



**Department of Human Services
Online Directives Information System**

**Index:
Revised:
Next Review:**

**POL1700
4/01/2021
4/01/2024**

SUBJECT: ADVERSE ACTIONS

POLICY:

It is the policy of the Residential Child Care Licensing (RCCL) Unit to initiate adverse action upon finding that an applicant or licensee engages in the following:

1. Knowingly makes any verbal or written false statement of material fact in connection with the application for a license, on documents submitted to the department as part of any inspection or investigation, or in the falsification or alteration of facility records made or maintained by the facility;
2. Fails or refuses, without legal cause, to provide the department with access to the premises subject to regulation or information pertinent to the initial and continued licensing of the facility;
3. Fails to comply with Georgia licensing requirements; or
4. Fails to comply with the provisions of [O.C.G.A. §§ 49-5-12](#).

RCCL will deny an application for licensing and suspend or revoke the license of any facility that does not comply with Georgia law, department rules and regulations, or any specific terms (waivers or variances) of an individual license. Civil penalties and restrictions to licenses will also be imposed when applicable.

A. Authority

[O.C.G.A. §§ 49-5-12](#)

[O.C.G.A. §§49-5-12.1](#)

[O.C.G.A. §§ 49-2-17](#)

[O.C.G.A. §§ 49-5-8](#)

B. References

RCCL TRAILS

Rules and Regulations for Enforcement of Licensing Requirements, Chapter 290-1-6

Guidance Form - RCCL Enforcement Matrix

RCCL Enforcement Actions Flowchart

C. Applicability

This policy applies to all RCCL Unit Staff, Licensed Child Caring Institutions, Child Placing Agencies, Outdoor Child Caring Programs, Maternity Homes, and Children’s Transitional Care Centers.

D. Definitions

1. Adverse Action: Adverse action is taken when non-compliance with rules poses a risk that endangers the health and safety of children, or there are indications of a continued failure to comply with department rules and regulations or Georgia law.
2. Civil Penalty: Fines imposed against a facility that does not comply with the law, department rules and regulations, prior settlement agreements, or any specific terms (waivers or variances) of an individual license.
3. Initial: When the occurrence is atypical for the facility. Initial incidents are rated on the RCCL Enforcement Matrix as either an “A”, “D”, “G” or “J” with “J” being the most severe.
4. Repeat: When the problems causing the deficiencies within a facility are pervasive (cited two or more times in a 24 month period) and/or represent systemic failure. A “repeat” problem, according to the RCC Enforcement Matrix, can be rated as a “C”, “F”, “I”, or “L” with “L” being the most severe.
5. Subsequent: When the situation has occurred in several locations, and/or repeated occurrences of the same deficient process. A “subsequent” rating may occur, according to the RCCL Enforcement Matrix, as a “B”, “E”, “H” or “K” with “K” being the most severe.

E. Responsibilities

1. The RCCL Director is responsible for monitoring requirements for updating this policy.
2. The RCCL Training and Policy Specialist will update this policy according to state requirements.

F. History

Replaces Adverse Action POL1700, last reviewed on 4/01/2021.

G. Evaluation

RCCL Surveyor Specialists and RCCL Surveyor Supervisors evaluates this policy when:

1. Conducting annual relicensure inspections and complaint investigations of licensed Child Placing Agencies.
2. Conducting random monthly quality assurance audits of survey reports.