

.47 REVOCATION

- A. The Office may revoke a certificate of registration if the:**
- (1) Provider or home is in violation of one or more of these regulations and the health, safety, or welfare of a child in the home is threatened;**
 - (2) Provider misrepresented or offered false information on the application or on any form or report required by the Office;**
 - (3) Provider interferes with or obstructs the agency representative in the performance of the duties of the Office;**
 - (4) Provider or substitute refuses to permit access to a child or to the space in the home used for child care by a parent or an agency representative during operating hours of the child care home;**
 - (5) Terms or conditions of a sanction have been violated;**
 - (6) Provider or a resident is identified as responsible for abuse or neglect of children or adults;**
 - (7) Provider or a resident has a criminal conviction, probation before judgement, or not criminally responsible disposition for a crime which indicates a threat to the welfare of children in care;**
 - (8) Evaluation of information provided to or acquired by the Office indicates that the provider is unable to care for the welfare of children.**
 - (9) The provider who also provides treatment foster care in the home admits a child for treatment foster care in the home on or after September 1, 1999, unless the child is placed in the home in a preadoptive capacity.**

INTENT: Revocation of the registration may occur if you have demonstrated an inability or unwillingness to comply with family day regulations, or if you or a circumstance involving your home presents a threat to children in care.

Notes:

- Revocation often follows a period of emergency suspension.
- A revocation becomes effective 20 calendar days after notification of revocation. If the revocation action is appealed, the revocation is stayed until the Office of Administrative Hearings (OAH) has heard the appeal and made a decision. If the revocation action follows an emergency suspension, the home must remain closed until OAH has reached a decision on the appeal.
- See the "[Requesting an Appeal](#)" procedure for the steps involved in filing an appeal. Also, see the "Request for Hearing" form (DHR/CCA [1281](#)).
- See "[COMAR 07.04.03, Administrative Hearings – Family Day Care Homes](#)" for requirements pertaining to the appeal hearing process under the Office of Administrative Hearings (OAH).

- B. If the Office decides to revoke a certificate of registration, the Office shall notify the provider in writing at least 20 calendar days in advance of the revocation, stating:**
- (1) The effective date of the revocation;**
 - (2) The reason for revocation;**
 - (3) The regulation with which the provider has failed to comply that is the basis for the revocation;**
 - (4) That the provider shall stop providing child care on the effective date of the revocation;**
 - (5) That the provider is entitled to a hearing if requested in writing within 20 calendar days of the delivery of the notice;**
 - (6) The procedure to be used if the provider wishes to request a hearing to appeal the decision of the Office;**
 - (7) The revocation shall be stayed if the hearing is requested, unless the revocation**

- immediately follows an emergency suspension period; and**
- (8) That the provider is required to surrender the certificate of registration to the Office when the revocation becomes effective.**

INTENT: In accordance with due process requirements, the Office must notify the provider of the reason(s) for the revocation, the provider's right to appeal the revocation action, and how that right may be exercised.

Notes:

- If you appeal the revocation action, you may remain in operation until the appeal is decided (and the action is upheld) unless the action follows an emergency suspension.
- If the revocation is upheld at the appeal hearing, you must immediately surrender your registration certificate to the Regional Office.

C. The Office shall notify the parents of the children in care of the revocation.

INTENT: Parents need to know about the revocation action so they can make an informed decision about whether to leave their children in care at the home if it is allowed to remain open pending an appeal hearing. They must also be notified so that they can make suitable alternate child care arrangements if they wish.

Notes:

Parents are notified of the revocation action as follows:

- As soon as the revocation action is taken, the Licensing Specialist compiles a list of names and addresses of all the parents using the child care program.
- The Regional Manager sends a letter by regular mail to each parent reporting that:
 - The registration has been revoked,
 - The provider may appeal the revocation, and
 - The provider may remain in operation until the appeal is concluded.
- If the action is appealed, another letter is sent to each parent as soon as the appeal has been decided to let the parent know the outcome of that decision.