

10.2.1

Revocation of a License Procedure

Determination

1. Staff that determines a facility is not meeting the licensing standards must take licensing action – to include, in some cases, revocation.
2. Staff must demonstrate through clear documentation that no other alternative licensing actions i.e., a compliance agreement, are able to mitigate or remedy the health and safety concerns in the home or center prior to recommending a revocation.
3. If a revocation action notice has been initiated, a licensee can choose to voluntarily surrender the license; however the revocation action will proceed, as the director's designee the Child Care Statewide Licensing Administrator (CCSLA) may make the determination to accept the surrender in lieu of revocation. The licensee retains the right to appeal the revocation action in a hearing.
4. Once the licensor determines that a revocation is necessary, s/he must consult with his/her supervisor. If the supervisor approves, the DEL licensor must complete the revocation recommendation form and the appropriate revocation letter (either 10.10.11, Notice of Revocation of a Child Care License, or 10.10.12 Notice of Summary Suspension and Revocation of a Child Care License).
5. The revocation recommendation form and the revocation letter will be reviewed by the supervisor for completeness and rationale.

Approval

6. If the supervisor disapproves the revocation recommendation, they will notify the licensor to take alternative action. If the supervisor approves the recommendation h/she will forward the revocation letter and the recommendation form to the appropriate Regional Administrator (RA) or designee.
7. The RA will review the revocation recommendation form and the revocation letter. If the revocation is not approved, s/he will return all documentation to the supervisor with notes documented on the revocation recommendation form, regarding possible alternative action to be taken.
8. The RA will review the legal letter and determine if it should be reviewed by an Assistant Attorney General (AAG) and advise the supervisor if legal advice is required. An automatic review of legal letters by the AAG is not required for all licensing actions.
9. The RA, or designee, will forward all documentation relative to the revocation to the CCSLA.
10. The CCSLA will approve, disapprove, or provide additional feedback to the RA regarding the proposed revocation.

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Documentation

11. Staff must complete provider notes within FamLink detailing events and rationale which led to the revocation.
12. Within ten days, staff must prepare and forward the revocation recommendation form, legal letter, and any licensing critical incident reports (LCIR) to the appropriate Licensing Analyst (LA) after the revocation has been issued.

Issuance and follow up

13. A revocation must be delivered to the provider by one of the following methods:
 - a. Certified mail with return receipt;
 - b. Hand delivered with proof of receipt;
 - c. An authorized process server when necessary.
14. A child care license is not legally revoked until the licensee has the legal revocation letter in hand specifying the licensee's due process rights.
15. According to RCW 43.215.305, revocations may be effective immediately, but must become effective no later than 28 calendar days after issuance unless otherwise stated on the revocation letter.
16. The CCSLA, or designee, will advise staff of when a revocation should become effective. If DEL gives a licensee 28 or more calendar day's notice of a revocation, and the licensee files an appeal before the effective date, DEL is not allowed to implement the revocation until after the appeal process has been exhausted. In other words, the facility may remain open until the appeal process has been exhausted.
17. The licensor must request from the licensee records including the names, addresses, and telephone numbers of children in care.
18. Staff must make a reasonable attempt to inform parents /guardians of the licensing action by phone, or by meeting them during the facility's opening and closing times and may direct parents to the Child Care Resource and Referral (CCR&R) to find alternate care.
19. Staff must put licensees on no referral (see 10.1.7 No Referral Policy and Procedure) status by utilizing the No Referral management function in the toolkit within one business day under the following conditions:
 - a. DEL suspends and revokes a child care license.
 - b. DEL revokes a license.
20. Licensors must notify the following entities of a revocation, within three business days:
 - a. Community service offices in the area
 - b. Child Care Resource and Referral (CCR&R)
 - c. Superintendent of Public Instruction – food program

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Definitions

Imminent danger may include, but is not limited to environmental or facility problems or incidents that are considered abuse or neglect or child endangerment if the condition remains and no steps are taken to correct the situation.