

641—155.10(125,135) Grounds for denial of license.

155.10(1) The committee may deny an application for a license for any of the following reasons:

a. The application is not complete, is not timely or otherwise does not meet the requirements of these rules.

b. The applicant fails to achieve the minimum licensure weighting report rating required for a 270-day initial license or a one-, two- or three-year license.

c. Lack of patients or patient records for review.

d. Violation of any of the following grounds for discipline:

(1) Submission of fraudulent or misleading information.

(2) Violation by a program or staff of any statute or rule pertaining to programs, including violation of any provision of these rules, or failure to adhere to program policies and procedures adopted pursuant to these rules.

(3) Failure to comply with licensure, inspection, health, fire, occupancy, safety, sanitation, zoning, or building codes or regulations required by federal, state or local law.

(4) Sanction, modification, termination, withdrawal, refused renewal, suspension, or revocation of accreditation by an accreditation body.

(5) Sanction, modification, termination, withdrawal, refused renewal, suspension, revocation, or refused issuance of a federal registration to distribute or dispense controlled substances.

(6) Commission of or permitting, aiding or abetting commission of an unlawful act.

(7) Conviction of a member of the governing body, a director, administrator, chief executive officer, or other managing staff person of a felony or misdemeanor related to the management, operation or integrity of the program.

(8) Use of untruthful or improbable statements in advertising.

(9) Conduct or practices determined to be detrimental to the general health, safety, or welfare of a patient, potential patient, concerned person, visitor, staff or member of the public.

(10) Violation of a patient's confidentiality or willful, substantial, or repeated violation of a patient's rights.

(11) Defrauding a patient, potential patient, concerned person, visitor, staff or third-party payor.

(12) Inappropriate conduct by staff, including sexual or other harassment or exploitation of a patient, potential patient, concerned person, visitor or staff.

(13) Utilization of treatment techniques that endanger the health, safety, or welfare of a patient, potential patient, concerned person, visitor, staff or member of the public.

(14) Discrimination or retaliation against a patient, potential patient, concerned person, visitor, staff, or member of the public who has submitted a complaint or information to the department.

(15) Failure to allow an employee or agent of the department access to the program or facility for the purpose of inspection, investigation, or other activity necessary to the performance of the department's duties.

(16) Failure to submit an acceptable written corrective action plan or failure to comply with a corrective action plan issued pursuant to rule 641—155.9(125,135) or 641—155.16(125,135).

(17) Violation of an order of the committee or violating the terms or conditions of a consent agreement or informal settlement between a program and the committee.

155.10(2) Reserved.

[ARC 1926C, IAB 4/1/15, effective 5/6/15]