

216B.105 License procedure -- Hearings -- Decisions of cabinet to be in writing and of record.

- (1) Unless otherwise provided in this chapter, no person shall operate any health facility in this Commonwealth without first obtaining a license issued by the cabinet, which license shall specify the kind or kinds of health services the facility is authorized to provide. A license shall not be transferable and shall be issued for a specific location and, if specified, a designated geographical area.
- (2) The cabinet may deny, revoke, modify, or suspend a license in any case in which it finds that there has been a substantial failure to comply with the provisions of this chapter or the administrative regulations promulgated hereunder. The denial, revocation, modification, or suspension shall be effected by mailing to the applicant or licensee, by certified mail, a notice setting forth the particular reasons for the action. The denial, revocation, modification, or suspension shall become final and conclusive thirty (30) days after notice is given, unless the applicant or licensee, within the thirty (30) day period, shall file a request in writing for a hearing with the cabinet.
- (3) The hearing shall be before a person designated to serve as hearing officer by the secretary.
- (4) Within thirty (30) days from the conclusion of the hearing, the findings and recommendations of the hearing officer shall be transmitted to the cabinet, with a synopsis of the evidence contained in the record and a statement of the basis of the hearing officer's findings. The applicant or licensee shall be entitled to be represented at the hearing in person or by counsel, or both, and shall be entitled to introduce testimony by witnesses or, if the cabinet so permits, by depositions. A full and complete record shall be kept of all hearings, and all testimony shall be reported but need not be transcribed unless the decision is appealed pursuant to this chapter. The cabinet may adopt the hearing officer's findings and recommendations or prepare written findings of fact and state the basis for its decision which shall become part of the record of the proceedings.
- (5) All decisions revoking, suspending, modifying or denying licenses shall be made by the cabinet in writing. The cabinet shall notify the applicant or licensee of the decision.
- (6) The decision of the cabinet shall be final for purposes of judicial appeal upon notice of the cabinet's decision.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 371, sec. 54, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 512, Part 7, sec. 40, effective July 15, 1994. -- Amended 1988 Ky. Acts ch. 210, sec. 24, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 347, sec. 20, effective July 15, 1982. -- Created 1980 Ky. Acts ch. 135, sec. 20, effective July 15, 1980.