

Sec. 3. 1. ~~If~~ *When the Division assigns to a facility a grade of “B,” the licensee of the facility may, not later than 30 days after receiving the placard containing the grade pursuant to section 2 of this regulation, and the facility provides an acceptable plan of correction, the letter grade assigned to the facility will be changed to an “A” as of the latest correction date identified in the plan of correction* ~~apply to the Division for a resurvey.~~

2. *If the Division assigns to a facility a grade of “C,” “D” or “F,” the licensee of the facility must, not later than 30 days after receiving the placard containing the grade pursuant to section 2 of this regulation, apply to the Division for a resurvey.*

3. *The Division may revoke the license of a facility that fails to comply with the requirements of subsection 2.*

Rationale:

For deficiencies that result in a “B” grade, an acceptable POC is sufficient evidence of compliance, hence a resurvey isn’t necessary. The letter grade should be changed based on acceptance of the POC, the same as would occur if the facility had applied for and received a follow-up survey where the facility improved the grade.