

§ 15330. Evaluation of CUPAs and PAs.

(a) The Secretary shall evaluate a CUPA's performance and implementation of the Unified Program ~~at least once every three~~ periodically at least once every four years.

(1) The Secretary shall coordinate the performance evaluation of a CUPA with all state agencies with Unified Program responsibilities.

(2) The Secretary may assess the performance of a PA if in agreement with the CUPA.

(b) Each CUPA performance evaluation shall be conducted as follows:

(1) The Secretary will send a notification letter to the CUPA that informs the CUPA a performance evaluation will be conducted and requests information from the CUPA, including, but not limited to, administrative documents, policies and procedures, information not available in CERS, and facility file information not otherwise obtained by state agencies with Unified Program responsibilities.

(A) The CUPA shall provide the Secretary with the information requested in the notification letter electronically, unless otherwise approved by the Secretary.

(B) The CUPA shall provide the Secretary with the information requested in the notification letter within 60 days after the date of the letter, unless otherwise approved by the Secretary.

(2) To conduct the CUPA performance evaluation, the Secretary and state agencies with Unified Program responsibilities will review documents and information including, but not limited to, materials provided by the CUPA as requested in the notification letter, CERS data, materials from previous performance evaluations, the original application for certification, and information reviewed onsite at the CUPA office(s).

(3) State agencies with Unified Program responsibilities may:

(A) Accompany CUPA personnel during scheduled facility inspections to verify inspections are conducted in accordance with applicable requirements.

(B) Conduct inspections of regulated facilities independent of and following inspections conducted by CUPA personnel to verify inspections are conducted in accordance with applicable requirements.

(4) The Secretary and state agencies with Unified Program responsibilities shall conduct meetings with CUPA personnel to review and discuss the findings of the performance evaluation.

(5) The Secretary will provide performance evaluation findings to the CUPA, in ~~writing, with a~~ written Summary of Findings report, which identifies identified program deficiencies and incidental findings, along with ~~and specified~~ timeframes for associated corrective actions and resolutions, program observations and recommendations, and examples of accomplishments, challenges and outstanding program implementation, when applicable.

(6) The CUPA shall provide the Secretary with progress reports that detail actions taken toward the correction of each deficiency and incidental finding identified in the performance evaluation.

(A) The CUPA shall provide the first progress report to the Secretary 60 days after the issuance of the final performance evaluation findings, and every 90 days thereafter, unless otherwise approved by the Secretary.

(B) The CUPA shall provide progress reports to the Secretary electronically, unless otherwise approved by the Secretary.

(C) The CUPA shall provide progress reports to the Secretary until all deficiencies and incidental findings are acknowledged as corrected, in writing, by the Secretary.

(c) Nothing in this ~~s~~Section shall limit the authority of the Secretary to request records or documents for use in conducting the CUPA performance evaluation that are normally maintained by the CUPA in the course of implementing the Unified Program or otherwise required by law to be retained by the CUPA.

~~(d) If the Secretary finds the CUPA, or the Unified Program Implementation, ceases to meet minimum qualifications or fails to implement its program element(s) as described in the Unified Program application approved by the Secretary, the Secretary may enter into a Program Improvement Agreement (PIA) with the CUPA. The PIA shall specify the area(s) of improvement, minimum accomplishment(s) necessary, and timeframe that shall be met.~~

~~(1) If the Secretary finds the CUPA has failed to comply with the PIA, the Secretary may commence the process for withdrawing certification by issuing a NOI. The NOI shall identify those areas of the Unified Program that are deficient.~~

~~(2) Within 30 days of receipt of a NOI to withdraw certification, the CUPA may respond to the reasons specified and correct the deficiencies in its Unified Program.~~

~~(ded)~~ The CUPA shall evaluate its PAs on an annual basis at the same time the CUPA conducts itself the self-audit pursuant to ~~s~~Section 15280, or as necessary to maintain standards required in HSC chapter 6.11, the statutes governing specific program elements, and the specific performance standards established in regulation by the Secretary or the state agencies with Unified Program responsibilities.

(1) A CUPA overseeing a PA that ceases to meet minimum qualifications or fails to implement its program element(s) as described in the Unified Program application approved by the Secretary at any time during the term of its agreement with the CUPA shall enter into a Program Improvement Agreement with the CUPA. The Program Improvement Agreement shall specify the areas of improvement, minimum accomplishments necessary, and time frames that shall be met.

(A) The CUPA may apply to the Secretary, in accordance with ~~s~~Section 15300, for approval to remove or replace a PA that fails to perform according to the Program Improvement Agreement.

Note: Authority cited: Sections 25404(b) and 25404.6(c), Health and Safety Code. Reference: Sections 25143.10, 25144.6, 25200.3, 25201, 25201.5, 25201.13, 25201.14, 25286, 25287, 25404.2(c), 25404.3(d), 25404.4(a)(1) and 25506, Health and Safety Code.

