**Section 245.120 Violations**

a) Notice of Violation

1) *When the Department determines that an agency is in violation of the Act* or this Part, *a notice of violation shall be served on the licensee*. The notice shall be served on the licensee personally or by certified mail. (Section 9.02 of the Act)

2) *If the Department finds that the violation does not pose a substantial risk to the health or safety of the agency's clients or patients, the Department may choose to request a plan of correction for the Department's approval prior to issuing the notice of violation. If the agency fails to submit an acceptable plan of correction or fails to implement a Department-approved plan of correction within the time provided by the Department, the Department* will *then issue the notice of violation.* (Section 9.02 of the Act)

3) *Each notice of violation shall be in writing* and shall include:

A) A description of the *nature of the violation.*

B) Citation of the *statutory provision or rule alleged to have been violated.*

C) A statement that the agency must submit a *plan of correction as provided under Section 9.03* of the Act and subsection (b) of this Section.

D) A description of additional *action the Department may take under the Act, including adverse licensure action under Section 9* of the Act and Section 245.130 of this Part *or assessment of a penalty under Section 9.04* of the Act and Section 245.140 of this Part.

E) A statement that *the licensee has a right to a hearing* to contest the violation, as provided in *Section 10* of the Act and Section 245.150 of this Part, and a description of the procedure for requesting a hearing. (Section 9.02 of the Act)

b) Plan of Correction

1) In response to the receipt of a notice of violation, *the agency shall file with the Department a written plan of correction. Each plan of correction is subject to the approval of the Department* and shall comply with the following requirements:

A) Be filed with the Department *within 10 days after the agency's receipt of the notice of violation.*

B) *State with particularity the method by which the agency intends to correct each violation* specified in the notice of violation.

C) *Contain a stated date by which each violation will be corrected.* (Section 9.03 of the Act)

2) The Department will review each plan of correction. If the Department finds that the plan of correction fails to comply with the requirements in subsection (b)(1) of this Section, the Department will *reject the plan of correction* and *notify the licensee of the rejection and the reason for the rejection*. (Section 9.03 of the Act)

3) *The agency shall have 10 days after the receipt of a notice of rejection in which to submit a modified plan of correction*. The Department will review each modified plan of correction. (Section 9.03 of the Act)

4) The Department will *reject a modified plan* and impose a plan of correction, which the *agency shall follow*, in any of the following conditions:

A) *The modified plan is not submitted on time.*

B) The modified plan fails to resolve the reasons for the rejection of the plan of correction.

C) The modified plan fails to *state with particularity the method by which the agency intends to correct each violation* specified in the notice of violation.

D) The modified plan fails to *contain a stated date by which each violation will be corrected.* (Section 9.03 of the Act)

c) Hearing to Contest Violations

1) An agency may *contest any Department action under* subsection (a) or (b) *by sending a written request for a hearing to the Department within 10 days after the receipt of the notice of the action being contested,* as provided in Section 10 of the Act and Section 245.150 of this Part. (Section 9.03(c) of the Act)

2) *Whenever possible, all action of the Department under* subsection (a) or (b) *arising out of a violation shall be contested and determined at a single hearing.* (Section 9.03(c) of the Act)

(Source: Amended at 48 Ill. Reg. 12368, effective August 5, 2024)