

~~PERMIT~~ DO NOT APPLY TO THE APPLICATION FOR LICENSURE OF THESE FACILITIES HOMES. THE SECRETARY SHALL ISSUE A LICENSE TO THE APPLICANT IF THE ~~FACILITY~~ HOME MEETS THE STANDARDS SET OUT IN THE SECRETARY'S REGULATION.

(2) A HOME ESTABLISHED PRIOR TO JULY 1, 1979, SHALL NOT BE DENIED A LICENSE UNDER THIS SUBTITLE BECAUSE:

(I) THE RESIDENTS HAVE RECEIVED A PRIMARY DIAGNOSIS OF ALCOHOLISM, DRUG ADDICTION, OR SEVERE BRAIN DAMAGE;

(II) THE NUMBER OF RESIDENTS IS NOT IN CONFORMITY WITH SECTIONS 58(B) AND (C) OF THIS SUBTITLE. IF THE NUMBER OF RESIDENTS IN A HOME EXCEEDS THE LIMITS SPECIFIED IN SECTIONS 58(B) AND (C) OF THIS SUBTITLE, THE HOME SHALL NOT BE PERMITTED TO INCREASE ITS CAPACITY BEYOND THAT AMOUNT. SHOULD THE NUMBER OF RESIDENTS IN A HOME BE FEWER THAN THE LIMITS SPECIFIED IN SECTIONS 58(B) AND (C) OF THIS SUBTITLE, THE HOME SHALL BE PERMITTED TO INCREASE ITS CAPACITY TO THE MAXIMUM PERMITTED IN THESE SECTIONS.

~~(B) A PRIVATE GROUP HOME OR LARGE PRIVATE GROUP HOME~~ MAY NOT RECEIVE, ADMIT, OR TREAT ANY RESIDENT:

(1) WITHOUT APPLYING FOR A PERMIT OR A LICENSE AS REQUIRED BY THIS SUBTITLE;

(2) AFTER AN APPLICATION FOR A LICENSE OR PERMIT HAS BEEN DENIED BY THE SECRETARY; OR

(3) WHILE A LICENSE HAS BEEN SUSPENDED OR REVOKED BY THE SECRETARY.

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(A) ALL LICENSES ISSUED UNDER THIS SUBTITLE SHALL BE AUTOMATICALLY REVIEWED BY THE SECRETARY EVERY 2 YEARS. THE SECRETARY SHALL REISSUE THE LICENSE FOR ANOTHER 2-YEAR PERIOD WITHOUT A HEARING IF THE ~~FACILITY~~ PRIVATE GROUP HOME OR LARGE PRIVATE GROUP HOME MEETS THE STANDARD SET OUT IN THE SECRETARY'S REGULATIONS AND THIS SUBTITLE.

(B) THE SECRETARY MAY AT ANY TIME REVOKE OR SUSPEND THE LICENSE OF A ~~PRIVATE GROUP HOME OR LARGE PRIVATE GROUP HOME~~ UPON A FINDING THAT THE ~~FACILITY~~ HOME IS NO LONGER IN COMPLIANCE WITH THE ~~REGULATIONS~~ SECRETARY'S REGULATIONS AND THIS SUBTITLE. THE PROCEDURE FOR ANY SUSPENSION OR REVOCATION SHALL BE AS PRESCRIBED IN SECTION 250 OF ARTICLE 41.

(C) THE SECRETARY'S DECISION GRANTING, DENYING, REVOKING, OR SUSPENDING AN INITIAL PERMIT OR LICENSE SHALL BE THE FINAL ADMINISTRATIVE DECISION OF THE DEPARTMENT FOR THE PURPOSE OF ANY REVIEW. ~~ANY APPEAL TAKEN SHALL BE GOVERNED BY THE PROVISION OF SECTION 255 OF ARTICLE 41, THE ADMINISTRATIVE PROCEDURE ACT.~~