

(II) DOES NOT MEET THE CURRENT REQUIREMENTS FOR A NEW LICENSE.

(2) THE SECRETARY MAY DELEGATE TO A HEALTH OFFICER THE POWER TO REVOKE OR SUSPEND LICENSES.

(C) RIGHT TO HEARING.

(1) BEFORE ANY ACTION IS TAKEN UNDER THIS SECTION, THE SECRETARY OR HEALTH OFFICER SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A PUBLIC HEARING BEFORE THE SECRETARY OR THE HEALTH OFFICER, AS THE CASE MAY BE.

(2) THE HEARING NOTICE TO BE GIVEN TO THE INDIVIDUAL SHALL BE SENT AT LEAST 10 DAYS BEFORE THE HEARING.

(3) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

(D) INJUNCTION.

(1) IF, BEFORE THE HEARING ON A REVOCATION OR A SUSPENSION, THE HEALTH OFFICER CONSIDERS THAT THE CONTINUED OPERATION OF THE GROUP DAY CARE CENTER THREATENS SERIOUSLY THE HEALTH, WELFARE, OR SECURITY OF A CHILD IN THE GROUP DAY CARE CENTER OR THE HEALTH OR WELFARE OF THE COMMUNITY, THE SECRETARY OR THE HEALTH OFFICER MAY PETITION A COURT OF EQUITY IN THE COUNTY WHERE THE GROUP DAY CARE CENTER IS LOCATED TO ENJOIN OPERATION OF THE GROUP DAY CARE CENTER PENDING THE HEARING.

(2) IF THE COURT FINDS THAT THE CONTINUED OPERATION OF THE GROUP DAY CARE CENTER MAY INJURE SERIOUSLY THE HEALTH, WELFARE, OR SECURITY OF A CHILD IN THE GROUP DAY CARE CENTER OR THE HEALTH OR WELFARE OF THE COMMUNITY, THE COURT MAY ENJOIN OPERATION OF THE GROUP DAY CARE CENTER UNTIL THE HEARING IS HELD AND A DECISION IS REACHED ON THE PROPOSED REVOCATION OR SUSPENSION OF THE LICENSE.

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly that the health officer may deny a license to an applicant or approval for a change. It is based on the first sentence of former Article 43, § 711, which required issuance of a license to an applicant who meets the requirements, and former Article 43, § 714, which required approval for a change. This addition makes these actions subject to the hearing requirements of this section, in accordance with Department practice.

Subsections (b) through (d) of this section are