

Kansas Administrative Regulations

Kansas Department for Children and Families

Article 60.—Licensing of Community Mental Health Centers

30-60-7. Suspension; revocation of a license; procedure; voluntary surrender.

(a) Any license issued by the secretary in accordance with this article may be suspended or revoked for failure of the licensee to be in compliance with the applicable requirements of this article.

(b) A license may be suspended only upon a determination by the division that continued operations by the licensee during any license revocation proceedings would constitute a serious threat to the health and safety of consumers receiving the licensee's services. A copy of this determination shall be provided to the licensee, in writing, and shall clearly state the reasons for it.

(c) Before revocation of a license, a written notice of the proposal to revoke the license shall be sent by registered mail to the executive director of the licensee, along with a copy of the division's determination to suspend the license during the revocation proceedings, if applicable. The notice shall include the following:

(1) A clearly written statement of the reasons for the proposed revocation of the license;

(2) the date upon which the revocation of the license will become effective, unless appealed; and

(3) notice to the licensee that this proposal to revoke its license may be appealed to the office of administrative hearings within the Kansas department of administration in accordance with article 7.

(d) If, at any time during the pendency of revocation proceedings, the division is satisfied that the licensee is in compliance with all of the applicable requirements of this article and that it is in the best interests of the public that the proposed revocation be withdrawn, all parties to the revocation proceedings shall be notified by the division that the proposed revocation has been withdrawn. The revocation proceedings shall then be terminated.

(e) If, after notice to the licensee of a proposed revocation, the licensee does not timely appeal the proposed revocation, or at the conclusion of any revocation proceedings that result in the proposed revocation being upheld, the following actions shall be taken:

(1) The license previously issued shall be revoked by the division.

(2) The board or boards of county commissioners of each county within the service area of any center whose license has been revoked shall be notified by the division of the revocation and of the procedures by which the board or boards of county commissioners may establish a new community mental health center.

(f) A licensee may at any time voluntarily surrender its license. Upon a voluntary surrender of a license, the license shall be marked by the division as void. The board or boards of county commissioners of each county within the service area of any center that voluntarily surrenders its license shall be notified by the division of the licensee's voluntary surrender of the license and of the procedures by which the board or boards of county commissioners may establish a new community mental health center.

(g) If the division has revoked a license previously issued, or a licensee has voluntarily surrendered its license, the licensee may be required by the division to develop and implement a plan for the transfer of those consumers then receiving any services from the licensee to another licensed or other appropriate provider of these services.

(Authorized by K.S.A. 75-3307b; implementing K.S.A. 39-1603, 39-1604(d), 39-1608(a) and (c), 65-4434(f), and 75-3304a; effective Oct. 28, 1991; amended July 7, 2003.)

***** Authenticated Kansas Administrative Regulation *****