**Section 515.160 Facility, System and Equipment Violations, Hearings and Fines**

a) *Except for emergency suspension orders, or actions initiated pursuant to Sections 3.117(a), 3.117(b), and 3.90(b)(10) of* the *Act, prior to initiating an action for suspension, revocations, denial, nonrenewal, or imposition of a fine,* for facility, system and equipment violations, *the Department shall:*

1) *Issue a Notice of Violation which specifies the Department's allegations of noncompliance and requests a plan of correction to be submitted within 10 days after receipt of the Notice of Violation;*

2) *Review and approve or reject the plan of correction. If the Department rejects the plan of correction, it shall send notice of the rejection and the reason for the rejection. The party shall have 10 days after receipt of the notice of rejection in which to submit a modified plan;*

3) *Impose a plan of correction if a modified plan is not submitted in a timely manner or if the modified plan is rejected by the Department;*

4) *Issue a Notice of Intent to fine, suspend, revoke, nonrenew or deny if the party has failed to comply with the imposed plan of correction, and provide the party with an opportunity to request an administrative hearing. The Notice of Intent shall be effected by certified mail or by personal service, shall set forth the particular reasons for the proposed action, and shall provide the party with 15 days in which to request a hearing.* (Section 3.130 of the Act)

b) *Administrative hearings shall be conducted by the Director or* his /her designee. *On the basis of any such hearing, or upon default of the Respondent, the Director shall issue a Final Order specifying his findings, conclusions and decision. A copy of the Final Order shall be sent to the Respondent by certified mail or served personally upon the Respondent.* (Section 3.135 of the Act)

c) *The procedure governing hearings authorized by* the *Act shall be in accordance with the Department's rules governing administrative hearings* (77 Ill. Adm. Code 100). (Section 3.135 of the Act)

d) *The Department shall have the authority to impose fines on any licensed vehicle service provider, designated trauma center, resource hospital, associate hospital or participating hospital.* (Section 3.140(a) of the Act)

e) In determining the amount of a fine, the Director shall consider the following factors:

1) The severity of the actual or potential harm to an individual or the public;

2) The numbers and types of protocols, standards, rules or Sections of the Act that were violated in the course of creating the condition or occurrence at issue;

3) The reasonable diligence exercised by the facility, pre-hospital care provider or System participant to avoid the violations or to reduce the potential harm to individuals;

4) Efforts by the facility, pre-hospital care provider or System participant to correct the violations;

5) Any previous violations of a like or similar nature by the facility, pre-hospital care provider or System participant;

6) Any financial benefit to the facility, pre-hospital care provider or System participant of continuing the violations; and

7) The cooperation or lack of cooperation with the Department's investigation.

f) *A fine not exceeding $10,000* shall be issued *for a violation which created a condition or occurrence presenting a substantial probability that death or serious harm to an individual will or did result therefrom.* (Section 3.140(b)(1) of the Act)

g) *A fine not exceeding $5,000* shall be issued *for a violation which creates or created a condition or occurrence which threatens the health, safety or welfare of an individual.* (Section 3.140(b)(2) of the Act)

h) *A Notice of Intent to Impose Fine may be issued in conjunction with or in lieu of a Notice of Intent to Suspend, Revoke, Nonrenew or Deny, and shall* (Section 3.140(c) of the Act) include:

1) A description of the violation or violations for which the fine is being imposed;

2) A citation to the Sections of the Act, rules, protocols or standards alleged to have been violated;

3) The amount of the fine; and

4) The opportunity to request an administrative hearing prior to imposition of the fine, provided that the request for a hearing is made within 15 days after receipt of the notice.

(Source: Amended at 37 Ill. Reg. 19610, effective November 20, 2013)