

3512.1600 APPEALS.

Subpart 1. **Licensure denials.** A person whose application for an administrative license is recommended for denial by the licensing committee or whose application is denied by the board without a licensing committee recommendation may appeal under the contested case procedures in Minnesota Statutes, chapter 14. When the licensing committee makes a recommendation to the board to deny a license, the committee must provide the applicant with written notice of its recommendation. If the board denies a license without first receiving a recommendation from the licensing committee, the board must provide the applicant with written notice of its intent to deny the license. The notice of recommendation to deny and the notice of intent to deny the license shall explain the process for appeal and the contested case hearing process. The applicant shall have 30 days from the date of service of the notice to request a contested case hearing. An applicant who fails to request a hearing within 30 days shall be deemed to have waived an appeal and the licensing committee's recommendation or the board's intended decision may be summarily affirmed by the board, in which case the board's decision is final and shall not be subject to further review. If an applicant makes a timely request for a contested case hearing, the board shall schedule a hearing before an administrative law judge at the Office of Administrative Hearings. The administrative law judge shall make a recommendation to the board on whether the board should grant or deny the application. After considering the administrative law judge's recommendation, the board shall make the final decision on whether to grant or deny the license application. A person whose license application is denied by the board after completing a contested case hearing may appeal the board's final decision to the court of appeals pursuant to Minnesota Statutes, sections 14.63 to 14.69.

Subp. 1a. **Licensure suspension or revocation.** A person whose administrative license is recommended for suspension or revocation under part 3512.2400 or 3512.5200 may appeal the recommendation under the contested case procedures in Minnesota Statutes, chapter 14. When the ethics committee recommends to the board suspending or revoking a license, the committee must provide the licensee with written notice of its recommendation. The notice must explain the process for appealing the ethics committee's recommendation and the contested case hearing process. The licensee shall have 30 days from the date of service of the notice to request a contested case hearing. A licensee who fails to request a hearing within 30 days shall be deemed to have waived an appeal, and the ethics committee's suspension or revocation recommendation may be summarily affirmed by the board, in which case the board's decision shall be final and shall not be subject to further review. If a licensee makes a timely request for a contested case hearing, the board shall schedule a hearing before an administrative law judge at the Office of Administrative Hearings. The administrative law judge shall make a recommendation to the board on whether the board should suspend or revoke the license. After considering the administrative law judge's recommendation, the board shall make the final decision on whether to suspend or revoke the license. A person whose license is suspended or revoked by the board after completing a contested case hearing may appeal the board's final decision to the court of appeals pursuant to Minnesota Statutes, sections 14.63 to 14.69.

Subp. 2. **Appeal request.** To appeal the denial, suspension, or revocation of an administrative license, a person must file a written request for a hearing with the executive director within 30 days of receiving notice of the board's intent to deny, suspend, or revoke the license. Upon receiving the

request for a hearing, the board must notice a contested case hearing before an administrative law judge under Minnesota Statutes, chapter 14. The failure to file a written request for a hearing within 30 days constitutes a waiver of the person's right to a hearing.

Statutory Authority: *MS s 122A.14; 125.05; L 1993 c 224 art 12 s 34; L 1996 c 412 art 9 s 14; L 2006 c 263 art 2 s 20*

History: *21 SR 804; L 1998 c 397 art 11 s 3; L 1998 c 398 art 5 s 55; L 2003 c 130 s 12; 33 SR 658; 44 SR 1385*

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