

87859 Unlicensed Facility Administrative Appeal

(a)

The operator of an unlicensed facility or his/her representative shall have the right to appeal the penalty assessment within 10 working days after service of the penalty assessment. (1) If the unlicensed facility operation has not ceased, the penalty shall continue to accrue during the appeal process.

(1)

If the unlicensed facility operation has not ceased, the penalty shall continue to accrue during the appeal process.

(b)

The appeal review shall be conducted by a higher level staff person than the evaluator who issued the penalty.

(c)

If the reviewer of the appeal determines that the penalty assessment was not issued in accordance with applicable statutes and regulations of the Department, he/she shall have the authority to amend or dismiss the penalty assessment.