

3107 DENIAL, SUSPENSION, OR REVOCATION OF A HEALTH CARE FACILITY LICENSE

- 3107.1 The Director may refuse to issue or renew or may revoke, or may suspend a license issued pursuant to this chapter for one or more of the reasons listed in §5(a)(2)(f) of the Act.
- 3107.2 Except for a conversion or summary suspension undertaken pursuant to §6(d) of the Act, D.C. Code, 2001 Ed. §44-505(d), every applicant for or holder of a license, or applicant for reinstatement after revocation, shall be afforded notice and an opportunity to be heard prior to the action of the Director, if the effect of which would be one of the following:
- (a) To deny a license for cause which raised an issue of fact;
 - (b) To suspend a license;
 - (c) To revoke a license;
 - (d) To refuse to restore a license;
 - (e) To issue a limited renewal license; or
 - (f) To refuse to issue a renewal license for any cause other than failure to pay the prescribed fees.
- 3107.3 When the Director contemplates taking any action of the type specified in §3107.2(a) of these rules, the Director shall give to the applicant a written notice containing the following statements:
- (a) That the applicant has failed to satisfy the Director as to the applicant's qualifications;
 - (b) The respect in which the applicant has failed to satisfy the Director; and
 - (c) That the denial shall become final unless the applicant files a request for a hearing with the Director within fifteen (15) days of receipt of the notice.
- 3107.4 When the Director contemplates taking any action of the type specified in §§3107.2(b), (c), (d), (e), and (f) of these rules, the Director shall give the applicant a written notice containing the following statements:
- (a) That the Director has sufficient evidence (setting forth the nature of the evidence), which if not rebutted or explained, justifies taking the proposed action; and
 - (b) That the Director shall take the proposed action unless within fifteen (15) days of the receipt of the notice the facility files with the Director a written request for a hearing or in the alternative submits documentary evidence for the Director's consideration before the Director takes final action.
- 3107.5 If the facility does not respond to the notice within the time specified, the Director may, without a hearing, take the action contemplated in the notice. The Director shall inform the applicant, in writing, of the action taken.
- 3107.6 If the facility chooses to submit documentary evidence but does not request a hearing, the Director shall consider the material submitted and take such action as is appropriate without a hearing. The Director shall notify the facility in writing of the action taken.
- 3107.7 Grounds for suspension, revocation, limitation, or refusal to issue or renew a license shall include the following:

- (a) Failure to meet or maintain the standards required by these rules or the Act;
- (b) Willful submission of false or misleading information to the Director in connection with an application for licensure or related to licensing procedures;
- (c) Violation of this chapter, the Act, or other laws and regulations of the District of Columbia or United States relating to the operation of a facility and which are applicable to facilities operating in the District of Columbia;
- (d) Failure to allow inspections pursuant to these rules;
- (e) Failure to obey any lawful order of the Director, pursuant to these rules;
- (f) Conviction and retention of a member of the governing body, a Director, Administrator, the Chief Executive Officer, department head, or other key staff member of a felony involving the management or operation of a facility, or which is directly related to the integrity of the facility or the public health or safety; or
- (g) Any act which constitutes a threat to the public's health or safety.

SOURCE: Final Rulemaking published at 39 DCR 5098, 5107 (July 10, 1992).