**Section 390.282 Conditions for Assessment of Penalties**

The Department shall consider the assessment of a monetary penalty against a facility under the following conditions:

a) *A licensee who commits a Type "AA" violation, as defined in Section 1-128.5* of the Act, *is automatically issued a conditional license for a period of 6 months to coincide with an acceptable plan of correction and assessed a fine of up to $25,000 per violation. For a facility licensed to provide care to fewer than 100 residents, but no* fewer *than 17 residents, the fine shall be up to $18,500 per violation. For a facility licensed to provide care to fewer than 17 residents, the fine shall be up to $12,500 per violation*. (Section 3-305(1) of the Act)

b) *A licensee who commits a Type "A" violation, as defined in Section 1-129* of the Act, *is automatically issued a conditional license for a period of 6 months to coincide with an acceptable plan of correction and assessed a fine of up to $12,500 per violation. For a facility licensed to provide care to fewer than 100 residents, but no* fewer *than 17 residents, the fine shall be up to $10,000 per violation. For a facility licensed to provide care to fewer than 17 residents, the fine shall be up to $6,250 per violation*. (Section 3-305(1.5) of the Act)

c) *A licensee who commits a Type "AA" or Type "A" violation, as defined in Section 1-128.5 or 1-129* of the Act, *that* *continues beyond the time specified in Section 3-303(a)*, *that is cited as a repeat violation shall have its license revoked and shall be assessed a fine of 3 times the fine computed under* subsection (a). (Section 3-305(3) of the Act)

d) *A licensee who commits a Type "B" violation, as defined in Section 1-130* of the Act, *shall be assessed a fine of up to $1,100 per violation. For a facility licensed to provide care to fewer than 100 residents, but no fewer than 17 residents, the fine shall be up to $750 per violation. For a facility licensed to provide care to fewer than 17 residents, the fine shall be up to $550 per violation*. (Section 3-305(2) of the Act)

e) *A licensee who fails to satisfactorily comply with an accepted plan of correction for a Type "B" violation or an administrative warning issued pursuant to Sections 3-401 through 3-413* of the Act *or* this Part *shall be automatically issued a conditional license for a period of not less than 6 months. A second or subsequent acceptable plan of correction shall be filed. A fine shall be assessed in accordance with* subsection (d) *when cited for the repeat violation. This fine shall be computed for all days of the violation, including the duration of the first plan of correction compliance time*. (Section 3-305(4) of the Act)

f) *A licensee who commits 8 or more Type "C" violations, as defined in Section 1-132* of the Act, *in a single survey shall be assessed a fine of up to $250 per violation. A facility licensed to provide care to fewer than 100 residents, but no* fewer *than 17 residents, that commits 8 or more Type "C" violations in a single survey, shall be assessed a fine of up to $200 per violation. A facility licensed to provide care to fewer than 17 residents, that commits 8 or more Type "C" violations in a single survey, shall be assessed a fine of up to $175 per violation*. (Section 3-305(2.5) of the Act)

g) *If an occurrence results in more than one type of violation, as defined in* the *Act (that is, a Type "AA", Type "A", Type "B", or Type "C" violation), then the maximum fine that may be assessed for that occurrence is the maximum fine that may be assessed for the most serious type of violation charged. For purposes of the preceding sentence, a Type "AA" violation is the most serious type of violation that may be charged, followed by a Type "A", Type "B", or Type "C" violation, in that order*. (Section 3-305(8) of the Act)

h) *If any facility willfully makes a misstatement of fact to the Department or willfully fails to make a required notification to the Department and that misstatement or failure delays the start of a survey or impedes a survey, then it will constitute a Type "B" violation. The minimum and maximum fines that may be assessed pursuant to this* subsection (h) *shall be 3 times those otherwise specified for any facility.* (Section 3-305(9) of the Act)

i) *If the Department finds that a facility has violated a provision of* this Part *that has a high-risk designation, or that a facility has violated the same provision of* this Part *3 or more times in the previous 12 months, then the Department may assess a fine of up to 2 times the maximum fine otherwise allowed*. (Section 3-305(10) of the Act)

j) For the purposes of calculating certain penalties pursuant to this Section, violations of the following requirements shall have the status of "high-risk designation".

1) Section 390.681

2) Section 390.700

3) Section 390.750(b)

4) Section 390.760

5) Section 390.1010

6) Section 390.1040

7) Section 390.1310

8) Section 390.1316

9) Section 390.2740(f)

10) Section 390.3040(f)

11) Section 390.3240

k) *When the Department finds that a provision of Article II* of the Act *has been violated with regard to a particular resident, the Department shall issue an order requiring the facility to reimburse the resident for injuries incurred, or $100, whichever is greater. In the case of a violation involving any action other than theft of money belonging to a resident, reimbursement shall be ordered only if a provision of Article II* of the Act *has been violated with regard to that or any other resident of the facility within the 2 years immediately preceding the violation in question*. (Section 3-305(6) of the Act)

l) *In the case of a Type "AA" or Type "A" violation, a penalty may be assessed from the date on which the violation is discovered.*

m) *In the case of a Type "B" violation or an administrative warning issued pursuant to Sections 3-401 through 3-413* of the Act or this Part, *a penalty shall be assessed on the date of notice of the violation.*

n) *In the case of a Type "B" or Type "C" violation or an administrative warning issued pursuant to Sections 3-401 through 3-413* of the Actor this Part, *the facility shall submit a plan of correction as provided in* Section 390.278.

o) *If a plan of correction is approved and carried out for a Type "C" violation, the fine provided under Section 3-305* of the Act *shall be suspended for the time period specified in the approved plan of correction.*

p) *If a plan of correction is approved and carried out for a Type "B" violation or an administrative warning issued pursuant to Sections 3-401 through 3-413* of the Act or this Part, *with respect to a violation that continues after the date of notice of violation, the fine provided under Section 3-305 shall be suspended for the time period specified in the approved plan of correction.*

q) *If a good faith plan of correction is not received within the time provided by Section 3-303* of the Act*, a penalty may be assessed from the date of the notice of the Type "B" or "C" violation or an administrative warning issued pursuant to Sections 3-401 through 3-413* of the Act *or* this Part, *until the date of the receipt of a good faith plan of correction, or until the date the violation is corrected, whichever is earlier.*

r) *If a violation is not corrected within the time specified by an approved plan of correction or any lawful extension thereof, a penalty may be assessed from the date of notice of the violation, until the date the violation is corrected.* (Section 3-308 of the Act)

(Source: Amended at 46 Ill. Reg. 8192, effective May 6, 2022)