

135C.41 Licensee's response to citation.

Within twenty business days after service of a citation under [section 135C.40](#), a facility shall do one of the following:

1. If the facility does not desire to contest the citation, take one of the following actions:

a. Remit to the department the amount specified by the department pursuant to [section 135C.36](#) as a penalty for each class I violation cited, and for each class II violation unless the citation specifically waives the penalty, which funds shall be paid by the department into the state treasury and credited to the general fund.

b. In the case of a class II violation for which the penalty has been waived in accordance with the standards prescribed in [section 135C.36, subsection 2](#), or a class III violation, send to the department a written response acknowledging that the citation has been received and stating that the violation will be corrected within the specific period of time allowed by the citation.

2. If the facility desires to contest the citation, notify the director that the facility desires to contest the citation and do either of the following:

a. Request an informal conference with an independent reviewer pursuant to [section 135C.42](#). Upon the conclusion of an informal conference, in the case of an affirmed or modified citation, the facility may request a contested case hearing in writing within five days after receipt of the written explanation of the independent reviewer.

b. Request a contested case hearing in the manner provided by [chapter 17A](#) for contested cases. The formal hearing shall be conducted in accordance with [chapter 17A](#) and rules adopted by the department.

[C77, 79, 81, §135C.41]

2009 Acts, ch 156, §7; 2010 Acts, ch 1069, §16; 2013 Acts, ch 26, §1, 7; 2014 Acts, ch 1092, §31; 2015 Acts, ch 80, §3

Referred to in [§135C.42](#), [§135C.43A](#), [§135C.46](#)

Subsection 2 amended