#### 7636 Follow-Up to Suspension, Revocation, or Denial

LPPH ~~December 2009~~ DRAFT 5888-CCL

Procedure

Within two weeks after the final notice of revocation, suspension, or denial is mailed, the inspector conducts a follow-up inspection to:

• determine whether the operation is continuing to care for children; and

• obtain the license, registration, or listing if it has not been returned.

If no one is present at the operation, the inspector:

a. documents the inspection type as *Follow-up,* if the inspector observes enough to confirm the operation is no longer caring for children;

b. documents the inspection type as *Attempted*, if the inspector is not able to determine if the operation is continuing to care for children;

c. documents the observations made during the inspection in a chronology (type *Monitoring)*; and

d. consults with the supervisor to determine the next course of action.

If the operation continues to operate, the inspector informs the supervisor, who notifies the manager, director of residential child care licensing, or the district director. The director notifies DFPS Legal services and requests legal action against the operation (see [7740](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7600.asp#LPPH_7740) Injunctive Relief).

If the revocation, suspension, or denial involves a state-operated operation, the director notifies the assistant commissioner of Licensing (see [2280](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_2000.asp#LPPH_2280) State-Operated Facilities Exempt From Licensure).

#### 7732 When an Administrative Law Judge Issues a Final Decision on an Appeal

LPPH ~~September 2012~~ DRAFT 5888-CCL

Procedure

When a final decision is issued on an appeal and the administrative law judge (ALJ) upholds the adverse action, the district director, manager, or designee sends the appellant the Final Adverse Action letter (CLASS Form 2895) as notification, if:

• the appellant requested a rehearing and the request was denied; and

• the appellant does not then file suit in a district court within 30 days after the decision.

The director, manager, or designee:

• explains in the letter that the decision to deny, suspend, or revoke the permit is final according to the requirements in the Human Resources Code, Section [42.072](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.072); and

• sends the letter to the appellant by both regular and certified mail, with a return receipt requested.

If the appellant has a permit but has not yet returned it to Licensing, the appellant must return it within five calendar days of receiving the letter.

In the case of a denial or revocation of a permit, the appellant whose permit has been denied or revoked may not apply for another permit before the fifth anniversary after the adverse action takes effect.

Operating without a permit is a violation of the law and results in legal action.

The Licensing director sends copies of the final letter to the assistant commissioner of Licensing and the Licensing attorney in DFPS state office.

See also [7635](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7600.asp#LPPH_7635) Sending an Operation Final Notice of Suspension, Revocation, or Denial.

Follow Up

Within two weeks after the letter is sent to the operation, the inspector conducts a follow-up inspection to determine whether the operation is continuing to care for children and obtain the license, certification, registration, or listing if the operation has not returned it. See [7636](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7600.asp#LPPH_7636) Follow-Up to Suspension, Revocation, or Denial.