**Section 310.70 Recommendations and Findings**

a) Report of Findings

Upon completion of an investigation pursuant to Section 23 of the Act, a regional authority shall prepare a proposed report of findings, including recommendations where appropriate, to be presented for discussion at the next regular meeting or such special meeting that is called to discuss the proposed report.

b) Review by Program Director

At least ten days prior to the date set by a regional authority for consideration of a proposed report of findings, a copy of the proposed report and any recommendations shall be forwarded to the Program Director for review. A regional authority shall not adopt a proposed report that has been forwarded to the Program Director less than 10 days prior to the meeting unless the Program Director determines that findings of fact and recommendations are clearly specified and supported by the record.

c) Consideration and Adoption of Report by Regional Authority

1) Except as provided in subsection (c)(3) below, the proposed report of findings and any recommendations shall be considered and adopted by a regional authority only at a regularly scheduled or special meeting upon majority vote of the members in attendance and constituting a quorum. Any and all proposed findings and recommendations that the regional authority intends to include in the report shall be considered and discussed only in a closed session to insure that the provider, State Agency, or other person investigated shall have an opportunity to review and object to any such proposed public findings and recommendations prior to publication as provided in Section 26 of the Act.

2) The regional authority shall record in its minutes Section 21 of the Act as the statutory basis for the closed session.

3) In the event that there is not quorum present and where the chairperson and a majority of those present deem it necessary to immediately send the report of findings to the service provider, a telephone poll of those not present may be taken for purposes of obtaining a majority vote. The decision shall be presented for ratification at the next meeting at which a quorum is present.

4) Within ten days of its adoption, the report and any recommendations shall be sent to the providers investigated with notification of the statutory obligation to submit a response to the authority within thirty days from the date of receipt. This same notification shall inform the provider that the report may be made public after this 30 day response period pursuant to Section 19 and 26 of the Act and of his right under Section 26 of the Act to object to the findings and recommendations of the regional authority. At the same time, a copy of the report and any recommendations shall be sent to the Program Director for forwarding to the Commission. The complainant and any eligible person shall, within ten days after the completion of the investigation, be notified of the outcome of the investigation and any action taken thereon.

5) Upon request, the regional Authority should assist a provider in interpreting the report of findings and any recommendations.

d) Public Release of Reports

1) In the interest of fairness to the provider a regional authority shall contact orally or in writing to elicit a response from the provider, before publicly disclosing findings and recommendations.

2) Pursuant to Sections 19 and 26 of the Act and after the 30 days response period has elapsed, the regional authority may make public its report of findings, and any recommendations, upon a majority vote of the members in attendance and constituting a quorum at a regularly scheduled or special meeting.

3) If a response or objection has been received, it shall be attached to the report of findings and any recommendations and may be made public pursuant to Section 26 of the Act only if the provider requests.

4) If no response has been received within the statutory thirty day period, the report of findings and any recommendations may be made public pursuant to Section 26.

5) The provider and complainant shall be notified in writing within 10 days after the case is officially closed.

6) The provider shall be notified if and when the regional authority makes public its report.

e) Closure

A case shall be closed upon a majority vote of the members in attendance and constituting a quorum at a regularly scheduled or special meeting. In the event that there is no quorum present and where the chairperson and a majority of those present deem it necessary to immediately close the case, a telephone poll of those not present may be taken for purposes of obtaining a majority vote. The decision shall be presented for ratification at the next meeting at which a quorum is present.

(Source: Amended at 26 Ill. Reg. 8828, effective June 11, 2002)