**Section 295.1060 Remedies and Sanctions**

a) The Department may impose the following remedies and sanctions upon an establishment that is found to have committed a violation:

1) In addition to other remedies, the Department may conduct a consultative conference with administrative staff who oversee the daily operations of the establishment to identify remedial actions to address a violation. At the Department’s discretion the consultative conference may be part of the on-site review, via teleconference, or other means of communication. Failure to meet the requirements established in the consultative conference will result in a higher sanction if the establishment does not come into compliance.

2) A statement of correction shall be required for all levels of violation, either offered by the establishment or imposed by the Department. A statement of correction must be submitted by the licensee within 15 days after the notification to the establishment of the statement of finding or violation. A statement of correction must be in writing and must contain:

A) A description of the specific corrective action the establishment is taking for each finding or violation;

B) A description of the steps that will be taken to avoid future occurrences; and

C) A specific date by which the correction shall be completed.

3) An administrative warning may be imposed by the Department for any Type 3 violation.

4) Mandatory training may be required of establishment staff as a remedy for any violation.

5) A directed plan of correction may be imposed for initial violations and repeat violations after the establishment fails to submit or carry out its own statement of correction or the establishment's plan fails to address the issue. The Department may impose an immediate plan of correction for a Type 1 violation.

6) Fines shall be imposed as follows:

A) The Department will impose a fine of up to $500 for an initial Type 2 violation.

B) The Department will impose a fine of up to $1000 on any provider that has repeat Type 2 violations at a subsequent on-site inspection.

C) The Department will impose a fine of up to $2000 for initial Type 1 violations.

D) The Department will impose a fine of up to $10,000 on any provider that has a repeat Type 1 violation or when the Director or the Director’s designee determines that a serious and immediate threat exists.

7) A revocation of an establishment's license may occur when other remedies and sanctions have been progressively applied and the establishment has not achieved compliance. The decision to revoke a license may only be made by the Director of the Department or the Director’s designee.

b) Remedies and sanctions shall be evaluated and imposed on the basis of the:

1) Gravity of the violation;

2) Severity of the violation;

3) Pattern of occurrences of the same or similar violations; and

4) History of compliance with the Act and this Part.

c) An unlicensed assisted living or shared housing establishment or an entity that violates Section 295.400(a), (b) or (c) shall be assessed a civil penalty not to exceed $3,000. The entity will also be referred to the Department's Bureau of Long-Term Care for review and possible referral to the Office of the Attorney General.

d) Any licensee preventing the Department from carrying out its duties under this Section shall have its license revoked or suspended and be subject to a fine of not more than $250 per day for each day the Department is prevented from carrying out its duties.

e) Any establishment caring for a resident whose care needs exceed those authorized under the Act shall be fined $500 for the first violation and $1,000 for each subsequent violation. *Each day a violation continues shall be deemed a separate violation*. (Section 135(b) of the Act) The establishment shall not be found in violation if a sudden change in a resident's condition, making the resident ineligible for residency, has occurred within the last 72 hours, the establishment is actively attempting to find placement for the resident in an alternative care setting, and the establishment has initiated involuntary termination of residency proceedings. An establishment shall be deemed to be "actively attempting" to find alternative placement if the following occurs:

1) The establishment is assisting the resident in finding alternative placement; and

2) A reasonable relocation plan is in place, including a time frame and provision of services in the interim.

f) An establishment that fails to conduct a health care worker background check as required by Section 295.3040 shall be fined $100 for each offense.

(Source: Amended at 47 Ill. Reg. 13264, effective August 30, 2023)