



CDSS

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REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Initiated by CCL

TO: ALL CCLD STAFF

SUBJECT: MAINTAINING AN ACCURATE CASELOAD DATABASE

Caseload management is a vital function for a Licensing Program Analyst (LPA) and one that requires constant attention. This information release addresses several indicators that could suggest forfeiture may have occurred, and if not explored by the LPA may result in unnecessary visits for staff.

A licensee who has voluntarily discontinued operating a facility, but has chosen to retain the license, remains responsible for compliance with all applicable California Code of Regulations. The LPA continues to be responsible for conducting visits to these facilities even when no clients are in care, as these visits are statutorily mandated.

However, when a license has been forfeited, the license status should be updated on the Licensing Information System (LIS) to reflect the change in the status of the license. The LPA must follow-up with the appropriate forfeiture letter and update LIS to indicate a closed code. The LPA may then remove the facility from the required and random visit lists because the facility is no longer validly licensed.

FORFEITURE

A license shall be forfeited by operation of law when any one of the following occurs:

- The licensee sells or otherwise transfers the facility or property.
- The licensee surrenders the license to the department.
- The licensee moves the facility from one location to another.
- The licensee is convicted of certain designated offenses.
- The licensee dies.
- The licensee abandons the facility (except RCFCIs).
- When the certification issued by the State Department of Developmental Services to a licensee of an Adult Residential Facility for Persons with Special Health Care Needs (ARFPSHN) is rescinded.

In addition, failure of a licensee to pay all applicable and accrued fees shall constitute grounds for forfeiture of a license.

Overdue fees, returned mail or even lack of contact with a facility are indicators that may suggest forfeiture has occurred due to a move or sale of the facility, surrender of the license, death of the licensee or abandonment. If the LPA is able to confirm, through calling the licensee that indeed the circumstances are such that forfeiture has occurred, then the LPA should immediately update LIS to reflect forfeiture and may indicate a closed code for the facility. For example, whenever official California Department of Social Services correspondence is returned undeliverable, the LPA should call the licensee to determine the correct mailing address. The LPA is to use this opportunity to verify all contact information and confirm the license status. If the LPA has not had any contact with a facility for a prolonged period of time, a call may serve as an opportunity to verify whether the facility license has been forfeited. The LPA, in determining the current status of the license, must follow forfeiture regulations for the facility type.

However, remember that any communication prior to an unannounced visit should be conducted in such a way so as not to inform the licensee of an upcoming visit. Any person, without lawful authorization, who informs a licensee of a pending and unannounced site visit to a facility, is guilty of a misdemeanor.

The goal is to maximize our use of field time by eliminating unnecessary attempted visits to facilities that are no longer licensed because the license has been forfeited and to update LIS status.

FAILURE TO PAY FEES

Currently, in preparation for unannounced visits, Section 3-4150 (Review of Facility File) of the Evaluator Manual (EM) directs LPAs to use the Facility Visit Checklist (forms LIC 9118-9121 and LIC 9123) to review the facility file in preparation for a visit. Except for Foster Family Homes, these forms direct the LPA to verify that all prior annual licensing fees have been paid.

Another tool that should be used in identifying licenses that may have been forfeited is a weekly LIS-generated *Listing of Facilities to be Closed Due to Non-payment of Annual Fees* (CLF 890) that is received by each Regional Office. On an ongoing basis and as part of caseload management, LPAs are expected to make contact with facilities that appear on this report and determine whether or not they are subject to forfeiture. The EM Section 3-1050, III, F (Follow-Up Courtesy Call Procedures) provides direction for verifying the status of facilities that are within a week of forfeiture due to non-payment of fees.

For all facilities with overdue fees, the LPA may make phone contact to verify the license status of the facility, follow-up with the forfeiture process as required in regulations and by letter as appropriate, and update the LIS data. Verifying the facility current license status ensures that LPAs are making comprehensive visits to only those facilities that are currently licensed.

EVALUATOR MANUAL AMENDMENTS

In order to provide more specific direction for identifying licensees that have forfeited their license, Section 3-4120 (Identifying Licenses that have been forfeited) has been added to the EM. This section provides suggested language LPAs are to use with licensees to ascertain the current status of the license.

In addition, when an LPA determines that a license has been forfeited the LPA is to enter the following Status of Facility code in LIS: "9 – Closed, Licensee Initiated Forfeited".

The EM Section 3-4125 includes a sample letter to a licensee whom the LPA could not contact by phone and the LPA is notifying the licensee that forfeiture may occur. The EM Section 3-4126 includes a sample letter the LPA can use to notify a former licensee that their license has in fact been forfeited. The LPA should review these sections and familiarize themselves with the updated procedures.

The Community Care Licensing Division (CCLD) has a responsibility to utilize resources effectively. By closely adhering to these guidelines, CCLD will reduce the amount of attempted visits to facilities that have forfeited their licenses and no longer require a visit.

Please discuss this information release and the office procedures for the closure of facilities during your next staff meeting. Please direct any questions to your managers or you may contact Wendy Nelson, Adult Care Policy and Systems Unit, at (916) 445-6642.

Sincerely,

Original signed by Jo Frederick

JO FREDERICK
Deputy Director
Community Care Licensing Division

Attachments

3-4100 LICENSING PROGRAM ANALYST ROLE (Continued)**3-4100**

The expectation is that services are delivered in a courteous, prompt and professional manner. Rudeness or intimidation is never justified regardless of the level of cooperation from the licensee or facility representative. Unprofessional conduct nullifies or diminishes the authority needed to administer the program.

In order to be successful, the Licensing Program Analyst must have the ability to develop and sustain a well-balanced and business-like relationship with the licensee. This requires impartial evaluation of facilities to measure compliance, documentation of findings and providing verbal/written consultation. The Licensing Program Analyst must be objective and use good judgement when considering the intent of regulations, the context of the violation and the impact on those in care. Improper application of licensing laws and regulations invalidate legitimate citations and are more subject to challenges, appeals and unnecessary correspondence.

Advising (consultation) a provider on how to meet a regulatory requirement is an essential part of the Licensing Program Analyst role and is used in all three components of the program. The Licensing Program Analyst should be able to advise a provider as to how they can meet a regulatory requirement or correct a cited deficiency. Licensing Program Analysts have the authority to seek compliance with regulations through providing alternative solutions to a situation. Consultation to seek compliance must be restricted to regulatory requirements. Consultation also includes providing the licensee with information on their rights to appeal decisions and file complaints.

There is no requirement that Licensing Program Analysts must find some kind of a deficiency every time a site visit is made. The facility evaluation process (Section 3-4200) allows for a variety of actions to be taken by the Licensing Program Analyst to facilitate correction. The actions available to the Licensing Program Analyst range from issuing citations with very short correction times to not issuing a citation and providing advisory notes under specified conditions. In some instances the Licensing Program Analyst may observe conditions that require referral for suspension or revocation of license or involvement by law enforcement agencies. The following sections will provide the Licensing Program Analyst with the basic procedures to perform a facility evaluation.

3-4120 IDENTIFYING LICENSES THAT HAVE BEEN FORFEITED**3-4120**

As part of effective caseload management, it is necessary to maintain an accurate database of currently licensed facilities. A well maintained database will prevent unnecessary site visits and provide management with accurate information that can be used in planning caseload assignments and allocating personnel. In order to achieve this goal, an ongoing effort should be made to identify facilities that are no longer currently licensed because the licenses have been forfeited by operation of law and to make sure this fact has been noted in the Licensing Information System (LIS).

While planning a facility visit of any type, the Licensing Program Analyst is presented an opportunity to update the licensing status in those cases where circumstances indicate forfeiture has or may have occurred. Please see Evaluator Manual Reference Material Section 3-4150 for information on the review of a facility file prior to conducting a visit.

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

The law provides for various situations in which the license shall be forfeited. If the license has been forfeited, the license is no longer valid. A facility that is no longer licensed should be removed from the database of currently licensed facilities, by the Licensing Program Analyst.

A license shall be forfeited (per Health and Safety Code Sections 1524; 1568.061; 1569.19 and 1596.858) under the following conditions:

1. The licensee sells or otherwise transfers the facility or facility property, except when change of ownership applies to transferring of stock when the facility is owned by a corporation and when the transfer of stock does not constitute a majority change of ownership.
2. The licensee **surrenders** the license to the department.
3. The licensee **moves** a facility from one location to another. NOTE: Except when the licensee follows procedures for relocating the facility.
4. The licensee is convicted of certain offenses as stated in Statute.
5. The licensee dies. NOTE: Check regulations promulgated for expediting applications submitted when licensee dies.
6. A license shall be forfeited when the certification issued by the State Department of Developmental Services to a licensee of an Adult Residential Facility for Persons with Special Health Care Needs (ARFPSHN), licensed pursuant to Article 9 of the Health and Safety (HS) Code (commencing with HS Code Section 1567.50), is rescinded.
7. The licensee **abandons** the facility.

In addition, failure of a licensee to pay all applicable and accrued fees shall constitute grounds for forfeiture of a license (See Health and Safety Code Sections 1523.1; 1568.05; 1569.185; 1596.803 and Evaluator Manual Section 3-1050).

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 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)(2) 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 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

(NOTE: Review exceptions below for Residential Care Facility for the Chronically Ill [RCF-CI] and Family Child Care Facilities [FCCH]).

Abandonment (for Residential Care Facilities for the Chronically Ill and Family Child Care Homes)

For Residential Care Facilities for the Chronically Ill, Health and Safety Code Section 1568.061 and California Code of Regulations section 87835 provide for a forfeiture of license in the situations mentioned above, except for abandonment. The Licensing Program Analyst should consult legal counsel.

For Child Care Facilities (both centers and homes), Health and Safety Code 1596.858 provides for a forfeiture of license by operation of law in all situations, including abandonment. However, only the child care center regulations provide a meaning of "abandonment". Family Child Care Homes' regulations do not define "abandonment". Therefore, if it appears that the licensee has abandoned the Family Child Care Home, the Licensing Program Analyst should consult legal counsel.

FORFEITURE BY FAILURE TO PAY FEES:

The failure of a licensee to pay all applicable and accrued fees shall constitute grounds for forfeiture of a license. Please see Health and Safety Code Sections 1523.1; 1568.05; 1569.185; 1596.803 and Evaluator Manual Section 3-1050.

The Licensing Program Analyst may use this opportunity to follow-up with a forfeiture letter if appropriate, update the facility file and input this information on the Licensing Information System (LIS).

It should be noted that for all facility types, except Foster Family Homes and Foster Family Agency Suboffices, a processing fee is required for an initial application, annual renewal, a change of location, a change of facility type, a change of ownership, and a change of capacity.

For specific instructions on processing a forfeiture due to the failure of the licensee to pay the fees please refer to the additional instruction references below.

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; Evaluator Manual Reference Material Sections 3-4120 and 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 Evaluator Manual Section 3-1050.

3-4120 IDENTIFYING LICENSES THAT HAVE BEEN FORFEITED (Continued) 3-4120

The Licensing Program Analyst may in some circumstances call the licensee to determine the current status of the facility. However, the Licensing Program Analyst must remember that in nearly all circumstances the law requires facility visits to be unannounced. Any person without lawful authorization who informs an owner, operator, employee or resident of a **pending** and unannounced site visit is guilty of a misdemeanor. Therefore, the Licensing Program Analyst must keep in mind that at no time during the interaction with a licensee should the Licensing Program Analyst divulge that the Department is about to make an unannounced comprehensive visit. See Health and Safety Code Sections 1540.2 (Community Care Facilities), 1568.0823 (Residential Care Facilities for the Chronically Ill), 1569.406 (Residential Care Facilities for the Elderly), and 1596.8915 (Child Care Facilities) regarding misdemeanors related to this type of action.

The following are some suggested examples for follow-up calls:

RETURNED MAIL:

Returned mail could suggest the facility has moved from one location to another; the licensee has died; or the licensee no longer accepts responsibility for the facility (abandoned) and thus the license can be forfeited by operation of law. If the Licensing Program Analyst determines the licensee no longer wishes to operate the business of running the facility, the license may be surrendered to the department, which shall also constitute a forfeiture of the license.

“We have sent Official California Department of Social Services correspondence via mail which was returned to us, has your mailing address changed?”

Or:

“Is the facility still located at this address of record?”

The Licensing Program Analyst must make sure that the Licensing Information System (LIS) has been updated to indicate the facility is no longer licensed. This will ensure that the license status data is current and the forfeited location will not be subject to unannounced site visits in future years.

However, if the licensee indicates the facility address is not current, but the licensee is operating at a new location, the Licensing Program Analyst must follow-up pursuant to regulations for that facility-type related to relocation fees. The Licensing Program Analyst will be required by law to make the unannounced random sample visit to the licensed location.

3-4120 IDENTIFYING LICENSES THAT HAVE BEEN FORFEITED (Continued) 3-4120

“What address would you like us to send your correspondence to?”

Or:

“What address should we be sending your correspondence to?”

UNRESPONSIVE FOR A PERIOD OF TIME:

If the licensee has been unresponsive for a period of time, depending on the type of facility, this could suggest the facility has moved from one location to another; the licensee had died; or the licensee no longer accepts responsibility for the facility (abandoned) and thus the license has been forfeited by operation of law.

If the facility has been unresponsive to attempted contacts or has not been recently contacted, the Licensing Program Analyst may inquire:

“We are updating our records and have not had any contact with you in some time. I’m calling to see if you are still in operation?”

Or:

“Are you operating?”

Or:

“Are there currently any clients at the facility?”

Or:

“Are you still responsible for running the facility?”

If the response indicates that the licensee no longer accepts responsibility for the facility, the license has been abandoned and thus forfeited by operation of law. The Licensing Program Analyst should refer to regulations for the facility type and send the appropriate forfeiture letter (abandonment).

3-4125 POSSIBLE FORFEITURE OF LICENSE – SAMPLE LETTER

3-4125

CERTIFIED MAIL

Date

Name
Facility
Address

License #

**SUBJECT: NOTICE OF POSSIBLE FORFEITURE OF LICENSE
(Due to Abandonment)**

As Licensee of the facility at the above-referenced address, you are being asked to contact your local Community Care Licensing office at _____.

Attempts by Community Care Licensing to contact you at the facility have failed. The Licensing agency is unable to determine your whereabouts.

Information of your whereabouts could not be obtained from the facility's staff, if any staff were contacted.

You have failed to respond to daily phone inquiries made for five consecutive days from ___/___/___ through ___/___/___ at the telephone number of record you provided to Community Care Licensing.

Your failure to respond to this letter within seven (7) calendar days will result in a forfeiture of your license due to your abandonment of the facility, pursuant to Health and Safety Code Sections 1524, 1569.19, or 1596.858.

The forfeiture of your license does not deprive the Department of its authority to institute or continue an administrative action against your license. If administrative action results in the revocation of your license, your application for a new license will not be processed until two years have elapsed from the date of the revocation pursuant to Health and Safety Code Section 1520.3, 1569.16, and 1596.851.

Sincerely,

[Name]
Regional Manager or designee

3-4126 FORFEITURE OF LICENSE – SAMPLE LETTER

3-4126

DateName
Facility
Address

License #

SUBJECT: FORFEITURE OF LICENSE

The license issued to you at the above facility address is forfeited pursuant to Health and Safety Code Sections 1524, 1568.061, 1569.19, or 1596.858. Your license is no longer valid and all provision of care and supervision must cease at this location. The reason for the forfeiture is:

- Licensee has sold or transferred the facility or property
- Licensee has surrendered the license to the Department. We acknowledge receipt of your license and/or your statement that you are surrendering your license. The surrender of your license does not deprive the Department of its authority to institute or continue an administrative action against you.
- Licensee has moved from one location to another.
- Licensee has been convicted of an offense specified in Section 220, 234.4 or 264.1, or paragraph (1) of Section 273a, Section 273d, 288, or 289 of the Penal Code, or is convicted of another crime specified in subdivision (c) of Section 667.5 of the Penal Code.
- Licensee has abandoned the facility by informing Community Care Licensing that he/she no longer accepts responsibility for the facility.
- Licensee has abandoned the facility due to the following:
 1. Community Care Licensing has been unable to determine the licensee's whereabouts and information of the licensee's whereabouts cannot be obtained from the facility's staff, if any staff can be contacted; and
 2. Licensee has failed to respond to daily phone inquiries made for five consecutive days from ___/___/___ through ___/___/___; and
 3. Licensee failed to respond to letter dated ___/___/___.

3-4126 FORFEITURE OF LICENSE – SAMPLE LETTER (Continued)**3-4126**

[] Licensee has failed to pay the annual fee pursuant to Health and Safety Code Sections 1523.1 (Community Care Facilities), 1568.05 (Residential Care Facilities for the Chronically Ill), 1569.185 (Residential Care Facilities for the Elderly), or 1596.803 (Child Care Facilities). The forfeiture of your license does not deprive the Department of its authority to institute or continue an administrative action against your license. If administrative action results in the revocation of your license, your application for a new license will not be processed until two years have elapsed from the date of the revocation pursuant to Health and Safety Code Sections 1520.3, 1568.065, 1569.16, and 1596.851.

If you have not already done so, please send your license to the above address.

If you continue to operate a facility without a license you are in violation of the Health and Safety Code and may be subject to civil penalties. If you wish to operate a facility again, you must reapply and be approved for a new license.

If you have any questions about this action, you may call your Licensing Program Analyst at [Licensing Program Analyst's phone number] or write to [local Community Care Licensing office's address].

Sincerely,

[Name]
Regional Manager or designee

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 Sections 3-4120 and 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 Sections 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.

3-4150 REVIEW OF FACILITY FILE (Continued)

3-4150

Prior to any facility visit, the Licensing Program Analyst will review the facility files. The Licensing Program Analyst should note those instances where there may be a history of unsuccessful visit attempts at certain times of the day, or days of the week and plan the facility visit accordingly. For example, there may be programs where clients are routinely absent from the facility at certain times or days.

The Licensing Program Analyst should be prepared to use their field time as efficiently as possible by preparing ahead of time a list of other facilities in the area to visit in the event an initial facility visit is not successful due to reasons related to *momentary* non-operational status such as the absence of the licensee or staff, no clients present at the time of the visit, etc.

Licensing Program Analysts should prepare for a day of field facility visits by noting ahead of time the licensee and staff telephone numbers so that upon arrival at the facility site, if the necessary facility persons are absent, the Licensing Program Analyst can readily phone so that the visit can be completed. This will cut down on spending excessive time waiting at a facility, or leaving and returning multiple times. Any time spent waiting at the facility and subsequent attempts shall be documented on the LIC 812 and be available for future file review and facility visit planning.

In all cases where an attempted facility visit could not be completed, the Licensing Program Analyst must include a written explanation in the facility file concerning the reason/s the visit could not be completed. These field notes will be relied upon for future planning.

For State licensed facilities, the Central Operations Branch in Sacramento will receive a computer generated copy of the "Notice of Facility/Home Roster" 150 days prior to the anniversary date of the facility license. It will be the responsibility of Central Operations Branch to mail this Roster out to the licensee 120 days prior to the anniversary date of the license. The roster lists all persons associated with the facility/home, either cleared, exempted or pending.

3-4150 REVIEW OF FACILITY FILE (Continued)**3-4150**

The licensee is instructed to update the roster and return it to the Licensing Program Analyst with any required documents or verifications. This form will be helpful when the Licensing Program Analyst conducts the visit to verify the background check status of all persons working or residing in the facility. Whether the licensee returns the roster or not, the Licensing Program Analyst should print out a current copy of the roster to take to the facility for the visit.

An individual with a pending status may not work or reside in the facility until he/she receives a clearance or an exemption. If during the visit the Licensing Program Analyst finds evidence that an individual without a clearance or an exemption works or resides in the facility the Licensing Program Analyst must cite a Type A violation and assess an immediate civil penalty.

For County licensed facilities, it is important for the Licensing Program Analyst to verify the background check status of all individuals associated with the home prior to a visit to the home.

3-4160 DEFINITION OF FACILITY EVALUATION VISITS**Pre-licensing Visit**

Pre-licensing visits are conducted prior to licensure to ensure the facility meets licensing requirements. If multiple visits are needed to verify that the facility has made the corrections needed to meet licensing standards, each visit is counted as a pre-licensing visit. Pre-licensing visits are made by appointment.

Post Licensing Visit

Post licensing visits are made within 90 days of the approval of licensure to evaluate the facility's compliance with licensing requirements. Post licensing visits are unannounced.

Required Annual Visit

Required annual visits are completed to review the facility operation prior to the license anniversary date. Required annual visits are unannounced, except at Foster Family Homes, where Licensing Program Analysts must schedule in advance with the licensee. Required annual visits are conducted for any of the following reasons:

- a. When a licensee is on probation.
- b. When the terms of agreement in a facility compliance plan require an annual evaluation.
- c. When an accusation against a licensee is pending.
- d. When a facility requires an annual visit as a condition of receiving federal financial participation.
- e. In order to verify that a person who has been ordered out of a facility by the Department is no longer at the facility.

(See Evaluator Manual, Facility Evaluation/Visit, Section 3-4600 through 3-4620)