REFERENCE MATERIAL

FOR

DOCUMENTATION
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All the forms referred to in this document are available on the Department of Social Services, Community Care Licensing Division web site at: [http://www.ccld.ca.gov](http://www.ccld.ca.gov).
As a regulatory enforcement agency, the Community Care Licensing Division is responsible for assuring that licensed facilities are in compliance with licensing laws and regulations. In order to document the level of facility compliance, a licensing record is established. Necessary forms and information for the record are completed by the facility to verify licensing compliance. In addition, the licensing agency separately documents its evaluation of the facility and its services. The Licensing Report (LIC 809) is the primary document used to document the level of facility compliance. (All the forms referred to in this document are available on the Department of Social Services website at: http://www.ccld.ca.gov.) Due to a number of complex laws and regulations pertaining to the acquisition and maintenance of facility information, records and forms must be separated based on whether the information is public, personal or confidential. (See Reference Material Section 2-6000 Office Functions – Public, Personal, Confidential Information).

In general, the Licensing Report is a negative report in that it focuses on deficiencies. When supportive comments are formally reported, they should be objective, factual and time limited, and specific to the condition(s) observed during the visit. If, for example, prior to the unannounced visit, the facility history consisted of an unclean kitchen area, it would be appropriate to comment that the kitchen area was clean at the time of the visit.

Examples of overly broad comments are such things as “the facility is always clean”, “the licensee does an excellent job”, or “in my opinion this is an excellent facility”. Such comments should never be made as it would be very difficult to take legal action against the facility if conditions deteriorate.

At a minimum each report must show:

1. Who (which Evaluator) made the visit;
2. Who was in charge;
3. Purpose of the visit;
4. Type of facility review (facility toured, records reviewed, clients observed or interviewed, staff interviewed);
5. How conclusion of findings were reached. Include any other forms/documents used (LIC 857/LIC 811);
6. Deficiencies observed and cited;
7. Each finding requires an explanation of the immediate or potential impact on clients and/or facility’s plan of operation or how a specific statute or regulation was violated.
8. Plan of correction.

9. The Licensing Program Analyst shall specify in its licensing report all violations that, if not corrected, will have a direct and immediate risk to the health, safety, or personal rights of clients in care.
The Licensing Program Analyst must be able to justify his/her findings and the course of action provided to the licensee to ensure correction. Those regulations or statutes that are general and open to interpretation require an explanation of the immediate or potential impact on clients or the facility’s plan of operation. The Licensing Program Analyst must determine and analyze how or in what way a particular incident or condition will result in harm to clients. The responsibility for identifying the adverse impact to clients and providing justification to support the reason for a citation is on the Licensing Program Analyst. This information will enable the licensee to better understand a deficiency citation in terms of the nature of the problem, why it requires correction and what is needed to assure substantial compliance.

If no deficiencies were observed, state on your report “in the areas that were evaluated, no deficiencies were observed at the time of the visit.” Do not document subjective comments such as “This is a good facility”.

Refer to Regulation Interpretations and Procedures for Child Care Centers, Sections 101193 and 101201; Regulation Interpretations and Procedures for General Licensing Requirements Sections 80045 and 80052 and Regulation Interpretations and Procedures for Residential Care Facilities for the Elderly Sections 87756.

All annual visits will be documented on the Licensing Report (LIC 809).

The Licensing Program Analyst must cite all deficiencies in the order of seriousness starting with Type A (immediate risk violations). Place a check mark in the appropriate box for the type of violations cited on each licensing report. If no citation is issued, place a check mark in the box “No Deficiency Cited”.

Licensing staff must document all findings relative to a complaint visit on the Complaint Investigation Report (LIC 9099). Any other deficiencies found during the site visit which are unrelated to the complaint are to be written on a separate LIC 809. This requirement applies to all facility categories.

As an example, a complaint is received alleging inadequate supervision. While at the facility investigating the complaint, the Licensing Program Analyst observes a broken window and cockroaches on the walls. Because the complaint had nothing to do with a broken window or the cockroaches, two separate reports are required; the LIC 9099 dealing with the complaint and the findings thereof and the LIC 809 dealing with the broken window and cockroaches. The same requirement applies when a complaint investigation is done in conjunction with an annual visit or plan of correction visit.

If one complaint visit is made in response to two or more separate complaints and/or multiple allegations, a separate LIC 9099 must be used for each allegation unless two or more allegations are unfounded, substantiated or unsubstantiated and the Licensing Program Analyst is able to document more than one allegation on each LIC 9099. Please refer to Section 3-3125 on the LIC 9099. Any unrelated deficiencies found while making the site visit for the complaint(s) must be documented on the LIC 809. The Licensing Program Analyst should check the box “Other” under Type of Visit on the LIC 809 for the unrelated deficiencies found during a complaint visit.
3-3110 SINGLE LICENSING REPORT FOR COMBINATION CHILD CARE CENTERS

The Licensing Report (LIC 809) is used for a combination Child Care Center visit when the same type of visit, i.e. annual, is being made to each component of the Child Care Center. The LIC 9099 must be used when conducting a complaint investigation and must not be combined with any other deficiencies found during the site visit. (Refer to Section 3-3105).

When writing the licensing report for a combination center, there must be a clear separation on the report showing which section of the report refers to each component of the Child Care Center. If the identical deficiency is cited for the other components of the combination center, an asterisk (*) with applicable regulation section number may be used to cross-reference those deficiencies that are identical. This procedure is not mandatory, but can be used to save the licensing evaluator from having to write the same deficiency out two or three times on the LIC 9090D (laptop users) or the LIC 809 (non-laptop users). Additionally, all Type A violations must be separated from Type B violations. Refer to Section 3-3100 “Licensing Reports” for procedures on separating the Type A and Type B violations.

In addition, each component’s director or authorized representative must sign at the end of the section that applies to their particular component. If there is only one director for the entire combination center, a single signature on the bottom of the form is sufficient.

The Licensing Program Analyst must explain appeal rights. The director(s) must then initial at the bottom of the form certifying that they understand these rights. After returning to the office, a photocopy of the single report must be placed in each component's licensing file.

3-3120 INDRODUCTORY STATEMENT/STATEMENT OF FINDINGS

The Licensing Report (LIC 809) must have the top part of the first page fully completed. This includes the time entering and exiting the facility and the address and telephone number of the licensing agency. The additional pages must show the facility name and license number, the date and page references and all pages must be signed and dated by the Evaluator and the licensee or designated facility representative.

The introductory paragraph no longer needs to be written by the Licensing Program Analyst. The information, normally written in paragraph form, can be completed by placing the basic who, what and where information in the appropriate boxes. The licensing report will start out with a brief statement like “The Licensing Program Analyst toured facility, spoke to three clients and the following violations of the California Code of Regulations, Title 22, Division 6 or 12, deficiencies were observed.”
The official form for documenting the investigation of a complaint is the Complaint Investigation Report (LIC 9099). Refer to the Complaint Section of your Evaluator Manual, Section 3-2315 on “Documenting the Investigation”.

The LIC 9099 should include an identification of who conducted the investigation, the purpose of the visit, who was contacted at the facility, followed by the complaint allegation(s). It is no longer necessary to use letters when listing the allegations. If more than one allegation is documented on the LIC 9099, begin each allegation with a dash (-). Most of the top portion of the form and the complaint allegation may be completed, using the information on the LIC 802 (Complaint Report). The LIC 9099 has been designed to accommodate one allegation per form. However, the Licensing Program Analyst may document more than one allegation per form provided space is available and the findings are the same for each allegation, i.e. all unfounded, substantiated, unsubstantiated or needs further investigation. Also, it is not appropriate to lump all food service or physical plant allegations under one allegation. For example, if the complaint received is for no menus, dirty kitchen and client is being deprived of food in the facility, these allegations must be treated as three separate allegations.

For most State Licensing Program Analysts deficiencies are documented through the use of laptop computers. The procedure for documenting the deficiencies on the LIC 9099 and LIC 809 for non-laptop users remains the same. Allegations and findings are documented on the LIC 9099. Any deficiencies are documented on the LIC809. And any confidential comments for the record should be noted on the LIC812.

Laptop users also use the LIC9099. However, the LIC 9099D (laptop) is used to cite any deficiencies. The LIC 9099D is for laptop users only. Document the deficiencies and penalty notices under “Specific Deficiencies” and “Recommendations/Corrections. If there is more than one due date, document the Plan of Correction due date right underneath each deficiency. Otherwise use the canned language on the bottom of the form for deficiencies that have the same Plan of Correction due date. The deficiencies are numbered sequentially. No change from the process used on the LIC809.

After the Licensing Program Analyst completes documenting the investigation, the type of deficiency (A, B, or C) must be identified and documented on the far left corner of the column marked “Specific Deficiencies”, unless further investigation is necessary. It is not necessary to separate or prioritize the type of deficiency (A, B, or C) on separate LIC 9099Ds (laptop users) or 809s (non-laptop users). The separation will not apply to a complaint visit. Please note the introductory paragraph, “This is an official report of an unannounced…”; normally written by the Licensing Program Analyst, is already preprinted on the new LIC 9099 and a new box is available to place the name of the person the Evaluator “met with”. Refer to Section 3-3130 on Documenting Type C – Technical Violations on the Complaint Investigation Report.

If additional space is required to document the details of the allegation, findings or specific deficiencies, a LIC 9099C (for additional comments only) or a 9099D (deficiencies for laptop users) or a LIC 809 (for all purposes for a non-laptop user) may be used for this purpose. In the lower right portion of the LIC 9099, there is space to indicate the number of pages. This should always be filled in as Page 1 of 1, unless an additional page is required to complete the documentation; then the first page would be numbered Page 1 of 2 and the LIC 9099C or LIC9099D (for laptop users) or the LIC 809 (for non-laptop users) would be numbered Page 2 of 2, Page 3 of 3, etc.
Non Laptop users

<table>
<thead>
<tr>
<th>LIC 9099 Documents allegations and findings</th>
<th>LIC 809 Documents deficiencies and PLAN OF CORRECTIONs based on findings</th>
<th>LIC 812 For additional confidential information or comments</th>
</tr>
</thead>
</table>

Laptop users

<table>
<thead>
<tr>
<th>LIC 9099 Documents allegations and findings</th>
<th>LIC 9099D Document any deficiencies and PLAN OF CORRECTIONs based on findings</th>
<th>LIC 9099C Documents any additional comments</th>
<th>LIC 812 For additional confidential information or comments</th>
</tr>
</thead>
</table>

For all routine complaint investigations that are concluded during the facility visit, a copy of all completed documents (with the exception of the LIC 812 must be left with the licensee and/or facility representative.

There are occasions where the investigation cannot be completed during the initial facility visit due to the serious nature of the violation, e.g. physical or sexual abuse. Refer to the Complaint Section 3-2640 for details on notification procedures to the licensee regarding the specific nature of the allegation. In these cases, the box marked “Needs Further Investigation” on the LIC 9099 must be checked and must include an estimated time of completion for the investigation, such as 30, 45 or 90 days. **Do not check** the boxes marked “Public” or “Confidential” or identify the type of violation (A, B, or C) until the investigation has been completed and the conclusion reached. The bottom portion marked “Specific Deficiencies and Recommendations/Corrections are not completed at this time.” A follow-up visit will be made to the facility to complete the investigation unless an Accusation is to be served within 30 days or an informal conference is to be conducted. See Complaint Section 3-2640. The licensee and/or facility representative will sign on the signature box acknowledging receipt of this form and a copy of this report is left at the facility.

For further information and procedures, refer to Complaint Sections 3-2340 on “Exit Interview” and Section 3-2600 on “Complaints Alleging Abuse”.

**Explanation of Process**

1. The explanation begins with the complaint allegation. A dash (-) is placed in front if more than one allegation is listed.

2. The explanation describes the review used to evaluate the complaint.

3. The investigation findings are written in detail and specifics noted in order to support the resolution of each allegation.

4. The conclusion is checked either “substantiated”, “unfounded”, “unsubstantiated”, or “needs further evaluation”.

5. 

6. Begin by referencing the California Code of Regulations, Title 22, Division 12.

7. Number each deficiency cited on this form. See further details in Section 3-3135.
3-3130 DOCUMENTING TECHNICAL (TYPE C) VIOLATIONS ON THE COMPLAINT INVESTIGATION REPORT

When an allegation of a technical violation is substantiated by the Licensing Program Analyst, the allegations(s) and findings must be documented on a separate LIC 9099. These violations will not be cited as deficiencies but will be noted on the LIC 9099 under “Investigation Findings” as a technical violation. For example, the Licensing Program Analyst can write: “During my visit, I observed several tears on the curtain and determined there was no impact to the clients, presented no danger and did not effect the overall operation of the facility.” This is considered a technical (Type C) violation and no citation is being issued at this time. The “Specific Deficiencies” and “Recommendations/Corrections” are left blank because Technical Violations are, in most instances, never cited unless there is evidence of deterioration of the overall condition of the facility, impact on clients, and/or facility’s plan of operation.

3-3135 DOCUMENTING DEFICIENCIES AND PENALTY NOTICE

The licensing report should then go on to cite the facility for observed deficiencies as demonstrated by the following example:

<table>
<thead>
<tr>
<th>SPECIFIC DEFICIENCIES</th>
<th>RECOMMENDATIONS/CORRECTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>The following violations of the California Code of Regulations.</td>
<td></td>
</tr>
<tr>
<td>Title 22; Division 12, were observed:</td>
<td></td>
</tr>
<tr>
<td>1. Personal Rights 2. 101323.1(a) Discipline</td>
<td></td>
</tr>
<tr>
<td>4/ Staff #2 is currently administering corporal punishment to the children by spanking them with a paddle. This presents an immediate harm to the mental and physical well being of children in the facility. This practice must cease immediately. A written plan outlining how this violation will be avoided in the future must be submitted to the licensing office by (date) failure to correct this deficiency by (date) may result in a civil penalty of $50 or more per day.</td>
<td></td>
</tr>
</tbody>
</table>

Laptop users document across the screen format. This includes the PLAN OF CORRECTION which is typed in by the Licensing Program Analyst, but dictated by the provider.

Failure to correct the deficiency(ies) cited above by (DATE) may result in a civil penalty of $50 or more per day. 6/

Explanation of Cited Deficiency

1/ Begin by numbering the deficiencies.
2/ Show regulation reference code.
3/ Show title of code section.
4/ Show how regulation was violated.
5/ Show the plan of correction. Add the due date at the end of the deficiency if there are different due dates for individual, separate, citations.
6/ Complete this line if the Plan of Correction due date is the same for all deficiencies cited on this form.

NOTE: Foster Family Homes, Family Child Care Homes, and Government agencies are not subject to Compliance Plans.
Complete the Licensing Report after touring the facility, interviewing clients, and completing other support documentation.

Request a work space where you can complete the report. The space should afford you the ability to concentrate and be relatively free of distractions. It should be on the premises. Consider using your car only at a last resort.

Laptop user should ask permission to use electrical outlets.

Make the report legible. Press hard enough to make the copies legible. Work slowly enough to have a neat work product.

Complete the LIC 809 Facility Evaluation Report even if no deficiencies were found.

Be sure all spaces at the top of the form are completed (including time the visit began and time completed).

Document the visit and clearly show the purpose of the visit and complete the basic who, what, where, boxes.

If facilities are to be cited, indicate: “The following deficiencies were observed:”

When indicating the section of the regulations (or statutes) found not to be in compliance, also indicate the specific subsection, if any. Be sure to show parenthesis, and upper and lower case (e.g. Section 87610 (a) (5) (A)).

List the regulation number and section. It is important that the Evaluator indicate HOW the regulation was violated and what was observed that was not in compliance with licensing requirements. Describe this fully by using complete sentences.

Number each deficiency sequentially.

Justify all deficiencies (findings) and the course of action provided to the licensee to ensure correction.

Each finding requires an explanation of the immediate or potential impact on clients and/or facility’s plan of operation or how a specific statute or regulation was violated.

Do not include detailed narratives on the Licensing Report, unless it is relevant to the deficiencies cited or has other special significance relative to the overall visit. Utilize the LIC 812. Detail Support Information form for confidential interviews and other significant narrative reporting. This form (LIC 812) is not to be cross-referenced on the Licensing Report.
Write the report in the “third person”. Refer to “the administrator” rather than “you”, refer to the “the facility” or “the home” rather than “your facility” and refer to the “the regulations” rather than “our regulations”.

Limit the written citation narrative to the column on the left side of the page. The column on the right side of the page should be reserved for the facility administrator to complete the Plan of Correction unless the Evaluator’s assistance is requested or indicated. Refer to the last bullet on this page.

Laptop users the citation narrative goes across the document. There is no delineation between left side and right side on the system. The plan of correction is directly under the citation (also across the page). The plan of correction is dictated to the evaluator for input onto the laptop.

Use a separate LIC 9099 form for complaint visits. (See Documentation Section 3-3125).

Prior to completion of a visit, the licensee, or the person in charge of the facility must meet with the Evaluator to discuss any deficiencies noted, to jointly develop a plan for correcting each deficiency and to acknowledge receipt of the notice of deficiency.

If the licensee is unable and/or needs assistance with filling out the Plan of Correction it is acceptable for the Evaluator to complete the documentation and to have the provider initial each section documented by the Evaluator. The Evaluator must not complete the documentation merely upon the provider’s request when the provider is capable of completing the documentation on their own.

Laptop users will type the plan of correction onto the system as dictated by the licensee. The provider must initial each section documented by the Evaluator after it has been printed.

If the licensee, or the licensee’s representative, declines to sign the Licensing Report for any reason document the refusal at the end of the report and inform the licensee, or their representative, that you have done so.

The Detail Supportive Information (LIC 812) is generally used in conjunction with the LIC 809 and LIC 9099 to document confidential information and is always considered a confidential form. It is particularly useful in a problem facility where a more detailed explanation is needed to support your decisions or to document information that is necessary for the record. The information may include observations, or conditions that may affect the seriousness of the violation. On a food complaint, it may be important to note the frail condition of a client and/or weight loss. The LIC 812 is also used to document confidential interviews of clients, victims and witnesses. Often the form is completed after the exit conference and is used to organize notes and observations made during the visit.

Note: When using the LIC 812 in Lotus Notes, confidential information (e.g. names) should not be included in the document title as that information will then appear in the documents view. Should a licensee or facility representative then see the tablet/laptop screen, confidentiality would be compromised.
The LIC 809 is a public document. Often there is information that needs to be documented that is not public information. Names of persons served in the facility, for example, are considered confidential under the Welfare and Institutions Code. When it becomes necessary to document names of clients, a Confidential Names (LIC 811) form should be used.

When the deficiencies involve clients that need to be identified for the facility, but not to the public, the LIC 809 should give reference to the LIC 811. For example, the facility may be cited for not having admission agreements for two clients. The LIC 809 should state “for names of clients, refer to the Confidential Names form dated March 11, 1991”. The same concept should be used for employees that are minors.

Employees’ names are generally not confidential; however, if there is an employee that has requested anonymity (e.g., prior to making a statement) the name should be written on the LIC 811 and not on the LIC 809. Additionally, if an employee has been named in an allegation of abuse, the name of that employee should not be listed on the LIC 809. Employee’s names may, however, be documented on an LIC 809 upon substantiation of an abuse violation.

The Facility Review Regulation Index, for each facility type, should be used as a training and reference tool by the Evaluator when conducting a facility site visit. A copy of the category specific index may be left with the licensee in preparation for their next facility site visit.

The purpose of the Facility Review Indices is to aid the Evaluator in citing deficiencies observed during a site visit. It serves as a guide to the most common licensing laws and regulations, but is not a complete list, may not be as up-to-date as the licensing regulations, and should not be used to replace licensing regulations in citing facilities. (The licensing regulations are identified by the section numbers in your evaluator manual, Title 22, California Code of Regulations).

The Licensing Report is the official form to be used in citing deficiencies along with an appropriate plan of correction. A copy of this form is to be given to the licensee upon completion of all site visits. The Facility Review Regulation Indices are not to be cross referenced on the licensing report.

Whenever noncompliances are found in any of the items listed on the Facility Review indicates, those deficiencies must be listed on the licensing report with a reference to identify the section of the statute or regulations upon which the deficiency is based. Following the code section will be an explanation of the violation of the code, the location of the deficiency, the plan of correction and the date for correction. A copy of the licensing report is provided as a licensing record to the facility.

A photograph is very helpful in documenting certain types of deficiencies. One type of camera to use, if available, is one that requires 35 mm or 110 film. Another type of camera that may be used is a digital camera, including those on cellular phones. Video camera recorders also may be useful when documenting deficiencies.
As you take photographs or videos, complete the LIC 813 showing the sequence of photos, 24-hour time, subject matter, subject distance (if needed) and the location of that violation. When the film is developed or the image printed, the information from the LIC 813 should be typed on a label and affixed to the back of each photo or on the video cassette. For example, a photo of a dirty/broken toilet may state “Jones Home, file #340041, March 15, 1990, 1800 hours, toilet in client room, #3. Toilet has broken top, see Item 6 on LIC 809 cited, March 15, 1990. Taken by John T. Rock.” Digital cameras and video recorders can be programmed to show the date and time when taken of the recording and have audio capabilities so the Licensing Program Analyst can narrate the deficiencies.

You have the right to take photos or videos in the facility, however, if the subject involves children, clients or staff members, obtain their permission before taking their photo or video. For children, consent should be obtained from their authorized representative. If possible, avoid taking any “head shots”, i.e., photos or videos of an individual’s face. Document on the LIC 812 that such permission was obtained.

Unless prior approval has been obtained from the Deputy Director through the Statewide Program Manager or County Licensing Supervisor, do not use video tape equipment to record interviews and/or evidence.

An important type of evidence is the statement of a witness. The Department does not usually seek written statements of witnesses unless it appears that the deficiency is very serious and may result in legal action. An investigator is often responsible for obtaining the statement. However, there are occasions, because of the limited availability of the witness, or lack of time to make a referral to Investigations, or the probability that the witness may change his/her story, that you should proceed to take the declaration of a witness. The use of the Declaration (LIC 855) Form to accept a statement is helpful, but not required as a declaration can be written on any piece of paper. The LIC 855 should clearly identify who the person is and, if possible, how he/she may be contacted (address and telephone number). It should state that the statement is voluntarily given and to whom it is given, preferably the statement is written by the witness; however, if he/she has difficulty writing, you may write it. Ask the witness to read the statement back before signing it.

The LIC 855 should conclude with a statement that the declaration is true and correct to the knowledge of the witness. It should then show the date, location, both city and county, and must be signed by both the Evaluator and the witness. When taking a declaration, each page needs to be numbered and signed on the bottom.

If the person is unable to read, a written statement is of no value. The Evaluator should summarize relevant testimony on the LIC 812.

An important supportive documentation in some facilities is an inventory of a deficient area. If, for example, you are investigating a food complaint and discover the facility does not have a sufficient supply of food to meet the minimum requirements, it may be appropriate for you to inventory the exact amount of food in the facility. Usually an inventory is appropriate if there have been repeated deficiencies documented, and it appears that Community Care Licensing Division will take legal action. A special form is not needed to inventory a problem area (a LIC 812 may be used). It is important that the inventory is complete (has the facility name and address on the list) and that you sign and date it.
The Plan of Correction is a means by which licensees/administrators can communicate to the licensing agency and to the public their intentions of bringing their facility into substantial compliance. Plans of Corrections are referenced in California Code of Regulations, Title 22, Sections 80052, 82052, 87756, 87852, 89252, 101193 and Health and Safety Code Section 1597.56.

The Plan of Correction is usually written on the Licensing Report, however, licensees may decide to submit a written Plan of Correction by a specified date. The Licensing Report must indicate the date by which any deficiencies will be corrected. Plans of Corrections are generally filed in the public section of the licensing office’s facility files; the exception to the rule occurs when client’s names or other confidential information is part of the Plan of Correction. (See Reference Material - Office Functions Section 2-6500.)

The Plan of Correction must be developed jointly by the facility representative and the Licensing Program Analyst. However, it is the Licensing Program Analyst’s responsibility to ensure that the written Plan of Correction is verifiable and measurable. If the facility representative is unable to jointly develop the Plan of Correction, the Licensing Program Analyst should provide additional consultation and assistance with the development of the Plan of Correction. The Licensing Program Analyst must not develop the Plan of Correction merely upon the facility representative’s request when the facility representative is capable of jointly developing the Plan of Correction.

The LPA should remind the facility representative that factors for determining the correction date are specified in the regulations. (See California Code of Regulations, Title 22, Sections 80052, 82052, 87756, 87852, 89252 and 101193). Family Child Care Home statute requires “a reasonable length of time for compliance.” In accordance with the regulations for all other licensing categories, four factors must be considered by the Licensing Program Analyst in determining a date for correcting a deficiency:

1. The potential hazard presented by, or the seriousness of, the deficiency.
2. The number of clients/residents/children affected.
3. The availability of equipment or personnel necessary to correct the deficiency.
4. The estimated time necessary for delivery, and for any installation, of necessary equipment.

In addition to #3 and #4 above, Family Child Care Home statute lists the following factors to consider in jointly developing the Plan of Correction:

1. The gravity of the violation.
2. The history of previous violations.
3. The possibility of a threat to the health or safety of any child in the facility.

Plans of Corrections must contain achievable and appropriate due dates. It is not acceptable to state “all corrections will be made in 30 days” on the report. All corrections must occur as soon as reasonably possible.

**Considerations in Determining an Effective Plan of Correction**

The Plan of Correction is subject to Departmental approval. In the joint development of the Plan of Correction, Licensing Program Analysts may offer suggestions to the facility representative regarding their Plan of Correction in order to create an effective plan. The following questions and guidelines should be considered to ensure Plans of Corrections are quality products.
Is the Plan of Correction meaningful? Does the Plan of Correction address the deficiency?

Is this a reasonable method to bring the facility back into compliance?

Does the Plan of Correction offer a plan that will keep the facility in compliance long term? Is this a training opportunity for the facility?

How will the facility use this Plan of Correction to improve compliance?

Is the Plan of Correction measurable? The Licensing Program Analyst must be able to determine how the licensee will attain compliance. For example, “I will talk to staff about it” is not a measurable plan. It lacks specific details that convey how compliance will be met. However, “All staff will be required to attend personal rights training within the next 14 days” includes measurable steps.

Is the Plan of Correction verifiable? Does the Plan of Correction indicate what acceptable evidence would be required to prove that the deficiency has been corrected in order to bring the facility into compliance? State whether verification will be done through a facility visit, a licensing office meeting or by other means. This is very important because the agreement will require the licensee to comply in a specific fashion. If proof or evidence is to be sent in by the licensee, be clear about the expectations in the agreement (e.g., receipts, photos, copies of documents, etc.). The Plan of Correction will also need to specify how proof or evidence will be submitted (e.g., mail, drop off, email, etc.).

When determining whether or not a visit is required versus allowing verification by other means, consider the potential risk to clients in care. For example, if a facility has a history of overcapacity or staff to client ratio issues, it is important to visit the facility to ensure they have followed their Plan of Correction and are in compliance and will be able to maintain compliance.

If all of these elements exist in the Plan of Correction, the facility representative and the Licensing Program Analyst can avoid delays and misunderstandings while bringing a licensee into compliance.

**Extending the Plan of Correction**

Extensions are permissible with the following limitations:

- **Extension of a Type A deficiency:** A review of a request to extend a plan of correction due date must be conducted by a higher level staff person other than the licensing program analyst who issued the notice. The Licensing Program Manager, or a higher level staff member, may grant or deny the extension request however; the immediate risk must have been resolved. An extension may be granted for up to 30 days. For example, a broken window may be boarded up to resolve the immediate risk but the replacement window glass may take a week or two. Another example is a personal rights violation. The immediate remedy may include a staff meeting to give staff instruction and the follow up might include training classes in the future.

- **Extension of a Type B deficiency:** Licensing Program Managers, or a higher level staff person, may approve an extension for up to 30 days.

**For State Laptop Users:** With either type of deficiency the date of request, the requestor, the new due date and the factors pertaining to the decision of the extension must be documented on an amended LIC 809D (Facility Evaluation Report) or LIC
3-3600 PLAN OF CORRECTION (Continued)

9099D (Complaint Investigation Report) attached to the original citation and a copy be placed in the facility file. The amended LIC 809D or LIC 9099D shall be signed by both licensing and the facility representative.

For County Users: With either type of deficiency the date of request, the requestor, the new due date and the factors pertaining to the decision of the extension must be documented on an LIC 178 (Penalty Review/Plan of Correction Extension) and a copy be placed in the facility file.

Extensions for Plan of Corrections that are not requested PRIOR to the Plan of Correction due date, or after 10 working days of the receipt of the plan of correction notice, whichever is greater, shall not be considered.

3-3605 CLEARING THE DEFICIENCY

After any visit that includes the issuing of a citation, the Licensing Program Analyst must follow-up to clear any deficiency. During the development of the Plan of Correction, it is established that the correction of the deficiencies will be verified in one of three ways: make a visit, hold an office meeting or verify through other specified means. A Plan of Correction visit is always an option, even if other means of verification are used.

Making a visit

When a Plan of Correction visit is made, which shall occur within 10 working days after the Plan of Correction due date, the Licensing Program Analyst is to verify the condition of the correction. It is important to document on the licensing report what was observed and whether it was acceptable.

Upon determination that the deficiency has been corrected, the Licensing Program Analyst shall complete the Letter of Deficiency Citations Cleared and provide it to the facility representative with the licensing report and place a copy in the facility file.

County licensing staff shall document verification of the correction on a licensing report during visits.

Holding an office meeting

An office meeting should be held no later than the Plan of Correction due date. During the meeting, licensing staff shall review any evidence of correction provided by the licensee and document the results of the meeting. If the verification received is deficient in any way, the Licensing Program Analyst has the options of 1) requesting the licensee to provide additional information to correct the deficiency(s) or 2) making a visit to the facility. If the due date cannot be met, the Licensing Program Analyst may extend the due date, See Evaluation Manuals Section 3-3600, Extensions on Plans of Corrections. The Licensing Program Analyst shall provide an Incomplete Proof of Correction Letter, See Evaluation Manual Sections 3-3705, Sample Letters. A licensing report documenting the meeting shall be provided to both parties and a copy placed in the facility file.
Upon determination that the deficiency has been corrected, the Licensing Program Analyst shall complete the Letter of Deficiency Citations Cleared and provide it to the facility representative with the licensing report and place a copy in the facility file.

County licensing staff shall document verification of the correction using the Deficiency is Cleared letter referenced in Evaluator Manual Section 3-3605, Sample Letter – Deficiency Is Cleared.

Verify through other means

Refer to Evaluator Manual Section 3-3700, Proof of Correction/Non-Visits

For Child Care Facilities Only: Licensees must post, for 30 consecutive days, the licensing document verifying compliance or noncompliance with the order to correct a deficiency that, if not corrected, would create a direct and immediate risk to the health, safety, or personal rights of children in care (Type A violation). A statement of the posting requirement must be included on the Letter of Deficiency Citations Cleared or Deficiency Is Cleared letter (County) or the licensing report.

3-3700 PROOF OF CORRECTION/NON-VISITS

Proof of Correction verification by means other than an office or facility visit is an option that may be used by Licensing Program Analysts. The Proof of Correction form (LIC 9098) may be used for this purpose. Non-visit proofs of correction are permitted under two circumstances: 1) The facility representative may indicate on the Plan of Correction that the deficiencies will be corrected by a specified date and verification will be sent to the licensing office or 2) The licensee or administrator, under certain circumstances, may self-certify that the correction has been made.

The procedures in this section also apply to accepting and verifying evidence of correction after a prelicensing visit.

These procedures must be followed when verifying that the Plan of Correction has been accomplished:

**Submitting Proof or Evidence**

All proofs of correction in lieu of a visit must be submitted by the licensee or administrator either by the Proof of Correction Form (LIC 9098), which is provided by the Licensing Program Analyst during the exit conference or by other verification. Accompanying documentation would include items such as a receipt, a photograph, or a work order.

**Self-Certification**

Self-certification is a method allowing a licensee or administrator to attest that corrections have been made. This method should be rarely used and shall be limited to the following conditions:
• The facility must have a history of substantial compliance.
• There must be no other verifiable evidence that could be submitted to prove that deficiency(s) has been corrected.

For example: if a facility was cited for “water being too hot,” the Licensing Program Analyst would cite and observe that the temperature was turned down on the hot water heater. However, it may take some time before an accurate reading of the water temperature can be made. When the water temperature is too hot, it presents an immediate risk to clients and would be a Type A violation. If the facility meets the criteria listed above, the Licensing Program Analyst may allow the provider to self-certify that they tested the water, have obtained an acceptable temperature and indicate the temperature.

The use of self-certification for type A violations should be carefully considered and may need consultation with a Licensing Program Manager.

The form LIC 9098 is used by the licensee or administrator to certify under penalty of perjury that a correction has been completed. The Licensing Program Analyst is to provide the LIC 9098 to the facility representative during the exit conference only when self-certification is an acceptable means of demonstrating compliance. Whenever self-certifications are used, the licensee or administrator should check the box marked “Certification” if using the LIC 9098 and sign and date the form to certify that the correction(s) has been made according to the Plan of Correction specified on the Licensing Report.

Clearing the Plan Of Correction/Non-Visit

Upon receipt of the requested proof of evidence, the Licensing Program Analyst is to analyze the information in order to determine whether or not the deficiency(s) has been corrected according to the specific Plan of Correction on the Licensing Report. If the verification received is deficient in any way, the Licensing Program Analyst has the option of allowing the licensee to send in the additional information to correct the deficiency(s), (See Evaluator Manual Section 3-3705, Sample Letter - Incomplete Proof of Correction). Whenever possible, minor questions regarding the completeness of the documentation should be handled by telephone. If the Licensing Program Analyst chooses to allow the licensee to send in the additional information, an extension should be given to the licensee to send in the missing information, (See Evaluator Manual Sections 3-3600, Plan of Correction and refer to extension guidelines). If the Licensing Program Analyst has concerns about the credibility of the documentation submitted, then a plan of correction visit may be made to the facility to confirm that the correction has been made.
To approve and clear a Plan of Correction, the Licensing Program Analyst must be convinced that the deficiency(s) has been corrected. Under no circumstances should a Plan of Correction be approved if there is doubt about whether a deficiency was corrected. Upon approval, the Licensing Program Analyst shall complete a Letter of Deficiency Citations Cleared and mail it to the licensee. County licensing staff shall document approval and verification of correction using the Deficiency is Cleared letter referenced in Evaluator Manual Section 3-3705, Sample Letter – Deficiency Is Cleared. All related documentation must be placed in the facility file.

For Child Care Facilities Only: Licensees must post, for 30 consecutive days, the licensing document verifying compliance or noncompliance with the order to correct a deficiency that, if not corrected, would create a direct and immediate risk to the health, safety, or personal rights of children in care (Type A violation). A statement of this posting requirement must be included on the Letter of Deficiency Citations Cleared or Deficiency Is Cleared letter (County) or the licensing report.

Further Action

Failure to provide adequate proof of correction(s) by the Plan of Correction due date shall result in a visit to the facility and applicable assessment of civil penalties if appropriate (with the exception of Foster Family Homes and Family Child Care Homes.) This is stated on the licensing report. (See Evaluator Manual Section 1-0060, Civil Penalties). Also see California Code of Regulations, Title 22, Sections 80054, 82054, 87761, 87854 and 101195 regarding Civil Penalties.
[Today’s Date]

Facility’s Name:
Facility Address:

Facility Number: Licensing Report Date:

Dear Licensee:

Verification either was not received or was inadequate to substantiate that the deficiency(s) cited on the Licensing Report were corrected. You need to provide the following additional documentation/information:

Please return a copy of this letter and your documentary evidence of correction no later than _____________. Failure to provide adequate proof of correction by this date will result in assessment of civil penalties.

If you have any questions, please contact me.

Sincerely,

Licensing Program Analyst  Phone Number

NOTICE: Child Care Centers and Family Child Care Homes
If this document reflects noncompliance to correct a Type A violation, you must post this document for 30 days. Family Child Care Homes shall comply during the hours children are in care.
[Today's Date]

Facility's Name:  
Facility Address:  
Facility Number:  Licensing Report Date:  

Dear Licensee:  

This is to confirm that your Proof of Correction (LIC 9098) or other verification with necessary documentation has been received and approved. The following deficiencies are cleared:  

If you have any questions, please contact me.  

Sincerely,  

Licensing Program Analyst  Phone Number  

NOTICE:  Child Care Centers and Family Child Care Homes  
If this document reflects proof of correction for a Type A violation, you must post this document for 30 days. Family Child Care Homes shall comply during the hours children are in care.