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STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

January 8, 2020

PIN 20-01-CCLD

TO: ALL COMMUNITY CARE LICENSED PROVIDERS

FROM: *Original signed by Pamela Dickfoss*
PAMELA DICKFOSS
Deputy Director
Community Care Licensing Division

SUBJECT: **WRITTEN DIRECTIVE ESTABLISHING DEADLINE FOR APPEALING
DEPUTY DIRECTOR'S DECISION REGARDING A CIVIL PENALTY
ASSESSMENT FOR ABUSE, SERIOUS (BODILY) INJURY, OR DEATH**

Provider Information Notice (PIN) Summary

PIN 20-01-CCLD establishes through written directive a 15-day deadline for appealing the Deputy Director's decision on review of a civil penalty assessment for a violation constituting physical abuse of or resulting in serious (bodily) injury or death to, an individual in care.

The Department assesses a civil penalty when it determines that a violation constitutes physical abuse of or resulted in serious (bodily) injury or death to, an individual in care (referred to herein as an "Enhanced Civil Penalty" or "ECP"). A Program Administrator of the Community Care Licensing Division (CCLD) must approve the assessment of an ECP.

Current law grants a licensee the right to request administrative review of an ECP assessment following a specified timeline. Specifically, a licensee may submit a written request for administrative review by the CCLD Deputy Director within 15 business days of receipt of an ECP assessment. The licensee may further appeal the Deputy Director's decision to an Administrative Law Judge (ALJ) under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government

Code. However, the relevant statutory provisions do not provide a timeframe for appealing the Deputy Director's decision to an ALJ.

Health and Safety Code sections 1548(n), 1568.0822(m), 1569.49(m), 1596.99(m), and 1597.58(l) authorize the Department to implement and administer appeal procedures for ECPs through written instructions until it adopts regulations under the Administrative Procedure Act. Hence, this PIN establishes a 15-day deadline for a licensee to appeal the Deputy Director's decision on an ECP assessment to an ALJ. This standard is consistent with the relevant Government Code provisions granting respondents 15 calendar days to request a hearing with an ALJ upon service of an accusation by the Department.

Accordingly, to appeal the Deputy Director's decision to an ALJ, a licensee shall submit a written request to CCLD. CCLD must receive the written request within 15 calendar days of service to the licensee of the Deputy Director's decision.

Licensees are to submit written requests as follows:

- **Adult and Senior Care Licensees**
ASCP Program Office
RE: ECP Appeal
Adult and Senior Care Program
744 P Street, MS 8-3-90
Sacramento, CA 95814

- **Child Care Licensees**
CCP Program Office
RE: ECP Appeal
Community Care Licensing Division
744 P Street, MS 9-15-48
Sacramento, CA 95814

- **Children's Residential Licensees**
CRP Program Office
RE: ECP Appeal
Children's Residential Program
744 P Street, MS T9-15-54
Sacramento, CA 95814

If you have any questions, please contact the CCLD regional office with jurisdiction over your facility. You can find contact information for your regional office below at the link for your facility type.

- [Adult and Senior Care Regional Offices](#)
- [Child Care Regional Offices](#)
- [Children's Residential Regional Offices](#)