
EVALUATOR MANUAL TRANSMITTAL SHEET

<p><u>Distribution:</u></p> <p><input type="checkbox"/> All Child Care Evaluator Manual Holders</p> <p><input type="checkbox"/> All Residential Care Evaluator Manual Holders</p> <p><input checked="" type="checkbox"/> All Evaluator Manual Holders</p>	<p><u>Transmittal No.</u> 07RM-05</p> <hr/> <p><u>Date Issued</u> July 2007</p>
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Subject:

REFERENCE MATERIAL – ENFORCEMENT ACTIONS

Revisions Made To:

Section 1-1270 Temporary Suspension Order Service Procedures

Filing Instructions:

REMOVE: Pages 141, 142 and 143

INSERT: Pages 141, 142, 143 and 143.1

Approved:

Thomas Stahl, Chief

7/27/07

THOMAS STAHL, Chief
Policy Development Bureau
Community Care Licensing Division

Date

Contact Person: Seton Bunker

Phone Number: 916-322-1192

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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 back-up and arrange if appropriate.

The local Licensing Office shall then:

1. Receive the temporary suspension order package from the Legal Division. The **Temporary Suspension Order** package received will contain the following documents:
 - a. **Temporary Suspension Order**
 - b. **Accusation**
 - c. **Confidential Name List (if any)**
 - d. **Notice of Defense (2) copies**
 - e. **Statement to Respondent**
 - f. **Government Code Statutes**
 - g. **Request for Discovery**
 - h. **Additional instructions and documents concerning Interim Hearing Rights if facility is a **Community Care Facility**, (excluding **Residential Care Facility for the Elderly**, **Residential Care Facility for the Chronically Ill**, **Child Care Centers** and **Family Child Care Homes**).**
 - i. **Proof of Personal Service.**

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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 to the assigned attorney to determine the best course of action based on case-by-case analysis.
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/Family Child Care Homes** or other appropriate records in the facility’s client records to:

1. Obtain the name of each client and his/her authorized representative or parent/guardian to ensure that the facility roster obtained earlier is accurate and that there have been no changes in the client population.

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- a. 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.
2. Determine whether the licensee is the representative payee for any clients' Social Security or Supplemental Security Income/State Supplementary Program payments.
 - a. 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 24 hours prior to the effective date of the **Temporary Suspension Order (For Child Care Centers and Family Child Homes)**, this means parent(s)/guardian(s) of children in care.
 - a. If the facility is large, designate a team of evaluators to ensure notification of all agencies and authorized representatives at least 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 facility closure planning process.
2. Follow-up all verbal notifications with written notification via certified mail, within 24 hours of the temporary suspension order service (see sample letters in Section 1-1280).
3. **Contact the local legislators' offices on the day of service by telephone, followed by a fax of the written notification that was sent to responsible persons.** Forward a copy of the **Temporary Suspension Order** and Accusation within 24 hours of the day of service. Contacts may also be made with other local elected officials as provided in **Evaluator Manual** Section 1-1190, **Facility Closure, Notification and Client Relocation.**

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4. Follow-up to ensure that facilities are closed and that no clients remain in the licensee's care. Verification action must occur within 30 days of the Temporary Suspension Order. Most often, verification will require a follow up visit. Sometimes verification may be obtained by other means, such as verification from an appropriate placement agency that clients are not placed in the facility. Verification that is not an actual visit must be approved the Licensing Program Manager. Whatever verification action is taken, documentation of the action must be in the facility file. If it is found that the facility is operating in violation of the law, immediately take steps to ensure facility closure.