**Section 119.325 Certificate denial**

a) The Department shall deny certification at any time if the provider:

1) Fails to maintain full compliance with standards identified in:

A) Sections 119.235 (a) through (e);

B) Sections 119.240 (b), (g)(4), (i);

C) Sections 119.250 (a), (b); and

D) Sections 119.255 (a)(1) through (a)(3), (b), (d)(1) through (d)(6), (e)(1), (e)(3), (e)(5), (e)(6);

2) Fails to maintain substantial compliance with all standards in this Part other than those identified in subsection (a)(1) of this Section;

3) Fails to submit a plan of correction acceptable to the Department for any violations resulting from an on-site survey by the Department within 30 days of receipt of the notice of violation. A plan will be acceptable to the Department if the proposed correction will cause compliance with the applicable standard and if the timetable is reasonable. Criteria for the timetable being reasonable include that the correction be made immediately if the standard not complied with affects the safety or health of individuals, or that compliance occurs within the period of certification for all other standards noted as deficient;

4) Submits false information either on Department forms, plan(s) of correction or during an on-site survey;

5) Refuses to permit or participate in a scheduled or unscheduled survey; or

6) Willfully violates any rights of individuals being served as identified in the Code or in the Act.

b) The Department shall refuse to certify a program or shall deny a certificate if the owner, authorized agency representative or certificate holder has been convicted of a felony, or a misdemeanor involving moral turpitude, as shown by a certified copy of the court of conviction.

c) If the Department determines that individuals are at imminent risk which has not or cannot be corrected, it shall immediately close the affected program, plan for the immediate removal of all individuals and deny the certificate of the provider. The affected program shall not operate and shall not receive Department funding during the period of any appeal.

d) If a provider contests the Department's certification decision pursuant to subsection (a), (b) or (c) of this Section, it may request a hearing in accordance with Section 119.330, by providing written notice. The Department shall notify the provider of the time and place of the hearing not less than 14 days before the hearing date.

e) If the provider does not provide written notice, the Department shall deny the certificate.

f) The Department shall immediately notify the Department of Public Aid of the decertification of any provider.