

2965.0060 DENIAL, REVOCATION, SUSPENSION, AND NONRENEWAL OF CERTIFICATION.

Subpart 1. **Compliance required.** The commissioner must deny the application for certification of an applicant which does not comply with this chapter. The commissioner must revoke or suspend the certification of a residential adult sex offender treatment program if the program does not comply with this chapter.

Subp. 2. **Commissioner approval of proposed changes required.** The certificate holder must notify the commissioner in writing and obtain the commissioner's approval at least 20 days prior to making any changes in relevant licensing or accreditation conditions, staffing patterns that reduce the amount of program services, the total number of hours, or the type of program services offered to clients.

Subp. 3. **Notice of noncompliance.** The commissioner must provide any applicant or certificate holder who does not comply with this chapter that the certificate may be denied, revoked, suspended, or not renewed. This notice must be sent by certified mail and state the grounds for such action and must inform the applicant or certificate holder of the actions required to correct the situation or to apply for a variance and that the applicant or certificate holder has 30 days to respond and comply with the requirements of the notice of noncompliance.

Subp. 4. **Notice to program of action.** After the 30-day period to respond to the notice of noncompliance has expired, a certificate holder of a program that does not take the action required by the notice of noncompliance must be notified in writing, by certified mail, that its certificate has been denied, revoked, suspended, or not renewed. The notice must inform the applicant or certificate holder of the right to appeal the commissioner's action.

Subp. 5. **Shortened notice to program of action.** A program whose residential or correctional facility license or accreditation is revoked, suspended, or not renewed, or a program whose operation poses an immediate danger to the health and safety of the clients or the community, must have its certificate revoked or suspended by the commissioner upon delivery of the notice of revocation or suspension to the certificate holder or any staff person at the program.

Subp. 6. **Notification to commissioner of investigation or litigation.** An applicant or certificate holder must notify the commissioner by the next working day if the program or any of its staff has:

A. received official notice that a licensing board or professional accreditation organization is investigating malpractice or ethical violations;

B. been named as a party defendant in a civil action where a complaint has been filed with the court or has been named as a defendant in a criminal proceeding, where

either the civil or criminal proceeding is related to the delivery of services or professional activities; or

C. received official notice that a staff person is being investigated for child abuse or maltreatment of minors.

Subp. 7. **Temporary suspension.** A program's certification may be temporarily suspended if subpart 6, item A, B, or C, applies and the commissioner determines that there is a likelihood that the program will be rendered ineffective by the investigation or litigation or there is a risk of harm to a client or the community related to the violation alleged.

Subp. 8. **Revocation.** Absent the existence of mitigating factors, a program's certification may be revoked if the program or any of its staff is found guilty of any charges or liable in any action outlined in subpart 6. Mitigating factors will be evaluated according to relevant criteria under part 2965.0070, subpart 2.

Subp. 9. **Appeals.** An applicant or certificate holder whose application for certification is denied or whose certificate is revoked, suspended, or not renewed may appeal the commissioner's action. The appeal must be in writing and mailed to the commissioner within 30 days of the date of the notice of action in subpart 4. The department must advise the appellant of the department's action on the appeal no later than 30 days after the receipt of the written appeal to the commissioner. An applicant or certificate holder not satisfied with the commissioner's action on appeal may file an appeal to the Office of Administrative Hearings.

Statutory Authority: *MS s 241.67*

History: *23 SR 1997*

Published Electronically: *October 8, 2007*