



## SUBJECT

Suspension or Revocation of a Hospital Inspector of Record Certification

**CAN:** 1-7-214

**Effective:** 3/24/2011



## CODE SECTION

Section 7-214, Chapter 7  
2010 California Administrative Code (CAC)

## 2010 California Administrative Code

### CHAPTER 7 SAFETY STANDARDS FOR HEALTH FACILITIES

**7-214. Suspension or revocation of certification.** A Hospital Inspector Certificate issued by the Office may be suspended or revoked, by written notice from the Office, if the certificate holder: misrepresents or falsifies any facts presented to the Office, pursuant to these regulations; demonstrates incompetence while performing inspection duties; and/or demonstrates malfeasance, including but not limited to bribery, relating to the performance of inspection duties.

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## PURPOSE

The purpose of this Code Application Notice is to establish the Office of Statewide Health Planning and Development (OSHPD)'s procedure for suspension or revocation of a Hospital Inspector of Record (IOR) Certification, issued by OSHPD, pursuant to the California Administrative Code (CAC).

## BACKGROUND

CAC Article 19, Certification and Approval of Hospital Inspectors, identifies regulations for the examination and certification of hospital inspectors, by OSHPD. In accordance with these regulations, OSHPD monitors the performance of Hospital IOR's for compliance with Title 24 requirements. An IOR certificate issued by OSHPD may be suspended or revoked, by written notice from OSHPD, if the certificate holder misrepresents or falsifies any facts presented to OSHPD, demonstrates incompetence while performing inspection duties, and/or demonstrates malfeasance, including but not limited to bribery, relating to the performance of inspection duties.

## **INTERPRETATION**

A Hospital IOR Certification, issued by OSHPD, may be suspended or revoked, as determined by the Deputy Director of the Facilities Development Division of OSHPD. A Certification may be suspended if: a) the Deputy Director determines that one or more grounds for revocation exist and the immediate suspension of a certification is necessary for health and safety reasons, or b) the Deputy Director determines that the suspension of a certification is appropriate based upon the evidence presented. Revocation of certification may occur when the Deputy Director determines that reasonable grounds exist.

OSHPD field staff or third parties may propose the suspension/revocation of a certification to a Deputy Division Chief based on evidence of a certificate holder's misrepresentation(s), incompetence and/or malfeasance consistent with the CAC. The Deputy Division Chief shall investigate the alleged misconduct of the certificate holder, gather evidence related to the incident(s) in question, and interview witnesses, if appropriate. If, upon investigation, the Deputy Division Chief determines that the allegations are supported, the Deputy Division Chief shall present an investigatory report, documentation of the certificate holder's alleged violation(s), and a recommendation for certification suspension/revocation to the Deputy Director. The Deputy Director shall review recommendations submitted by the Deputy Division Chief(s), consider the evidence presented and determine whether or not reasonable grounds exist for the suspension/revocation of the certification.

In the event that the Deputy Director determines that reasonable grounds exist for suspension/revocation, the Deputy Director shall coordinate with the OSHPD Legal Office to provide the certificate holder in question with notice and an opportunity to participate in a formal interview and/or present additional evidence before a final determination is made. A formal interview may be conducted in person or by telephone. The Deputy Director shall make a final determination as to the suspension/revocation after considering all of the evidence on record, including the formal interview and/or additional information submitted by the certificate holder, if any. Written notification of the Deputy Director's final determination shall be provided to the certificate holder within 15 days.

**Suspension** is appropriate when: 1) a certificate holder negligently commits an act amounting to one or more grounds of revocation; 2) a certificate holder acts with negligence/incompetence in the performance of inspection duties; 3) the evidence demonstrates a single or isolated incident rather than a course of negligent/incompetent conduct on the part of the certificate holder in question; and/or 4) the Deputy Director determines that other factors, including but not limited to mitigating circumstances or facts relating to the certificate holder's course of conduct, support the suspension of the certification in lieu of revocation.

A certification may be suspended for a minimum of one (1) month to a maximum of eighteen (18) months. The duration of the suspension will be determined by the Deputy Director upon consideration of all of the evidence on record, and should account for the severity of the action(s) constituting grounds for revocation.

**CODE APPLICATION NOTICE (CAN)**

**Revocation** is appropriate when: 1) a certificate holder knowingly or willfully commits an act amounting to one or more grounds for revocation; 2) a certificate holder acts with gross negligence/incompetence in the performance of inspection duties; 3) the evidence demonstrates a history of repeated or continuous deviations from the general standard of care in the inspection industry; and/or 4) the Deputy Director determines that other factors, including but not limited to damages to third parties or facts related to the certificate holder's course of conduct, justify the revocation of the certification.

**Appeal** of any suspension or revocation by the certificate holder may be made to the Hospital Building Safety Board pursuant to the CAC.

<u>Original Signed</u>	<u>3/24/2011</u>
Paul Coleman	Date