

CHAPTER IX
PROTEST PROCEDURE

Section 1. Protestant Hearings.

(a) A program has the right to file a written protest with the Division within fourteen (14) working days after the receipt of the Order of Denial, of Suspension, or Revocation of Certification. The form of the protest shall be as provided in Chapter X, Section 1 of these rules. The protest may include a petition for a hearing before the Division. It shall set forth the reasons why the protestant believes the Division's order was contrary to law or the Division's standards or rules, or that it was arbitrary or capricious or not supported by the facts.

(b) If the protest includes a petition for a hearing before the Division, the procedure for hearings in contested cases in Chapter XI of these rules shall be followed except where it is inapplicable to protests against Division orders or rulings.

Section 2. Services Continued and Assessment of Costs.

(a) Services shall continue at the existing level until the matter is reconciled or a fair hearing is held unless the Administrator has found that an emergency exists as described in Chapter VIII, Section 7.

(b) If an emergency exists as described in Chapter VIII, Section 7, funds may be immediately terminated to the program. The Division is not responsible for payment of contract funds during the period between emergency termination and a hearing.