

199.670 Denial, suspension, or revocation of license of child-caring facilities or child-placing agencies.

- (1) The cabinet may revoke or suspend a license issued under KRS 199.640 for any deficiency or condition which would have caused a denial of the license in the first instance. The cabinet may refuse to issue a license in any case where the applicant is not found to meet the standards established by the secretary in an administrative regulation promulgated in accordance with the provisions of KRS 199.640.
- (2) If the cabinet proposes to revoke or suspend, or to refuse to issue a license, written notice shall be given to the licensee or applicant, stating the proposed action and grounds therefor, and notifying the licensee or applicant that the license will be revoked, suspended, or refused unless the applicant or licensee makes a written request to engage in informal dispute resolution, in accordance with the provisions of subsection (4) of this section, or the applicant or licensee makes a written request for a hearing before the secretary within thirty (30) days of notice. Notice shall be complete and effective upon mailing. If the cabinet proposes to deny the issuance or renewal of a license, notice of the proposed action shall be provided to the licensee or applicant no later than thirty (30) days after the application for licensure or renewal is received by the cabinet.
- (3) If a request for a hearing is made, the hearing shall be conducted in accordance with KRS Chapter 13B. If the cabinet has probable cause to believe that an immediate threat to the public health, safety, or welfare exists, the cabinet may take emergency action pursuant to KRS 13B.125.
- (4)
 - (a) Upon receipt of a statement of deficiency from the cabinet, the applicant or licensee may request one (1) informal opportunity per survey to dispute any deficiencies with which it disagrees. The applicant or licensee shall make a written request to the cabinet for informal dispute resolution, which must be received by the cabinet within ten (10) days of the receipt of the statement of deficiency by the applicant or licensee. The request shall:
 1. Specify the deficiencies in dispute;
 2. Provide a detailed explanation of the basis for the dispute;
 3. Include any supporting documentation, including any information that was not available at the time of the survey; and
 4. If desired, request a face-to-face meeting with the regional program manager, or the manager's designee, and a surveyor who did not participate in the original survey or the decision to issue the disputed deficiency.
 - (b) Upon receipt of a request for informal dispute resolution, the regional program manager, or the manager's designee, and a child-caring surveyor who did not participate in the original survey or the decision to issue the disputed deficiency shall, within thirty (30) days of receipt of the request, review the specific deficiencies in dispute and notify the applicant or licensee in writing of the results of the review. If a face-to-face meeting was requested by the applicant or licensee, the meeting shall be held, and no decision shall be made

regarding the disputed deficiencies until after the face-to-face meeting has occurred.

1. If materials submitted by the applicant or licensee by mail or at the face-to-face meeting demonstrate that specific deficiencies should not have been cited, those deficiencies will be removed from the statement of deficiencies and any enforcement actions imposed solely as a result of those cited deficiencies will be rescinded.
 2. If, after review of the disputed deficiencies, the regional office staff affirms the deficiencies, the licensee or applicant may accept the findings of the regional office staff and make any corrections required by the cabinet, or may, within thirty (30) days of receipt of the notice, request in writing a meeting with the secretary or the secretary's designee. The secretary may designate an individual who holds the position of director or above to serve as the designee.
 3. The secretary or the secretary's designee shall meet in person with the licensee or applicant and review the documentation available within fifteen (15) days of receipt of the request.
 4. If the information provided demonstrates that specific deficiencies should not have been cited, those deficiencies will be removed from the statement of deficiencies and any enforcement actions imposed solely as a result of those cited deficiencies will be rescinded.
 5. If the secretary or the secretary's designee affirms the deficiencies, the secretary or the secretary's designee shall, within fifteen (15) days issue a final written order stating the cabinet's final position regarding the deficiencies in dispute. The decision of the secretary or the secretary's designee shall be a final order for purposes of subsection (5) of this section.
- (c) A request for informal dispute resolution shall not delay the required submission of a plan of correction for any deficiency not in dispute. Any corrective plan of action or similar submission required by the cabinet relating to any deficiency in dispute shall be suspended until a decision is rendered and a corrective plan of action is agreed to within the informal dispute resolution process or the secretary or the secretary's designee issues a final order.
- (5) Any final order may be reviewed in the Circuit Court of the county in which the child-caring facility or child-placing agency is located in accordance with KRS Chapter 13B.

Effective: July 15, 1998

History: Amended 1998 Ky. Acts ch. 527, sec. 3, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 318, sec. 89, effective July 15, 1996. -- Amended 1980 Ky. Acts ch. 114, sec. 37, effective July 15, 1980. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(21); and ch. 315, sec. 26. -- Amended 1972 Ky. Acts ch. 153, sec. 5. -- Created 1950 Ky. Acts ch. 125, sec. 30.