

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 Program Manager (LPM) 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 LPM, 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 LPM.
- 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.