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BEFORE THE STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

In Matter of the Appeal by:	CDPH Case No. 16-AL-LNC-14994
BROOKDALE HEALTHCARE & WELLNESS CENTRE	DEFAULT DECISION
Respondent	

I

The Department of Public Health (Department or CDPH) is the agency of the State of California responsible for the licensure and certification of skilled nursing facilities pursuant to Health and Safety Code section 1250 et seq. and California Code of Regulations, title 22, section 73300 et seq.

II

On or about July 8, 2016, pursuant to Health and Safety Code Section 1265 the Department issued a Notice of Denial of Application (Exhibit A) to Respondent based on its determination that the facility failed to comply with Chapter 2 of the Health and Safety Code 1250 et seq.

On or about July 28, 2016, Respondent requested a hearing to appeal the Department's denial of their application. (Exhibit B).

On or about November 7, 2016, Department served the Statement of Issues, Notice of Defense, Statement to Respondent, and Government Code sections 11507.5, 11507.6, and 11507.7 on Respondent. (Exhibit C).

1 Respondent failed to timely file a Notice of Defense as required by Government
2 Code section 11506. Therefore, Department issues this Default Decision in accordance
3 with Government Code section 11520, subdivision (a).

4 This Decision is based upon the Department's documentary evidence.

5 **III**

6 As more fully set forth in the Denial of Application Letter Notice filed herein and
7 attached hereto as Exhibit A, a review of Respondent's ability to comply with the rules
8 and regulations promulgated under Chapter 2 of the Health and Safety Code, revealed
9 265 federal regulatory violations at a deficiency scope and severity level of F or higher
10 in facilities the applicant owned, managed or operated, directly or indirectly, at any time
11 from June 22, 2013, through June 22, 2016.

12 In addition to the federal regulatory violations, the Department's review revealed
13 108 state violations in facilities owned, managed, or operated directly or indirectly by the
14 applicant from June 22, 2013, through June 22, 2016.

15 Finally, the Department's review revealed thirteen administrative penalties for
16 failure to comply with the legislatively mandated minimum staffing requirement of 3.2
17 Nursing Hours per Patient Day in facilities the applicant owned, managed or operated,
18 directly or indirectly, at any time from June 22, 2013, through June 22, 2016.

19 **IV**

20 Based upon the evidence presented herein, the Department upholds the
21 issuance of the Notice of Denial of Application.

22
23 DATED: 12/15/16


24 MIKE RAINVILLE
25 Assistant Chief Counsel
26 Department of Public Health
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