

Database updated through 21:11 V.A.R. February 7, 2005 (see [cumulative table](#))

12VAC5-371-90. Administrative sanctions.

A. Nothing in this part shall prohibit the department from exercising its responsibility and authority to enforce the regulation, including proceeding directly to imposition of administrative sanctions, when the quality of care or the quality of life has been severely compromised.

B. The commissioner may impose such administrative sanctions or take such actions as are appropriate for violation of any of the standards or statutes or for abuse or neglect of persons in care. Such sanctions include:

1. Restricting or prohibiting new admissions to any nursing facility;
2. Petitioning the court to impose a civil penalty or to appoint a receiver, or both; or
3. Revoking or suspending the license of a nursing facility.

C. The following reasons may be considered by the department for the imposition of administrative sanctions or the imposition of civil penalties:

1. Failure to demonstrate or maintain compliance with applicable standards or for violations of the provisions of the Code of Virginia;
2. Permitting, aiding, or abetting the commission of any illegal act in the nursing facility; or
3. Deviating significantly from the program or services for which a license was issued without obtaining prior written approval from the center, or failure to correct such deviations within a specified time.

D. Violations which in the judgment of the center jeopardize the health and safety of residents shall be sufficient cause for immediate imposition of this section.

E. The licensee will receive a notice of the department's intent to impose sanctions. The notice shall describe the reasons for imposing the sanction.

F. Upon receipt of the notice to impose a sanction, the licensee has the right and the opportunity to appeal according to the Administrative Process Act (§9-6.14:1 of the Code of Virginia). The procedures for filing an appeal shall be outlined in the notice.

Statutory Authority

§§[32.1-12](#) and [32.1-127](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 13, Issue 17, eff. July 1, 1997.

[new search](#) | [table of contents](#) | [home](#)