

DBHDS Citation Dispute Resolution

12VAC35-105-170. Corrective action plan.

A. If there is noncompliance with any applicable regulation during an initial or ongoing review or investigation, the department shall issue a licensing report describing the noncompliance and requesting the provider to submit a corrective action plan for each violation cited.

B. The provider shall submit to the department and implement a written corrective action plan for each regulation with which it is found to be in violation as identified in the licensing report.

C. The corrective action plan shall include a:

1. Description of the corrective actions to be taken that will minimize the possibility that the violation will occur again;
2. Date of completion for each corrective action; and
3. Signature of the person responsible for the service.

D. The provider shall submit a corrective action plan to the department within 15 business days of the issuance of the licensing report. Extensions may be granted by the department when requested prior to the due date, but extensions shall not exceed an additional 10 business days. An immediate corrective action plan shall be required if the department determines that the violations pose a danger to individuals receiving the service.

E. Upon receipt of the corrective action plan, the department shall review the plan and determine whether the plan is approved or not approved. The provider has an additional 10 business days to submit a revised corrective action plan after receiving a notice that the plan submitted has not been approved by the department.

F. When the provider disagrees with a citation of a violation, the provider shall discuss this disagreement with the licensing specialist initially. If the disagreement is not resolved, the provider may ask for a meeting with the licensing specialist's supervisor, in consultation with the director of licensing, to challenge a finding of noncompliance. The determination of the director is final.

Steps:

1. Provider disagrees with a citation on a Corrective Action Plan (CAP) or when licensing specialist does not accept a corrective action plan.
2. Provider will attempt to resolve any questions about the citation informally with the licensing specialist, either face-to face, via a phone call or e-mail before the CAP is due.
3. If the licensing specialist agrees with the provider, then a revised CAP shall be issued by the Licensing Specialist.
4. If the issue is not resolved before the CAP is due, the provider will note on the CAP in the "actions to be taken section," of the citation disputed that the provider does not agree with the citation and reasons for the disagreement. The provider may submit supporting documentation.

5. The licensing specialist will respond in writing to the disputed citation within 20 business days.
6. If the licensing specialist agrees that the citation is incorrect, the specialist will remove it from the CAP.
7. If the licensing specialist continues to support the citation, the licensing specialist will state the reasons why the citation is correct.
8. If the provider wishes to appeal this citation, the provider has 10 business days to appeal the citation and request a meeting with the Director. This meeting may be in person or by phone.
9. The Director will schedule this meeting within 10 business days to resolve the issue.
10. The Director will issue a final decision regarding the citation with 10 business days.
11. If the citation is upheld, the provider will have 10 days to submit the corrective action plan. If the citation is not upheld, the Office of Licensing will remove the violation from the CAP.
12. Nothing in this procedure will prevent the Office of Licensing from enforcing immediate corrective action where the violation presents a threat to health and safety.
13. A license shall continue in effect after the expiration date if the provider has submitted a renewal application before the date of expiration and there are no grounds to deny the application. A "letter of good standing" may be issued by the Department for the provider or service if the CAP is in process or if the license is not issued prior to the date of expiration.