

2955.0060 DENYING, REVOKING, SUSPENDING, AND NONRENEWING CERTIFICATION.

Subpart 1. **Inspections and nonconformance.** Every two calendar years from the date of a treatment program's certification, the commissioner must inspect the treatment program to determine compliance with this chapter, but the commissioner must inspect a treatment program annually if the commissioner determines it necessary to ensure compliance with a corrective action plan, revocation, or suspension under this part.

Subp. 2. **Commissioner approval of changes to initial certification.**

A. A certificate holder must document in writing and obtain the commissioner's approval for any changes to the treatment program's initial certification.

B. Within 60 days of receiving a requested change under item A, the commissioner must approve the change unless the commissioner determines that the change would:

- (1) make the treatment program noncompliant with this chapter; or
- (2) jeopardize treatment quality and client outcomes.

C. If the commissioner denies a change, the commissioner must:

- (1) notify the certificate holder in writing;
- (2) state why the change was denied;
- (3) inform the certificate holder of any action required to correct the reason for denial;

and

- (4) inform the certificate holder that the certificate holder may resubmit the change.

Subp. 2a. **Corrective action plan.**

A. The commissioner must issue a corrective action plan to a certificate holder when the commissioner determines that the certificate holder is not complying with this chapter.

B. The corrective action plan must:

- (1) be in writing;
- (2) identify all rule violations;
- (3) detail the corrective action required to remedy each violation; and
- (4) provide a deadline to correct each violation.

C. When the certificate holder has corrected each violation, the certificate holder must submit to the commissioner documentation detailing the certificate holder's compliance with the corrective action plan. If the commissioner determines that the certificate holder has not corrected each violation, the certificate holder is subject to an additional corrective action. Failure to comply

with a corrective action plan is grounds for the commissioner to suspend or revoke a treatment program's certificate according to this part.

Subp. 2b. Revocation or suspension; when required.

A. The commissioner must suspend a treatment program's certificate when:

- (1) the commissioner has documented serious violations of policies and procedures;
- (2) the program's operation poses an imminent risk to the health or safety of the program's clients or staff or the public; or
- (3) the program's license has been suspended under Minnesota Statutes, section 241.021, subdivision 1c.

B. The commissioner must revoke a treatment program's certificate when:

- (1) the program:
 - (a) has been notified of the commissioner's intent to revoke the program's certificate because of documented serious violations of policies and procedures; and
 - (b) has not taken an identified action, if any, required by the commissioner; or
- (2) a program's license has been revoked under Minnesota Statutes, section 241.021, subdivision 1b.

Subp. 3. Notice of intent to revoke or suspend certificate.

A. The commissioner must notify a certificate holder when the commissioner intends to revoke or suspend the certificate holder's certificate.

B. The notice must:

- (1) be in writing;
- (2) state why the commissioner intends to revoke or suspend the certificate;
- (3) inform the certificate holder of any action required for compliance; and
- (4) inform the certificate holder that it has 30 days after receiving the notice to respond and take any corrective action required for continued operation.

Subp. 4. Notice of revocation or suspension.

A. If a certificate holder does not take the required action, if any, under subpart 3 within 30 days after receiving the notice, the commissioner must notify the certificate holder in writing that the certificate has been revoked or suspended.

B. The notice must inform the certificate holder of the right to appeal the commissioner's action according to subpart 9.

Subp. 5. [Renumbered subp 2b]

Subp. 6. [Repealed, 50 SR 387]

Subp. 6a. [Renumbered subp 2a]

Subp. 7. [Repealed, 50 SR 387]

Subp. 8. [Repealed, 50 SR 387]

Subp. 9. **Appeals.**

A. An applicant whose application is denied or a certificate holder whose certificate is revoked or suspended may appeal the commissioner's action by filing a contested case with the Court of Administrative Hearings under Minnesota Statutes, chapter 14. An appeal must be filed within 30 days after the applicant or certificate holder has received the commissioner's final written disposition.

B. If the Court of Administrative Hearings affirms a commissioner decision to deny an application or revoke a certificate:

(1) the applicant or certificate holder cannot apply for a certificate for two calendar years from the date of the court's issued decision; and

(2) the commissioner must notify the applicant or certificate holder of the restriction in writing.

Statutory Authority: *MS s 241.67*

History: *23 SR 2001; 50 SR 387*

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