

Sec. 21a-9-2. Opportunity to show compliance

(a) No revocation, suspension, annulment or withdrawal of any certificate, license or registration is lawful unless prior to the institution of agency proceedings, the agency gave notice by mail to the practitioner of facts or conduct which warrant the intended action, and the practitioner was given the opportunity to show compliance with all lawful requirements for the retention of the certificate, license or registration.

(b) The notice of the opportunity to show compliance shall contain:

(1) A statement of the time, date and method for responding to the agency;

(2) A reference to the statute(s) or regulation(s) allegedly violated;

(3) A clear and concise factual statement sufficient to inform each respondent of the acts or practices alleged to be in violation of the law. This requirement may be met by including a copy of the investigation report with the notice; and

(4) A statement that each respondent may be represented by counsel.

(c) The agency may request the respondent to attend a compliance conference as the method for responding to the agency. Compliance conferences shall be informal and the rules of evidence shall not apply. Compliance conferences may be recorded but need not be transcribed.

(d) The agency may, in its discretion, designate a person, other than a member of said agency, to preside at such compliance conference. After said compliance conference, the designated presiding officer shall report in writing his or her recommendations to the agency.

(Effective August 23, 1993)