

## 19. ADMINISTRATIVE REVIEW AND APPEALS

### 19.1 Appeal to Commissioner

(a) a facility aggrieved by a decision or action of the licensing agency, including a Notice of Violation, may file a request for review by the Commissioner.

(b) a request for review must be pursued before an appeal can be taken pursuant to 33 V.S.A. §7103.

(c) The request for review must be in writing, and filed within 15 days of receipt of the decision or action of the licensing agency.

(d) The request for review must be accompanied by the following:

(1) A request for a hearing, if desired;

(2) a clear statement of the basis for the request for review.

(e) Issues not raised in the request for review shall not be raised later in this proceeding or in any subsequent proceeding arising from the same action of the Division, including appeals pursuant to 33 V.S.A. §7117.

(f) The hearing, if any, shall be conducted by the Commissioner or her or his designee.

(g) Proceedings under this section are not subject to the requirements of 33 V.S.A. Chapter 25.

### 19.2 Appeal to the Human Services Board

(a) A facility aggrieved by a final decision on request for review may file a request for a fair hearing before the Human Services Board pursuant to 33 V.S.A. §7118(a).

(b) Proceedings under this subsection shall be initiated by filing a written request for a fair hearing with the Human Services Board within 30 days of the date of the Final Order setting out a clear statement of the basis for the appeal.

(c) No appeal may be taken on any issue that was not previously raised in the request for review pursuant to subsection 19.1.