**Section 265.1500 Adverse Licensure Action and Administrative Hearings**

a) *Before denying a license application, refusing to renew a license, suspending a license, revoking a license*, or assessing an administrative fine, *the Department shall notify the applicant or the licensee in writing. The notice shall specify the charges or reasons for the Department's contemplated action*, and shall provide the applicant or licensee an opportunity to file a request for a hearing *within 10 days after receiving the notice*. (Section 50 of the Act)

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*. (Section 50 of the Act)

2) *The hearing shall be conducted by the Director or an individual designated in writing by the Director as* an Administrative Law Judge, and shall be conducted in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings and Section 55 of the Act. (Section 55 of the Act)

b) A license *may be denied,* *suspended,* or *revoked,* and *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 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 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:*

A) *the prior license was issued to the individual applicant or a controlling owner or controlling combination of owners of the applicant; or*

B) *any affiliate of the individual applicant or controlling owner of the applicant or affiliate of the applicant was a controlling owner of the prior license*. (Section 45 of the Act)

c) An action to assess an administrative fine may be initiated in conjunction with or in lieu of other adverse licensure action.

d) The amount of an administrative fine shall be determined based on 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 shall 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 shall 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.