

# REQUESTING AN APPEAL

## A. Preliminary Procedures

(1) If a multidisciplinary team meeting is scheduled where the outcome may be an emergency suspension, or a revocation or denial of a license/registration, the OCC Regional Manager or designee notifies the OCC Legal Enforcement Unit so that a representative can attend the meeting if possible.

(2) All adverse actions must have prior joint approval of the OCC Legal Enforcement Unit and the OCC Licensing Branch. All letters involving adverse actions against child care facilities must be approved before mailing.

## B. Non-Emergency Actions

(1) The Regional Office sends the provider a notice of the action (denial, suspension, revocation) to be taken. A Request for Hearing form (OCC 1281) is included with the notice of action. If the provider wishes to appeal the action, she/he completes the Request for Hearing form and submits it to the Regional Office or to the Legal Enforcement Unit.

(2) The Legal Enforcement Unit forwards a copy of the Request to the Office of Administrative Hearings (OAH) and the Regional Office.

(3) The Regional Office is responsible for obtaining relevant protective services reports, medical reports, and police reports (as applicable) as soon as possible.

(4) The Regional Office copies the licensing file or all pertinent information from the file/investigation and forwards it to the Legal Enforcement Unit.

(5) When a hearing date is set, the Legal Enforcement Unit notifies the Regional Office of the date (or vice versa, if the notice is sent to the Regional Office).

(6) If necessary, the Legal Enforcement Unit requests OAH to issue subpoenas to witnesses.

(7) The Regional Office, in coordination with the Legal Enforcement Unit, is responsible for setting up witness interviews with relevant parties (licensing specialist, protective services worker, medical personnel, parents, et al.).

## C. Emergency Actions

(1) If the Regional Office receives the Request for Hearing, it should immediately fax or hand-deliver the Request to the Legal Enforcement Unit.

(2) If the Legal Enforcement Unit receives the Request for Hearing, it will fax the Request to OAH and notify the Regional Office by telephone.

(3) The Legal Enforcement Unit will fax the Request to OAH and contact OAH by telephone.

(4) OAH will notify the operator/provider of the hearing date by first-class mail. The operator/provider may also call the Legal Enforcement Unit at 410-767-7804 to obtain the hearing date.

## D. Hearing Procedures

(1) The Legal Enforcement Unit will represent the Office of Child Care in all cases brought before the Office of Administrative Hearings (OAH).

(2) If the Regional Office has contact with appellant's attorney, please advise him/her to call the Legal Enforcement Unit attorney regarding the case.

(3) The Regional Manager and the Licensing Specialist(s) handling the case/investigation should plan to attend the hearing. The Regional Manager should be present for the entire hearing in order to represent the Regional Office.