

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

- 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. Appeal procedures are on the back of this form.
- 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.
- The right to due process and the option of bringing a representative to any administrative action.
- 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?

There are two appeal procedures for licensees, specific to the type of civil penalty or deficiency assessed. Each procedure has two levels of formal appeal. 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. Levels of appeal are as follows:

Civil Penalty for Death, Serious Bodily Injury/Serious Injury or Physical Abuse:

1. Deputy Director, Community Care Licensing Division
2. Administrative Law Judge

Any other Civil Penalty or Deficiency:

1. Regional Manager
2. Program Administrator

HOW AND WHEN DO YOU APPEAL?

- 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.
- If a licensee disagrees with a penalty or deficiency, they may file an appeal with Regional Office of jurisdiction over the facility, in writing, within 15 business days from the date the report or penalty assessment notice was received.
- All available supporting documentation must be submitted with the request for review. Within 30 business days of the request for review, the licensee may submit any additional supporting documentation that was unavailable at the time of the initial request. If the licensing agency requires additional information from the licensee in order to make its determination, that information shall be requested within 30 business days of receiving the initial request. The licensee shall provide this information within 30 business days of receiving the request from the licensing agency.
- The agency has a duty to review the facts presented without prejudice. Upon review of the facts upon which the appeal is based, the agency may amend any portion of the action taken, or may dismiss the violation. The licensee shall be notified in writing of the licensing agency's decision within 60 business days of the date when all necessary information has been provided to the department by the licensee.
- Upon exhausting this review, the licensee may further appeal the decision. For violations resulting in death, serious bodily injury/serious injury or physical abuse, further appeal may be made to an Administrative Law Judge. This appeal shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. For all other civil penalties or deficiencies, further appeal may be made to the Program Administrator, following the same timeline as described above. The Program Administrator's decision is then considered final, and concludes the licensee's administrative appeal rights.