

**NOTICE OF FORM CHANGE NO. 05-121**

DATE

09/15/2005

**TO:**  
County Welfare Director  
Supply Clerk / Forms Coordinator

**FROM:**  
Forms Management Unit  
(916) 657-1907

Community Care Licensing District Offices  
 Private and Public Adoption Agencies

District Attorney  
 Other

Listed below is information regarding a form change. Only applicable information is shown.

This notice updates your Department of Social Services County Forms Catalog.

FORM NUMBER AND TITLE LIC 9058 - Applicant/Licensee Rights

ORDER UNIT EACH	<input checked="" type="checkbox"/> Free <input type="checkbox"/> Sold	ESTIMATED PRICE	INITIAL SUPPLY SENT <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised	DATE OF FORM 8/05	REPLACES 9/99	<input type="checkbox"/> Obsolete
REQUIRED FORM- <input checked="" type="checkbox"/> No Change Permitted	REQUIRED FORM- <input type="checkbox"/> Substitute Permitted With Prior DSS Approval	<input type="checkbox"/> Recommended Form	
UNLESS OTHERWISE SPECIFIED STOCK MAINTAINED AT: <b>Department of Social Services Warehouse</b> <b>P.O. Box 980788</b> <b>West Sacramento, CA 95798-0788</b>		<input type="checkbox"/> Other:	

**FORMS DISPOSITION AND SPECIAL INSTRUCTIONS**

DISPOSITION OF OLD SUPPLY

Use until exhausted  Destroy

USE NEW FORM

When supply available in DSS Warehouse  Use new form effective 8/05

USE FORM IN ACCORDANCE WITH

All County Letter No.  
 Other (specify)

ADDITIONAL INFORMATION REGARDING FORM CHANGE

Attached is a Reproducible Copy

Now on the internet only

Check on the internet to see if forms are available at [www.dss.cahwnet.gov](http://www.dss.cahwnet.gov)

For camera-ready copies of English and Spanish forms, please call the Forms Management Unit (FMU) at (916) 657-1907, or by electronic mail at: [fmudss@dss.ca.gov](mailto:fmudss@dss.ca.gov). Contact Language Services for other languages at (916) 651-8876 or by electronic mail at [LTS@dss.ca.gov](mailto:LTS@dss.ca.gov).

## APPLICANT/LICENSEE RIGHTS

### Site Visit Rights

1. The right to require licensing field staff to identify themselves.
2. The right to be advised of the type of visit, whether annual site visit, complaint, plan of correction (POC), pre-licensing, or some other type. When a site visit is made to investigate a complaint, the site visit rights described in subsections (4) and (9) shall be applicable at the completion of the investigation.
3. The right to be treated as a professional and with dignity and respect.
4. The right to receive an accurate report of the evaluator's findings listing each observed deficiency. Each deficiency shall be separately numbered, so as to clearly indicate the number of deficiencies, shall be accompanied by a number which corresponds to a section of law or licensing regulation, and shall include a description of the evaluator's observation which led to the finding of a deficiency. The description of the evaluator's observation shall include a clear explanation of why the existing condition constitutes a deficiency, unless the description of the observation provided such an explanation.
5. The right to review licensing laws, regulations and policy.
6. The right to an impartial investigation of all complaints.
7. The right, at the time of the visit, to determine and develop a plan of correction for deficiencies cited.
8. The right to use licensing reports as a means to agree or disagree with cited deficiencies.
9. The right to an exit interview upon completion of the visit and to receive a signed copy of the licensing report.
10. The right to be informed on the licensing report of the evaluator's supervisor and his/her telephone number.
11. The right of access to the public file on any facility and the right to purchase a copy at a reasonable cost.

### Initial Appeal Rights

1. The right, without prejudice, to appeal any decision, any failure to act according to law or regulation, or any failure to act within any specified timeline, through the licensing agency up to the Deputy Director. Appeal procedures are on the back of this form.
2. The right to request a meeting with the Regional Manager to discuss any licensing issue and with notice to bring any person to the meeting.
3. The right to due process and the option of bringing a representative to any administrative action.
4. The right to file a formal complaint, and receive a written response to that complaint within 30 days, for any licensing issue not covered by the appeal rights listed above, including, but not limited to, inappropriate behavior of department employees.

## **APPEAL PROCEDURES FOR APPLICANTS/LICENSEES**

One of your rights, as an applicant or licensee, is to file an appeal if you disagree with an action taken by the licensing agency. There are certain steps you must follow in order to ensure your concerns are heard.

### **WHEN CAN YOU APPEAL?**

- If you disagree with a citation
- If you have been assessed a civil penalty
- If your application is denied or action is being taken to revoke your license.

### **WHAT ARE THE LEVELS OF APPEAL?**

Although there can be four levels of formal appeal of a licensing decision, you must start at the first level. This is to encourage review of your appeal as quickly as possible and to ensure that the decisions of licensing staff are reviewed by the appropriate supervisor. Any appeal made to the next level should include a clear explanation of what factor you feel was not adequately considered by the previous reviewer. Without any explanation provided by you, the appeal review will be limited to the documents on which earlier decisions were based. Levels of appeal are as follows:

1. The Licensing Unit Manager (LUM) or county equivalent
2. The Regional Manager (RM)
3. Program Administrator (PA)
4. The Deputy Director, Community Care Licensing Division

### **HOW AND WHEN DO YOU APPEAL?**

- If you disagree with a citation or penalty, file your appeal, with the Supervisor listed on the licensing report, in writing, within 10 working days from the date you received the report or penalty assessment notice.
- If you disagree with the decision made by the LUM, the second level of appeal must be made to the Regional Manager. The request for review must be made in writing after you receive the written decision from the LUM.
- If you disagree with the decision made by the RM, the third level of appeal must be made to the PA. The request for review must be made in writing after you receive the decision made by the RM.
- If you disagree with the decision made by the PA, the fourth level of appeal must be made to the Deputy Director. The request for review must be made in writing after you receive the decision made by the PA.
- For denied applications, follow the appeal instructions on the letter you were sent. For actions to suspend or revoke a license, follow the appeal instructions in the material served upon you by mail or in person.