

Sec. 17-227-14b. Licensure

A. **License required; penalty:** every person, firm, corporation or organization conducting a hospital for mental illness must have a current and valid license issued by the department. Any person, firm, corporation or organization conducting a hospital for mental illness contrary to the provisions of section 17-227 shall be liable for a fine of not more than one thousand dollars or imprisoned not more than six months or both.

B. Initial application:

(1) a person, firm, corporation or organization which desires to conduct a hospital for mental illness shall make written application for a license to the department on forms provided by the department.

(2) Such applicant shall furnish with the application the following:

- (a) Documentation of compliance with local zoning ordinances;
- (b) Documentation of compliance with local building codes;
- (c) The local fire marshall's certificate of inspection of the hospital certifying compliance with the fire code;
- (d) A statement of ownership;
- (e) A current organizational chart;
- (f) An application fee as required by section 17-227, payable to the state treasurer;
- (g) Documentation of approval of the commission on hospitals and health care (where appropriate);
- (h) Such other material as the department may reasonably request.

(3) The hospital shall be investigated by department personnel after receipt of the application in order to determine compliance with these regulations and applicable state laws.

C. **Issuance of license:** once compliance has been determined, the department shall issue a license to the applicant for the conducting of a hospital for mental illness. The license shall specify the location of the hospital, the name of the licensee, the name of the chief administrative officer and any limitations placed on the hospital. All licenses shall terminate annually on the 31st of December. The license shall be posted in a conspicuous place in the hospital.

D. **Changes in licenses:** licenses issued under this section are not transferable. If the licensee wishes to change the location or the hospital, or change the chief administrative officer, or if the ownership of the hospital changes, written application must be made to the department for permission to make such change. Such application shall be acted upon within ten days from the date of its filing.

E. Renewal of license:

(1) each licensee wishing to continue conducting a hospital for mental illness shall make written application for renewal of the license to the department on forms provided by the department on or before each November 30th.

(2) Such licensee shall furnish with the application the following:

- (a) The local fire marshall's certificate of annual inspection of the facility certifying compliance with the fire code;
- (b) A statement of ownership;
- (c) A current organizational chart;

- (d) An application fee as required by section 17-227, payable to the state treasurer;
- (e) Documentation of approval of the commission on hospitals and health care (where appropriate);
- (f) such other material as the department may reasonably request.

F. Limitation, suspension or revocation of licenses: a license issued under these regulations may be limited, suspended or revoked after due notice and hearing by the department upon proof that the licensed hospital is being improperly conducted or for the violation of any of the applicable provisions of section 17-227, or for the violation of these regulations. Such hearing shall be conducted in accordance with the administrative procedures act, sections 4-168, et seq.

G. Miscellaneous:

- (1) each applicant shall receive a copy of these regulations upon request for application forms;
- (2) Department personnel shall have the right to enter and inspect a licensed hospital at any reasonable time.

H. Effect of Accreditation:

- (1) except as provided in subsection (2) of this section; if
 - (a) A Hospital for mental illness is accredited by the joint commission on accreditation of hospitals as a psychiatric hospital, and
 - (b) Such hospital authorizes the commission to release to the department (on a confidential basis) upon request a copy of the most current accreditation survey of such hospital made by such commission, then, such hospital shall be deemed to meet the requirements of these regulations; provided
 - (c) That such hospital provides the department with any and all documentation which the department deems is necessary for determination of compliance with applicable state and local law.
- (2) Notwithstanding any other provision of these regulations, if the department finds following an inspection made pursuant to § 17-227-14b-G(2) that an accredited hospital has significant deficiencies, such hospital shall not be deemed as meeting the requirements of these regulations under this section.
- (3) Any hospital for mental illness which is deemed under this section as meeting the requirements of these regulations must make application for a license to the department in accordance with subsections 17-227-14b-A, -B(1) and -B(2). Renewals of such licenses shall be in accordance with subsection 17-227-14b-E.

(Effective April 18, 1978)