**Section 50.100 Removal of an OIG Finding from the Illinois Department of Public Health's Health Care Worker Registry**

a) Pursuant to 20 ILCS 1305/1-17s(5), if an action taken by an employer against an employee as a result of a finding of physical abuse, sexual abuse, egregious neglect, financial exploitation, or material obstruction of an investigation is overturned through an action filed with the Illinois Civil Service Commission or under any applicable collective bargaining agreement and if that employee's name has already been sent to the Registry, the employee's name shall be removed from the Registry.

b) An employee may petition, in writing, the Department of Human Services for removal of the finding against the employee at any time after OIG has reported the finding to the Registry, but not more than once in every 12 months.

c) The employee shall file the petition by email at DHS.BAH@illinois.gov or in writing to the Division of Administrative Hearings, Department of Human Services, Office of the General Counsel, 69 W Washington St, 4th Floor, Chicago IL 60602.

d) OIG shall conduct an investigation into the petition.

e) Following the investigation, the Department's Division of Administrative Hearings shall conduct a hearing in accordance with 89 Ill. Adm. Code 508 and inform the Department of its decision.

f) The parties may jointly request that the administrative law judge consider a stipulated disposition of the proceedings, and if the Secretary agrees with the stipulated disposition, a hearing need not take place.

g) At the hearing, the petitioner shall have the burden to demonstrate by a preponderance of evidence that removal of the finding against the employee from the Registry is in the public interest.

h) The hearing officer shall take into account, but not be limited to, the following considerations:

1) Statement of the nature of the physical abuse, sexual abuse, egregious neglect, financial exploitation, or material obstruction of an investigation for which the finding was placed on the Registry;

2) Evidence that the petitioner is now rehabilitated, trained, or educated and able to perform duties in the public interest;

3) Evidence of the petitioner's conduct since OIG's finding was reported to the Registry; and

4) Evidence of the petitioner's candor and forthrightness in presenting information in support of the petition.

i) The Inspector General shall, upon receiving the Department's hearing decision, request the Department of Public Health to remove its finding from the Registry when:

1) The hearing decision finds that it is in the public interest to do so; or

2) The parties have jointly requested the administrative law judge consider a stipulated disposition of the proceeding and the Secretary agrees with the stipulated disposition.

(Source: Amended at 48 Ill. Reg. 14653, effective September 27, 2024)