

WILLIAM DONALD SCHAEFER, Governor

(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.]

(D) (1) (I) THE SECRETARY MAY SUSPEND THE LICENSE TO OPERATE A CHILD CARE CENTER ON AN EMERGENCY BASIS WHEN THE SECRETARY DETERMINES THAT THIS ACTION IS REQUIRED TO PROTECT THE HEALTH, SAFETY, OR WELFARE OF A CHILD IN THE CHILD CARE CENTER.

(II) WHEN THE SECRETARY SUSPENDS A LICENSE ON AN EMERGENCY BASIS, THE SECRETARY SHALL DELIVER WRITTEN NOTICE OF THE SUSPENSION TO THE LICENSEE STATING THE REGULATORY BASIS FOR THE SUSPENSION.

(2) (I) UPON DELIVERY OF THE EMERGENCY SUSPENSION NOTICE, THE LICENSEE SHALL CEASE OPERATION OF THE CHILD CARE CENTER WITHIN 72 HOURS.

(II) THE EMERGENCY SUSPENSION SHALL BE STAYED IF THE LICENSEE REQUESTS IN WRITING, AND WITHIN 72 HOURS OF DELIVERY OF THE NOTICE, A HEARING BEFORE THE SECRETARY.

(3) (I) IF A HEARING IS REQUESTED BY THE LICENSEE, THE SECRETARY SHALL HOLD A HEARING WITHIN 7 CALENDAR DAYS OF THE REQUEST FOR A HEARING. THE HEARING SHALL BE HELD IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

(II) WITHIN 7 CALENDAR DAYS OF THE HEARING A DECISION CONCERNING THE EMERGENCY SUSPENSION SHALL BE MADE BY THE SECRETARY.

(4) IF THE EMERGENCY SUSPENSION ORDER IS UPHELD BY THE SECRETARY, THE LICENSEE SHALL CEASE OPERATIONS UNTIL IT IS DETERMINED THAT THE HEALTH, SAFETY, OR WELFARE OF A CHILD IN THE CHILD CARE CENTER IS NO LONGER THREATENED.

(5) ANY PERSON AGGRIEVED BY A DECISION OF THE SECRETARY TO UPHOLD AN EMERGENCY SUSPENSION MAY APPEAL THAT DECISION DIRECTLY TO THE CIRCUIT COURT OF THE APPROPRIATE JURISDICTION.

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Any person aggrieved by a final decision of the Secretary [or a health officer] in a contested case, as defined in the Administrative Procedure Act, may[:

(1) Appeal that decision to the Board of Review of the Department; and