

(3) The Licensing Authority shall not issue a new license if the applicant has had a health facility license revoked or denied renewal, or has surrendered a license under threat of revocation or denial of renewal, or has lost certification as a Medicaid provider as a result of violations of applicable Medicaid requirements. The Licensing Authority may refuse to issue a new license if the applicant has been cited repeatedly for violations of applicable regulations found to be Class A or Class B deficiencies as defined in *Health Facility Sanctions and Civil Monetary Penalties*, 7NMAC 1.8, or has been noncompliant with plans of correction .
[7-1-60, 7-1-64, 5-2-89, 10-31-96, 7.9.2.8 NMAC – Rn & A, 7 NMAC 9.2.8, 8-31-00]

7.9.2.9 TYPES OF LICENSE:

A. ANNUAL LICENSE: An annual license is issued for a one (1) year period to a long term care facility which has met all requirements of these regulations.

B. TEMPORARY LICENSE: The Licensing Authority may, at its sole discretion, issue a temporary license prior to the initial survey, or when the Licensing Authority finds partial compliance with these regulations.

(1) A temporary license shall cover a period of time, not to exceed one-hundred twenty (120) days, during which the facility must correct all specified deficiencies.

(2) In accordance with Section 24-1-5 (D) NMSA 1978, no more than two (2) consecutive temporary licenses shall be issued.

C. AMENDED LICENSE: A license must apply to the Licensing Authority for an amended license when there is a change of Administrator/Director, when there is a change of name for the facility, when a change in capacity is sought, a change in bed classification is sought, or an addition or deletion of any special or operation unit(s) as listed in these regulations is sought.

(1) Application must be on a form provided by the Licensing Authority.

(2) Application must be accompanied by the required fee for amended license.

(3) Application must be submitted within ten (10) working days of the change.

[7-1-60, 5-2-89, 10-31-96; 7.9.2.9 NMAC – Rn, 7 NMAC 9.2.9, 8-31-00]

7.9.2.10 SCOPE OF LICENSE:

A. The licensed is issued only for the premises and the persons named in the license application and may not be transferred or assigned by the licensee.

B. The license shall state any applicable restrictions, including maximum bed capacity and the level of care that may be provided, and any other limitations that the department considers appropriate and necessary taking all facts and circumstances into account.

C. A licensee shall fully comply with all requirements and restrictions of the license.

[7-1-60, 5-2-89; 7.9.2.10 NMAC – Rn, 7 NMAC 9.2.10, 8-31-00]

7.9.2.11 SEPARATE LICENSES: Separate licenses shall be required for facilities which are maintained on separate premises even though they are under the same management. Separate licenses shall not be required for separate buildings on the same ground or adjacent ground.

[5-2-89; 7.9.2.11 NMAC – Rn, 7 NMAC 9.2.11, 8-31-00]

7.9.2.12 LICENSE RENEWAL:

A. Licensee must submit a renewal application on forms provided by the Licensing Authority, along with the required fee at least thirty (30) days prior to expiration of the current license.

B. Upon receipt of renewal application and required fee prior to expiration of current license, the Licensing Authority will issue a new license effective the day following the date of expiration of the current license if the facility is in substantial compliance with these regulations.

C. If a licensee fails to submit a renewal application with the required fee and the current license expires, the long term care facility shall cease operation until it obtains a new license through the initial licensure procedures. Section 24-1-5 (A) NMSA 1978, as amended, provides that no health facility shall be operated without a license.