**Section 350.286 Notice of Penalty Assessment: Response by Facility**

a) If the Director determines that a penalty is to be assessed, a written notice of penalty assessment shall be sent to the facility. Each notice of penalty assessment shall include:

1) *The amount of the penalty* *assessed* as provided in Section 350.282.

2) The amount of any reduction or whether the penalty has been waived pursuant to Section 350.288.

3) A description of *the violation,* including a reference to the notices of violation and plans of correction that are the basis of the assessment.

4) A citation to the provision of *the statute or rule* *alleged to have been violated*.

5) A description of the right of the facility to appeal the assessment and of the *right to a hearing under Section 3-703 of* the Act (Section 3-307 of the Act)*.*

6) For violations which are continuing at the time the notice of assessment, *the amount of additional* penalties *per day* which will be assessed. (Section 3-307 of the Act)

b) *A facility may contest an assessment of a penalty by sending a written request to the Department for hearing under Section 3-703* of the Act. *Upon receipt of the request the Department shall hold a hearing as provided under Section 3-703* of the Act. *Instead of requesting a hearing pursuant to Section 3-703* of the Act, *a facility may, within 10 business days after receipt of the notice of violation and fine assessment, transmit to the Department* *65% of the amount assessed for each violation specified in the penalty assessment*. (Section 3-309 of the Act)

c) The facility shall pay the penalties to the Department within the time periods provided in Section 3-310 of the Act.

d) The submission of 65% of the amount assessed for each violation specified in the penalty assessment, pursuant to subsection (b) shall constitute a waiver by the facility of a right to hearing pursuant to Section 3-703 of the Act.

(Source: Amended at 46 Ill. Reg. 10519, effective June 2, 2022)