

# CHILD-CARING/CHILD-PLACING APPEALS PROCESS



## Statement of Deficiency (SOD)

1. SOD issued by OIG/DRCC
2. 922 KAR 1:305, Section 4(1) allows **ONE** opportunity for informal dispute resolution (IDR)
  - a. Request within 10 days of SOD receipt
  - b. Specify deficiency in dispute, provide explanation and supporting documents
  - c. May request face-to-face IDR meeting
3. Manager/designee and surveyor review within 30 days or conduct IDR meeting and notify result
  - a. If deficiency rescinded, remove it from SOD;
  - b. If affirmed or modified:
    - 1) Request corrective action
    - 2) Provider may request 2<sup>nd</sup> Level IDR within 30 days
4. 2<sup>nd</sup> Level IDR meeting held within 15 days of request (Director level or above)
  - c. If rescinded, remove it from SOD
  - d. If affirmed, Secretary/designee issues final written order appealable to Circuit Court (KRS Chapter 13B)

## Denial, Suspension, or Revocation

1. KRS 199.670(2)  
OIG/DRCC issues notice of proposed action to deny, suspend or revoke license unless provider requests, in writing:
  - a. IDR in accordance with KRS 199.670(4);  
**OR**
  - b. Administrative hearing within 30 days
2. If IDR process is initiated in lieu of hearing, follow the IDR process outlined herein, the finding of which is appealable to Circuit Court
3. If a hearing is requested, OIG/DRCC submits the request to Division of Administrative Hearings (DAH) along with all applicable documents, within 15 days of the request for hearing (KRS 199.670(2) and 922 KAR 1:305, Section 4(7))

## Administrative Hearing Process

1. DAH conducts a hearing on an emergency suspension after request submitted
2. KRS Chapter 13B.-080 DAH appoints a hearing officer who schedules as soon as practicable and conducts hearing on denial or revocation of license
3. DAH completes and submits a Recommended Order (RO) no later than 60 days after receiving a copy of the official record of the proceeding
4. Each party has 15 days from the Recommended Order to file exceptions
5. Agency head considers RO within 90 days
  - a. May adopt as Final Order; or
  - b. May reject/modify RO
  - c. Advise of appeal for judicial review to Circuit Court within 30 days (KRS Chapter 13B.140)
  - d. Agency transmits official record within 20 days
6. Circuit Court may affirm; or may reverse, in whole or part, and remand for further proceedings
7. Circuit Court judgment appealable to Court of Appeals