

81055 Administrative Review

(a)

A licensee or his/her representative shall have the right to request a review of a notice of deficiency and/or notice of penalty within 10 working days of receipt of such notice(s). (1) If the deficiency has not been corrected, civil penalties shall continue to accrue during the review process.

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(b)

The review shall be conducted by a higher-level staff person than the evaluator who issued the notice(s).

(c)

If the reviewer determines that a notice of deficiency or notice of penalty was not issued or assessed in accordance with applicable statutes and regulations of the Department, or that other circumstances existed, he/she shall have the authority to amend or dismiss the notice.

(d)

The reviewer shall have the authority to extend the date specified for correction of a deficiency if warranted by the facts or circumstances presented to support a request for extension.