

561—7.19(17A,455A) License suspension or revocation and other licensee disciplinary proceedings.

7.19(1) Notice. Except as provided in rule 561—7.18(17A,455A) or in subrule 7.19(3), prior to the suspension or revocation of a license, the department shall give notice of its intent and shall provide an opportunity to be heard at an evidentiary hearing conducted according to the provisions of this chapter. However, according to the provisions of Iowa Code section 455B.219, an evidentiary hearing, and not just the opportunity therefor, must occur prior to revocation or suspension of a license for water treatment.

7.19(2) Content of notice. The notice shall inform the licensee of the department's intent to suspend or revoke the license and shall include:

- a. A description of the facts or conduct warranting the suspension or revocation;
- b. A statement of jurisdiction and the provision of law which warrants the intended action; and
- c. A statement that the licensee may show at a hearing that the licensee meets all lawful requirements to retain the license.

7.19(3) Delivery of notice. Delivery of notice in license revocation or suspension proceedings shall be by personal service or by restricted certified mail.

7.19(4) Time to request hearing. A person entitled to request a hearing according to the provisions of this rule may invoke the right within 30 days of receipt of the notice.

7.19(5) Setting hearing. Upon receipt of a request for a hearing or upon receipt of a notice of intent to revoke or suspend a license according to the provisions of Iowa Code section 455B.291, the presiding officer shall prepare a notice of hearing. The contested case hearing procedures in this chapter shall apply.

7.19(6) Filing of petition and answer. Within 10 days of receipt of the notice of hearing, the department shall file a petition which complies with the provisions of paragraph 7.12(1)“c.” An answer complying with the provisions of paragraphs 7.12(2)“c” and “d” may be filed within 10 days of receipt of the petition.

7.19(7) Emergency suspension. A license may be suspended without the department providing to the licensee a prior opportunity to be heard if the agency having jurisdiction:

- a. Finds that the public health, safety or welfare imperatively requires emergency action,
- b. Incorporates a finding to that effect in its order,
- c. Complies with the provisions of rule 561—7.18(17A,455A), and
- d. Promptly thereafter provides the licensee an opportunity to be heard.

7.19(8) Effective date of suspension or revocation. Except as provided in Iowa Code section 455B.219 and subrule 7.19(7), suspension or revocation pursuant to this rule shall be effective upon:

- a. Failure of the licensee to request a hearing within 30 days of receipt of notice of intent to revoke or suspend; or
- b. Upon the issuance of an order suspending or revoking the license after hearing.