

(1) violates a provision of this Part VII or any rule or regulation adopted under it; or

(2) does not meet the current requirements for a new license OR LETTER OF COMPLIANCE.

(c) (1) Except as otherwise provided in subsection (d) of this section, before any action is taken under this section, the Secretary shall give the individual against whom the action is contemplated an opportunity for a public hearing before the Secretary.

(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) (1) (i) the Secretary may suspend the license OR LETTER OF COMPLIANCE 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 OR LETTER OF COMPLIANCE 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 OR LETTER HOLDER shall cease operation of the child care center within 72 hours.

(ii) The emergency suspension shall be stayed if the licensee OR LETTER HOLDER 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 OR LETTER HOLDER, 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 OR LETTER HOLDER 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.