**Section 264.1500 Adverse Licensure Action and Administrative Hearings**

a) Before denying an initial license application, refusing to renew a license, revoking a license, or assessing an administrative fine, the Department will notify the applicant or the licensee in writing. The notice will specify the charges or reasons for the Department's contemplated action and will provide the applicant or licensee an opportunity to file a request for a hearing within 10 days after receiving the notice.

1) A failure to request a hearing within 10 days shall constitute a waiver of the applicant's or licensee's right to a hearing.

2) The hearing shall be conducted by the Director, or an individual designated in writing by the Director as an Administrative Law Judge, in accordance with the Department's Practice and Procedure in Administrative Hearings.

b) An initial license application may be denied, a license may be revoked, the renewal of a license may be denied, or an administrative fine may be assessed, for any of the following reasons:

1) Violation of any provision of the Act or this Part.

2) Conviction of the owner or operator of the birth center of a felony, a misdemeanor involving moral turpitude, or of any other crime under the laws of any state or of the United States arising out of or in connection with the operation of a health care facility. The record of conviction or a certified copy of it shall be conclusive evidence of conviction.

3) An encumbrance on a health care facility license issued in Illinois or any other state to the owner or operator of the birth center.

4) Revocation of any facility license issued by the Department during the previous five years or surrender or expiration of the license during the pendency of action by the Department to revoke or suspend the license during the previous five years if the prior license was issued to the individual applicant or a controlling owner or controlling combination of owners.

c) The Department may initiate an action to assess an administrative fine in conjunction with or in lieu of any other adverse licensure action.

d) The Department will determine the amount of an administrative fine in consideration of the following:

1) The nature and severity of the violation;

2) The birth center's diligence in correcting the violation;

3) Whether the birth center had previously been cited for a similar violation;

4) The number of violations;

5) The duration of an uncorrected violation; and

6) The impact or potential impact of the violation on client health and safety.

e) The administrative fine will be calculated in relation to the number of days the violation existed or continues to exist, if it has not been corrected. The total amount of the fine assessed will fall within the following parameters:

1) For a violation that occurred as a single event or incident – between $100 and $5,000 per violation.

2) For a violation that was continued or is continuing beyond a single event or incident – between $100 and $500 per day per violation.