<sub>2</sub> 1569.30(b);<sub>2</sub> and 1569.312;<sub>2</sub> Health and Safety Code, Business and Professions Code Section 680.

Amend Section 87702 to read:

87702 ALLOWABLE HEALTH CONDITIONS 87702  
AND THE USE OF HOME HEALTH AGENCIES (Continued)

- (b) Incidental medical care may be provided to residents through a licensed home health agency provided the following conditions are met:
- (1) The licensee remains in substantial compliance with the requirements of Chapter 3.2 of the California Health and Safety Code, Sections 1569-1569.87, and of Division 6, Chapter 8, of Title 22, of the California Code of Regulations governing RCFEs.
  - (2) The licensee provides the supporting care and supervision needed to meet the needs of the resident receiving home health care.
  - (3) The licensee informs the home health agency of any duties the regulations prohibit facility staff from performing, and of any regulations that address the resident's specific condition(s).
  - (4) The licensee and home health agency agree in writing on the responsibilities of the home health agency, and those of the licensee in caring for the resident's medical condition(s).
    - (A) The written agreement shall reflect the services, frequency and duration of care.
    - (B) The written agreement shall include day and evening contacts for the resident at the facility, and the home health agency, and the method of communication between both parties, which may include verbal contact, electronic mail, logbook, or specific page in the clinical record.
    - (C) The written agreement shall be signed by the licensee or licensee representative, and representative of the home health agency, and placed in the resident's file.
- (c) The use of home health agencies to care for a resident's medical condition(s) does not expand the scope of care and supervision the licensee is required to provide in Chapter 8 of Title 22 of the California Code of Regulations governing RCFEs.

Authority Cited: Sections 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j);<sup>2</sup> 1569.30(b);<sup>2</sup> ~~and~~ 1569.312;<sup>2</sup> and 1569.725, Health and Safety Code.

Amend Section 87807 to read:

87807 EXEMPTION FROM LICENSURE (Continued)

87807

- (a) Any housing project for elderly or disabled individuals that meets federal requirements specified in Health and Safety Code Section 1568.03(c)(5).

HANDBOOK BEGINS HERE

“(c)(5) Any housing for elderly or disabled persons, or both, that is approved and operated pursuant to Section 202 of Public Law 86-372 (12 U.S.C.A. Sec. 1701q), or Section 811 of Public Law 101-625 (42 U.S.C.A. Sec. 8013), or whose mortgage is insured pursuant to Section 236 of Public Law 90-448 (12 U.S.C.A. Sec. 1715z), or that receives mortgage assistance pursuant to Section 221d (3) of Public Law 87-70 (12 U.S.C.A. Sec. 17151), where supportive services are made available to residents at their option, as long as the project owner or operator does not contract for or provide the supportive services. The project owner or operator may coordinate, or help residents gain access to, the supportive services, either directly, or through a service coordinator.”

HANDBOOK ENDS HERE

Authority Cited: Section 1578.072, Health and Safety Code.

Reference: Sections 1568.03, and 1568.072, Health and Safety Code.

Amend Section 87854 to read:

87854            PENALTIES (Continued)

87854

(d) When a facility, that was cited for a deficiency subject to the immediate penalty assessment specified in Section 87854(~~d~~)(c) above, violates the same regulation subsection within a 12-month period of the last violation, the facility shall be cited and an immediate penalty of \$1000 per cited violation shall be assessed for one day only. Thereafter a penalty of \$100 per day violation, shall be assessed until the deficiency is corrected. (Continued)

Authority Cited:        Section 1568.072, Health and Safety Code.

Reference:              Sections 1568.072, 1568.0822, and 1568.09, Health and Safety Code.