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CHAPTER 3

DENIAL, NON-RENEWAL, REVOCATION OR SUSPENSION OF LICENSE

Section 1. **Reasons for Denial, Non-Renewal, Revocation or Suspension.**

(a) The Department may deny, non-renew, revoke, or suspend a license for reasons including, but not limited to:

(i) Violation of the applicable statutes or rules that has been willful, continual, or hazardous to the health or safety of children;

(ii) Any staff, household member, volunteer, or substitute who has a criminal conviction or a pending deferred prosecution of a felony or misdemeanor as cited in Chapter 4, Section 3;

(iii) Any staff, household member, volunteer, or substitute who is using or is under the influence of alcohol or illegal drugs at any time while caring for children on or off the facility premises or while transporting children;

(iv) Any staff, household member, volunteer, or substitute who is misusing prescription or over-the-counter drugs at any time while caring for children, on or off the facility premises, or while transporting children;

(v) Any staff, household member, volunteer, or substitute who is substantiated for the abuse/neglect of a child or vulnerable adult and is placed on Central Registry;

(vi) Any staff, household member, volunteer, or substitute furnishing or making a false statement or report to a licenser;

(vii) Any staff, household member, volunteer, or substitute failing to provide, equip or maintain the child care premises in a safe and sanitary condition;

(viii) Any staff, household member, volunteer, or substitute failing to complete all required training;

(ix) Illegal drugs found on the premises of the facility, including any vehicle on the property, or in any vehicle that transports children;

(x) Failure or refusal to cooperate with an investigation or interference with an investigation;

(xi) Failure to admit authorized representatives of the Department at any time the facility is open for operation for the purpose of investigation, obtaining records, inspection or monitoring;

(xii) Failure to comply with a Corrective Action Plan;

(xiii) Provider and/or director has been found in a legal proceeding to have committed fraud against the Department; or

(xiv) Failure to comply with the application process.

Section 2. Denial, Revocation, Suspension or Non-Renewal.

(a) When a child care license is to be denied, revoked, suspended or non-renewed, the provider and/or director shall be notified by the Department in writing of the action being taken.

(b) A Notice of Revocation, Denial, Suspension or Non-Renewal shall include the following:

(i) A statement of the laws, rules or regulations violated;

(ii) A statement of authority for the revocation, non-renewal or denial;

(iii) The effective date of the action;

(iv) The right to seek representation by a lawyer, friend, or relative. The Department shall not be responsible for any fees charged; and

(v) The penalty for unlicensed operation.

(c) A notice of revocation, non-immediate suspension, or non-renewal of a child care license shall be sent to the parents of children currently attending the facility when the provider and/or director has not requested an administrative hearing as outlined in the Department's Contested Case Hearing Rules. A complete list of parents with mailing addresses shall be supplied to the Department by facility staff upon request. The notice to parents shall include the following:

(i) Name of facility;

(ii) Name of the provider or director;

(iii) Action being taken and the reason(s) for the action; and

(iv) Date the action shall be effective.

Section 3. Application Following Revocation.

(a) Application by the same provider and/or director shall not be accepted for three (3) years following revocation of a child care license.

(b) Application by the same provider and/or director cannot be made following a second revocation.

Section 4. Immediate Suspension.

(a) During an investigation by Child Care Licensing, Child Protective Services, and/or law enforcement, an immediate suspension shall be requested by the licenser if it becomes apparent to an investigator that emergency action is required to protect the health, safety and/or welfare of children.

(b) The decision to suspend a license shall be made by the Administrator for the Certifying Authority or designee following review of the investigative information. The Notice of Suspension shall include the following:

(i) A statement of authority for the suspension;

(ii) The suspension of a license is effective immediately;

(iii) The right to seek representation by a lawyer, friend, or relative. The Department shall not be responsible for any fees charged; and

(iv) The penalty for unlicensed operation.

(c) The licenser or other Department designee shall hand deliver the Notice of Suspension and ensure that all children are picked up by their parents or guardians.

(d) The licenser or other Department designee shall provide immediate notification to all parents of children in care.

(e) The suspension shall remain in effect while there continues to be a need to protect the health, safety and/or welfare of the children in the child care facility.

(f) The Department shall rescind the suspension when the need to protect the health, safety and/or welfare of the children in the child care facility no longer exists.

(g) The Department may initiate revocation proceedings during the suspension, if warranted.

(h) No action regarding a renewal shall take place while the facility's license is under suspension.

Section 5. **Contested Case Hearing.**

The hearing shall be conducted in accordance with the Department's Contested Case Hearing Rules.