**Section 385.2550 Adverse Licensure Action**

a) Adverse licensure actions include the denial of an initial license application, denial of an application for license renewal, revocation of a license, and suspension of a license.

b) Adverse licensure action shall be considered by the Department under the following conditions:

1) *If the applicant or licensee has been convicted of a felony or two or more misdemeanors involving moral turpitude, as shown by a certified copy of the* court's *conviction, and*

A) *The Department determines after investigation that the person has not been sufficiently rehabilitated to warrant the public trust; or*

B) *Upon other satisfactory evidence that the moral character of the applicant or licensee is not reportable.*

2) If the licensee *submits false information on Department licensure forms.*

3) If the licensee *submits false information during an inspection.*

4) If the licensee *refuses to allow an inspection to occur.*

5) If the licensee *violates* the *Act* or this Part.

6) If the licensee *violates the rights of* its clients.

7) If the licensee *fails to submit or implement a plan of correction* within *the specified time period.* (Section 50 of the Act)

8) If the Department finds licensee conduct or practice to be detrimental to the health, safety, or welfare of a client.

c) In determining whether to take adverse licensure action, the Department shall consider the following factors:

1) The gravity of the violation, including the probability that death or serious physical or mental harm to a client will result or has resulted and the severity of the actual or potential harm.

2) The extent to which the provisions of the Act or this Part were violated.

3) The reasonable diligence exercised by the licensee and any efforts by the licensee to correct the violations.

4) Any previous violations committed by the licensee.

5) The financial benefit to the licensee of committing or continuing the violation.

d) The Director will order an emergency suspension of a license when the Director finds that continued operation of the facility poses an immediate and serious danger to the public health, safety, or welfare. The suspension shall take effect upon the issuance of an order of emergency suspension by the Director and shall remain in effect during any administrative proceeding contesting the action. Promptly following any emergency suspension of a license, the Department shall take action to revoke the license.

e) Notice of Adverse Licensure Action

1) The Department shall notify the applicant or licensee in writing prior to denying an application, refusing to renew a license, or revoking a license.

2) The notice shall be served on the applicant or licensee either by personal service or by registered mail. The notice shall contain the following information:

A) A description of the particular reasons for the proposed action, including citations of the specific provisions of the Act and this Part under which the proposed action is being taken.

B) The date, not less than 15 days from the date of the mailing or service of the notice, on which the action will take effect, unless appealed by the applicant or licensee.

C) A description of the manner in which the applicant or licensee may appeal the proposed action and the right of the applicant or licensee to a hearing under Section 10 of the Act and Section 385.2600 of this Part.