**Section 200.70 Right to Hearing**

a) In the event that the Respondent seeks a hearing pursuant to matters raised in a Preliminary Order issued in accordance with Section 200.60, the Respondent must submit a request for a hearing by the date specified in the Preliminary Order. In the event that a person seeks a hearing pursuant to the denial of an application for licensure or accreditation or the denial of reinstatement of licensure or accreditation by the Agency, the person must submit a request for a hearing within 30 days after the denial.

b) This request must be in writing and must contain a brief statement of the basis upon which the Agency's Preliminary Order or denial of licensure or accreditation is being challenged.

c) If the request is not submitted by the date required in accordance with subsection (a), or if the request is submitted but later withdrawn, the actions proposed by the Agency in the Preliminary Order or denial of licensure or accreditation shall be a final and binding administrative determination subject to the Administrative Review Law.

d) Upon notice from the Agency that a Respondent is required to have an attorney pursuant to 420 ILCS 40/18, the Respondent's attorney shall have 30 days to enter an appearance with the Agency. If no such appearance is filed, the hearing request will be considered withdrawn and the Preliminary Order or denial of licensure shall be a final and binding administrative determination subject to the Administrative Review Law.

e) No final decision shall be made or action taken by the Agency until the Respondent has had an opportunity to request a hearing and, if requested, a hearing has been held, except that, in cases in which there is an immediate threat to public health or safety, the Agency may take action to immediately enjoin the threat pending a hearing. The hearing shall be held within 30 days after the Agency's action [420 ILCS 40/38(a)].

(Source: Amended at 33 Ill. Reg. 14137, effective September 28, 2009)