

641—155.11 (125,135) Suspension, revocation, or refusal to renew a license.

155.11(1) The board may suspend or revoke a license or refuse to renew a license for any of the following reasons:

- a.* Failure to adequately complete the application or renewal application process or submission of fraudulent or misleading information in the application or renewal process.
- b.* Failure to obtain the minimum score required for a one-, two- or three-year license.
- c.* Violation by a program, program employee or agent of any statute or rule pertaining to treatment programs, including a violation of any provision of this chapter.
- d.* Failure to comply with licensure, inspection, health, fire, occupancy, safety, sanitation, zoning, or building code or regulations required by federal, state, or local law.
- e.* Receiving a report from an accreditation body sanctioning, modifying, terminating, or withdrawing the accreditation of the program.
- f.* Suspension, revocation, refused renewal, or refused issuance of a federal registration to distribute or dispense methadone or other controlled substances.
- g.* Committing or permitting or aiding or abetting the commission of an unlawful act within a facility.
- h.* Conviction of a member of the governing body, a director, administrator, chief executive officer, or other managing staff member, of a felony or misdemeanor involving the management or operation of the facility or which is directly related to the operation or integrity of the facility.
- i.* Use of untruthful or improbable statements in advertising.
- j.* Conduct or practices found by the board to be detrimental to the general health, safety, or welfare of a client/patient or member of the general community.
- k.* Violating a client/patient's confidentiality or willful, substantial, or repeated violations of a client/patient's rights.
- l.* Defrauding a client/patient, potential client/patient, or third-party payor.
- m.* Inappropriate conduct by program staff, including sexual or other harassment or exploitation of a program client/patient, volunteer, trainee or employee.
- n.* Utilization of treatment techniques which endanger the health, safety, or welfare of a client/patient.
- o.* Discrimination or retaliation against a client/patient or employee who has submitted a complaint or information to the department.
- p.* Failure to allow an employee or agent of the department access to the facility for the purpose of inspection, investigation, or other information collection duties necessary to the performance of the department's duties.
- q.* Failure to submit an acceptable written plan of corrective action or failure to comply with a written plan of corrective action issued pursuant to 155.3(2), 641—155.9(125,135), or 155.16(4) "e."
- r.* Violating an order of the board or violating the terms or conditions of a consent agreement or informal settlement between a program and the board.

155.11(2) Initial notice from board. When the board determines to deny a renewal, suspend or revoke a license, the board shall notify the licensee by certified mail, return receipt requested, of the board's intent to suspend, revoke, or refuse to renew the license and the changes that must be made in the licensee's operation to avoid such action. The initial notice shall further provide the licensee the opportunity to submit either a written plan of corrections or written objections to the department within 20 days from the receipt of notice from the board.

155.11(3) Correction of issues or objections.

- a. Written plan of corrections.* If a licensee submits a written plan of corrections, the licensee shall have 60 days from the date of submission within which to show compliance with the plan of corrections. The licensee shall submit any information to the board that the licensee deems pertinent to show compliance with the plan of corrections.
- b. Objections.* If a licensee submits written objections, the licensee shall submit to the board any information that the licensee deems pertinent which supports the licensee's defense.

155.11(4) Decision of board. Following receipt of a written plan of corrections and expiration of the 60-day time period, or following receipt of written objections, or when objections or notice of corrections have not been received within the 20-day time period, the board may meet to determine whether to proceed with the disciplinary action. The licensee shall receive notice of this meeting in the same manner as provided by 155.8(1)“a.”

155.11(5) Notice of decision and opportunity for contested case hearing.

a. When the board determines to suspend, revoke or not renew a license, the licensee shall be given written notice by restricted certified mail.

b. The licensee may request a hearing on the determination. The request must be in writing and mailed to the department address within 30 days of the notice issued by the board. The request shall be sent by certified mail, return receipt requested. Failure to request a hearing will result in final action by the board.

155.11(6) Summary suspension. If the board finds that the health, safety or welfare of the public is endangered by continued operation of a treatment program, summary suspension of a license may be ordered pending proceedings for revocation or other actions. These proceedings shall be promptly instituted and determined.

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