
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 style="text-align: center;"><u>Transmittal No.</u></p> <p style="text-align: center;">08RM-10</p> <hr/> <p style="text-align: center;"><u>Date Issued</u></p> <p style="text-align: center;">November 2008</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Subject:

Reference Material
 Facility Evaluation/Visits – Correction of California Code of Regulations, Title 22,
 citations and Regulation Interpretations and Procedures citations

Reason for Change:

Amend sections 3-4120 and 3-4150

Filing Instructions:

REMOVE – Pages 5, 7, and 13

INSERT – Pages 5, 7 and 13

Approved:

Original signed by Thomas Stahl

11/18/08

THOMAS STAHL Chief
 Policy Development Bureau
 Community Care Licensing Division

Date

Contact Person: Seton Bunker

Phone Number: (916) 322-1192

3-4120 IDENTIFYING LICENSES THAT HAVE BEEN FORFEITED (Continued) 3-4120**FORFEITURE BY ABANDONMENT:**

Except for Residential Care Facilities for the Chronically Ill and Family Child Care Homes, abandoning a facility means either:

1. The licensee informs Community Care Licensing that they no longer accept responsibility for the facility (Licensing Program Analyst enters LIS code 9 “licensee initiated” and sends letter 3-4126 confirming the forfeiture of their license).

Or:

2. The licensing agency is unable to determine the licensee's whereabouts after the following:
 - a. Information of the licensee's whereabouts could not be obtained from the facility's staff if any staff can be contacted and;
 - b. The licensee has failed to respond to daily phone inquiries made for five consecutive days to the licensee’s last phone number of record and;
 - c. The licensee fails to respond to a certified letter sent to the licensee’s last mailing address on record requesting the licensee to contact the agency within seven (7) calendar days.

The Licensing Program Analyst must refer to the following applicable **California Code of Regulations, Title 22,** regulations to determine whether the licensee has abandoned their license:

- | | |
|------------------|-------------------------------------------|
| ○ 82035(b) | Adult Day Programs |
| ○ 80035(a)(1) | Community Care Facilities |
| ○ 87112(a)(1)(B) | Residential Care Facility for the Elderly |
| ○ 101186(a)(2) | Child Care Center |

The sample letter in section 3-4125 (possible forfeiture of a license due to abandonment) may be used to fulfill the regulatory requirement to send a letter requesting the licensee to contact the department. While the Licensing Program Analyst is required to send it out Certified Mail it is also recommended to send an additional copy via regular mail. The sample letter in **Reference Material Facility Evaluation/Visit Section 3-4126** (confirming forfeiture) may be used to notify the licensee once it is confirmed the license has been forfeited.

In the event that it is determined that a facility license has been forfeited due to abandonment, the Licensing Information System closure code “9 – Licensee Initiated” should be used. The Licensing Program Analyst is responsible to verify that the forfeiture/closure process is completed.

3-4120 IDENTIFYING LICENSES THAT HAVE BEEN FORFEITED (Continued) **3-4120****ADDITIONAL INSTRUCTIONS REGARDING FORFEITURE:**

In addition to the information provided in this section, please refer to Office Procedures Manual Sections 510, 511 and 521; Reference Material [Facility Evaluation/Visits](#) Sections 3-4120 and [Reference Material Annual Visits/Fees Section](#) 3-1050; and the following Evaluator Manual Regulation Interpretations and Procedures Sections:

- General Licensing Requirements (covering Small Family Homes, Community Treatment Facilities, Group Homes, Transitional Housing Placement Programs, Foster Family Agencies, Adoption Agencies, Social Rehabilitation Facilities, Adult Residential Facilities, and Adult Residential Facilities for Persons with Special Health Care Needs) 80035 and 80036
- Family Child Care Homes 102368
- Child Care Centers 101186 and 101187
- Residential Care Facilities for the Elderly 87112
- Residential Care Facilities for the Chronically Ill 87836

UPDATING THE STATUS OF THE LICENSE:

Effective case-load management will help the Licensing Program Analyst reduce the number of unnecessary visits to facilities that are not operating due to a change in the status of the license. The Licensing Program Analyst should always watch for indicators which could suggest the status of the facility license has changed. For instance, when reviewing the monthly “Comprehensive Visit List” or facility file prior to a visit, indicators of a change could include any of the following:

- Returned mail
- Facility is unresponsive to attempted contact.
- Licensing Program Analyst has had little contact with the facility for a prolonged period and has reason to question whether the facility is still operating. It is the responsibility of the Licensing Program Analyst (with supervisory guidance) to determine what constitutes a prolonged period of time.
- Failure to pay all applicable and accrued fees shall constitute grounds for forfeiture of a license. Refer to [Reference Material Annual Visits/Fees](#) Section 3-1050.

3-4150 REVIEW OF FACILITY FILE**3-4150**

One of the most important functions prior to conducting a visit is reviewing the facility file. This review gives the licensing staff an overview of the facility's history regarding previous visits, complaints, etc. The file review is also necessary to ensure all required forms and verifications are on file and up-to-date. Use the Facility Visit Checklist (forms LIC 9118 – 9123) for the appropriate facility type to review the file.

These forms include directing the Licensing Program Analyst to verify that all applicable licensing fees have been paid. Failure to pay licensing fees may be grounds for forfeiture of the license. Please refer to Office Procedures Manual Sections 510, 511 and 521; Evaluator Manual Reference Material [Facility Evaluation/Visit](#) Section 3-4120 and [Reference Material Annual Visits/Fees](#) Section 3-1050; and the following Evaluator Manual Regulation Interpretations and Procedures Sections:

- General Licensing Requirements (covering Small Family Homes, Community Treatment Facilities, Group Homes, Transitional Housing Placement Programs, Foster Family Agencies, Adoption Agencies, Social Rehabilitation Facilities, Adult Residential Facilities, and Adult Residential Facilities for Persons with Special Health Care Needs) 80035 and 80036
- Family Child Care Homes 102368
- Child Care Centers 101186 and 101187
- Residential Care Facilities for the Elderly 87112
- Residential Care Facilities for the Chronically Ill 87836

There are several reasons why a license may be forfeited in addition to failure to pay fees. An important step in preparing for a visit is to determine whether the license has been forfeited by operation of law and therefore is no longer valid. Please refer to Evaluator Manual Reference Material [Facility Evaluation/Visit](#) Section 3-4120; and the following Evaluator Manual Regulation Interpretations and Procedures Sections:

- General Licensing Requirements 80035
- Family Child Care Homes 102368
- Child Care Centers 101186 and 101187

PREPARING FOR THE VISIT:

In order to limit the likelihood that there will be a history of unsuccessful facility visit attempts and to minimize the number of return-visit efforts required of the field, the following strategies have been developed:

Licensing Program Managers will assist the Licensing Program Analysts to improve planning and time management by reviewing visit itineraries, particularly for any facility where a pattern of attempted yet failed visits has occurred.