

**9555.6145 NEGATIVE LICENSING ACTIONS.**

Subpart 1. **Definition.** For the purposes of this part, "negative licensing action" means denial of a license, revocation, suspension, or temporary immediate suspension of an existing license, or issuance of a fine.

Subp. 2. **Procedures.** In accordance with Minnesota Statutes, section 245A.07, failure to comply with parts 9555.5105 and 9555.6105 to 9555.6265 or the terms of licensure is grounds for a negative licensing action. If the local agency recommends a negative licensing action, the local agency shall notify the department and the department shall determine if the standards in parts 9555.5105 and 9555.6105 to 9555.6265 or the terms of licensure have been violated. If the grounds are sufficient, the commissioner shall follow the procedures in Minnesota Statutes, sections 245A.07 and 245A.08, and notify the applicant or operator by certified mail, unless personal service is required. The notice of negative licensing action must be addressed to the name and location shown on the application or license and contain a statement of, and the reasons for, the proposed negative licensing action. The notice of negative licensing action must inform the applicant or operator of the right to appeal the decision. The applicant or operator shall have an opportunity for a hearing under parts 1400.8505 to 1400.8612 and Minnesota Statutes, chapter 14.

Subp. 3. **Denial.** If the commissioner denies a license, the commissioner must give the applicant notice of the license denial and right to appeal as provided in Minnesota Statutes, section 245A.05.

Subp. 4. **Fine, revocation, or suspension.** If the commissioner revokes or suspends a license or issues a fine, the commissioner must give the operator notice of the licensing action and the right to appeal as provided in Minnesota Statutes, section 245A.07.

Subp. 5. **Temporary immediate suspension.** If the operator's actions or failure to comply with applicable law or rule poses an imminent risk of harm to the health, safety, or rights of the residents in care, the commissioner shall act immediately to temporarily suspend the license and notify the local agency to remove the residents. The operator shall be informed by personal service and informed of the right to an expedited hearing under parts 1400.8505 to 1400.8612 and Minnesota Statutes, chapter 14, as provided in Minnesota Statutes, section 245A.07, subdivisions 2 and 2a. The appeal does not stay the decision to temporarily immediately suspend the license.

Subp. 6. [Repealed, 15 SR 2105]

Subp. 7. **Notice of negative licensing action.** At the time the commissioner notifies the operator of a proposed negative licensing action, the commissioner shall notify residents and residents' legal representatives of the proposed negative licensing action and of the operator's right to appeal. The notification procedures in Minnesota Statutes,

section 626.557, subdivision 10, paragraph (a), shall be followed in situations alleging maltreatment of residents.

Subp. 8. **Reapplication after revocation.** An operator whose license has been revoked shall not be granted a new license for five years following revocation and must reapply for licensure to determine current compliance with parts 9555.5105 and 9555.6105 to 9555.6265.

**Statutory Authority:** *MS s 14.386; 14.388; 245A.09; 245A.16*

**History:** *12 SR 148; L 1987 c 333 s 22, c 384 art 2 s 1; 15 SR 2105; 30 SR 585*

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