



ADMINISTRATIVE RULES OF MONTANA



37.104.3031 DENIAL MODIFICATION, SUSPENSION, OR REVOCATION OF DESIGNATION, AND APPEAL

- (1) If the department proposes to deny, modify, suspend, or revoke a facility's trauma designation, the department shall notify the health care facility of that fact by registered or certified mail at the last address shown in the department records.
- (2) The notice shall state the alleged facts that warrant the action and that the facility has an opportunity to request a hearing before the department to contest the decision.
- (3) If the facility wants to appeal the department's decision, it must request a hearing in writing within 30 calendar days after the date of receipt of the notice. The request must be in writing and submitted to the Department of Public Health and Human Services, Office of Fair Hearings, P.O. Box 202953, Helena, MT 59620-2953.
- (4) If a hearing is requested, the hearing will be held in accordance with the informal hearing procedures described in 2-4-604 , MCA, and ARM 37.5.117 and 37.5.311.
- (5) If the facility does not request a hearing by the deadline cited in (3), after being sent the notice of opportunity for hearing, the facility will be deemed as to have waived the opportunity for a hearing, and the department's decision to deny, modify, or revoke a facility's trauma designation will be final.
- (6) As provided in ARM 37.104.3030, suspension of a trauma designation on an emergency basis is effective immediately upon receipt by the trauma facility of the notice required by (1), and remains in effect unless the facility files an appeal with the department and the suspension is lifted after a hearing.

Authorizing statute(s): 50-6-402, MCA

Implementing statute(s): 2-4-604, 50-6-402, 50-6-410, MCA

History: NEW, 2006 MAR p. 1896, Eff. 7/28/06.