

Posting of this Licensing Action

You are required to place this Order of License Revocation in a place that is clearly noticeable to the people receiving services and all visitors to the facility for two years, even if you appeal.

Legal authority for this licensing action

- This action is taken under Minnesota Statutes, section 245A.07, subdivision 3, which describes under which conditions DHS may revoke a license.
- When a revocation of a license is based on a maltreatment determination and/or a disqualification for which reconsideration was timely requested and which was not set aside, the scope of the contested case hearing for the revocation shall also include the maltreatment and/or disqualification and set aside under Minnesota Statutes, section 245A.08, subdivision 2a, paragraph (a).
- When a revocation of a license is based on a disqualification for which reconsideration was timely requested and which was not set aside, the scope of the contested case hearing for the revocation shall also include the risk of harm review under Minnesota Statutes, section 245A.08, subdivision 2a, paragraph (g).
- When a revocation of a license is based on a maltreatment determination and/or a disqualification of an individual other than the license holder, the hearings of all parties may be consolidated into a single contested case hearing upon consent of all parties and the administrative law judge, under Minnesota Statutes, section 245A.08, subdivision 2a, paragraph (f).
- When a revocation of a license is based on a disqualification that cannot be set aside, the scope of the contested case hearing for the revocation shall not include whether the disqualification may be set aside, under Minnesota Statutes, section 245A.08, subdivision 2a, paragraph (g), and Minnesota Statutes, section 245C.24, subdivision 2, paragraph (a).
- Minnesota Statutes, section 245C.29, subdivision 1 states that a maltreatment determination is final if the commissioner has issued a final order following an appeal, the individual did not request reconsideration of the maltreatment determination, or the individual did not request a hearing of the maltreatment determination.
- Minnesota Statutes, section 245C.29, subdivision 2 states that a disqualification is final if the commissioner or court has issued a final decision, the individual did not request reconsideration on the basis the disqualification was incorrect, or the individual did not timely request a hearing after being given the right to do so.
- Minnesota Statutes, section 245A.07, subdivision 3, paragraph (c), clause (4) states that license holders shall pay a \$1000 fine for each determination of maltreatment under section 260E.
- Minnesota Statutes, section 245.095 defines which programs administered by DHS are included in the exclusion provision, and further defines “excluded,” “individual,” and “provider.”
- License holders have a right to appeal licensing actions and request a contested case hearing, under Minnesota Statutes, chapter 14, Minnesota Rules, parts 1400.8505 to 1400.8612, and Minnesota Statutes, section 245A.08.