**Section 310.90 Limitations**

a) When it appears to the Commission or its designee that proposed action by a regional authority is frivolous, beyond the resources or remedial powers or subject matter jurisdiction of the regional authority, or that such action may violate the rights of a client, provider, or other person, or that it may jeopardize an investigation, the Commission or its designee shall disapprove any such action; upon receipt of such disapproval the regional authority shall immediately cease such action pursuant to Section 5(c) of the Act.

b) If a majority of a regional authority wishes to pursue such disapproved action, a written appeal may be submitted to the Chairperson of the Commission with a copy to the Director and to the HRA Committee. No action under appeal shall be taken by the regional authority until a written response is received from the Commission allowing the pursuit of the action.

c) Incurring Obligation

No regional authority shall retain or agree to retain the services of any person, or expend or agree to expend any funds or incur or agree to incur a financial obligation without the prior written approval of the Director or a designee.

d) Legal Action

Pursuant to Section 8(3) of the Act, the authority to institute legal proceedings rests solely with the Director.

e) Testimony

All requests for HRA testimony and all prepared HRA testimony, shall be submitted to and reviewed by the Commission prior to its presentation to any private or public legislative or regulatory body.

f) Conflict of Interest

A potential conflict of interest arises when a regional authority receives or initiates a complaint involving the dependent or relative of a regional authority member or authority staff, a service provider with whom a regional authority member or authority staff has a financial or business association, or a complainant who is being represented by a regional authority member or authority staff before any service provider or governmental body. To avoid any appearance of impropriety and to resolve any potential conflict, the regional authority member or authority staff shall not participate in any aspect of the handling of the complaint by the regional authority.

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