

3108 SUMMARY SUSPENSION AND LICENSURE CONVERSION, HEARINGS

- 3108.1 Notwithstanding any other provision of these rules, the Director, pursuant to §6(d)(1) of the Act, D.C. Code, 2001 Ed. §44-505(d)(1), and under conditions described in that section may do the following:
- (a) Convert the facility's license to a provisional or restricted license pending satisfactory completion of the inspection pursuant to these rules; or
 - (b) Suspend the facility's license if the Director finds that loss of accreditation or certification was prompted by deficiencies that constitute an immediate or serious and continuing danger to the health or welfare of its patients, clients, or residents.
- 3108.2 In addition to authority contained in §3108.1, the Director, pursuant to §6(d)(2) of the Act, as amended, D.C. Code, 2001 Ed. §44-505(d)(2) may suspend the license of any facility or convert its license to a provisional or restricted license if the Director determines that existing deficiencies constitute an immediate or serious and continuing danger to the health, safety, or welfare of its patients, clients, or residents.
- 3108.3 Upon taking action pursuant to §§3108.1 and 3108.2, the Director shall immediately give the facility written notice of the action, including a copy of the order of suspension or conversion, statement of the grounds for the action, and notification that the facility may, within seven (7) business days from the day written notice is received, file with the Director a written request for an expedited hearing with respect to the action.
- 3108.4 The Director shall convene a hearing within three (3) business days following receipt of the facility's timely request to review the reasonableness of the suspension or conversion.
- 3108.5 If a summary suspension or conversion hearing is requested, the request or hearing shall not serve to stay the order suspending or converting the license.
- 3108.6 Except as otherwise noted in this chapter or as provided in §6(d) (3) of the Act, all procedures relating to hearings as set forth in this chapter shall apply to hearings in summary suspensions and licensure conversions.

SOURCE: Final Rulemaking published at 39 DCR 5098, 5109 (July 10, 1992).