

Requesting Reconsideration of License Denial

PROVISIONAL ASSISTED LIVING PROVIDERS

Statute

[Section 144G.16, Subdivision 4- Reconsideration \(https://www.revisor.mn.gov/statutes/cite/144G.16\)](https://www.revisor.mn.gov/statutes/cite/144G.16)

Overview

After MDH is notified that a provider with a provisional assisted living license is serving residents, MDH must conduct an initial full survey. If the provisional licensee is in substantial compliance, the commissioner issues either the assisted living or assisted living with dementia license. If the provisional licensee is not in substantial compliance, the commissioner cannot not issue a license. When the commissioner denies the license, the provisional licensee has a right to request reconsideration of the denial.

Process

1. To request that the Minnesota Department of Health (MDH) reconsider the decision to deny the license, the provisional licensee must:
 - a. Make the request in writing;
 - b. List the reasons the provisional licensee disagrees with MDH's decision to deny the license;
 - c. Gather evidence to support this position;
 - d. Scan the request, list of reasons and supporting documents;
 - e. Send the scanned information by email to MDH at health.homecare@state.mn.us.
2. MDH must receive the request and supporting documentation within 15 calendar days of the date the license denial was emailed by MDH.
3. The reconsideration is reviewed by survey staff who did not participate in the survey.
4. MDH responds in writing to the provisional licensee within 60 days of the request.

Additional information

- If a provisional licensee requests reconsideration of the license denial, the provisional licensee can continue serving residents during the reconsideration period. If the provisional license is expired, MDH must issue a letter that allows the provisional licensee to legally practice during this time.
- During the reconsideration period the provisional licensee is expected to: 1) correct all orders issued and 2) continue providing resident care services.

REQUESTING RECONSIDERATION OF LICENSE DENIAL

State Evaluations

Health Regulation Division

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<https://www.health.state.mn.us/facilities/regulation/assistedliving/index.html>

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To obtain this information in a different format, call 651-201-4200.