**Section 412.90 Preliminary Suspension by Board Action**

a) The Board may preliminarily suspend the license of a direct child welfare service employee without a hearing, simultaneously with the receipt of a complaint that contains sufficient indications of reliability and suggests that the licensee may pose an imminent danger to the public if allowed to continue practicing direct child welfare services pending investigation or licensure action or pursuant to Section 412.50(a)(2) or (12). OCWEL shall notify the licensee and the licensee's known child welfare employer of the preliminary suspension within two business days. The Preliminary Suspension Notice will inform the licensee that, if requested within 14 days after the date of the Notice, a hearing will be scheduled. If requested, a post-preliminary suspension hearing will be scheduled with the Administrative Hearing Unit within 30 calendar days after the request for the hearing, but will be limited to the question of whether preliminary suspension is warranted. The Notice of Preliminary Suspension Hearing shall be sent to the licensee and the known child welfare employer of the licensee. A Preliminary Suspension Notice shall state that the preliminary suspension will expire at the conclusion of the OIG investigation and any administrative or court action following the investigation. The Notice shall also contain a short statement explaining the basis of the Board's decision that the complaint contained sufficient indications of reliability and suggested that the licensee may pose an imminent danger to the public if allowed to continue practicing direct child welfare services pending licensure action or pursuant to Section 412.50(a)(2) or (12). A full hearing on the charges will be offered if charges are filed following completion of the investigation. At the preliminary suspension hearing, the licensee can petition the ALJ for access to the complaint based on a showing that examination of the complaint is relevant to the preliminary suspension hearing.

b) If the OIG determines not to pursue charges once a preliminary suspension has been issued, the OIG will notify OCWEL of its intent not to file charges. OCWEL will then notify the licensee and the licensee's employer, if the licensee's employer was notified of the suspension, that the temporary suspension has been lifted.

c) The ALJ shall prepare a recommendation with findings of fact and conclusions of law as to whether the preliminary suspension was warranted. The ALJ shall submit the hearing record and recommendation to the Board. The ALJ shall submit the recommendation to all parties and notify all parties of the availability of the hearing record. The Board shall have the decisionmaking authority.