**Section 697.170 Enforcement of the AIDS Confidentiality Act**

a) All health care facilities and health care professionals are required to comply with this Part. Any failure to comply will be addressed in accordance with the following:

1) Health care facilities and health care professionals that are licensed, certified, permitted or given any other form of recognition by the Department shall comply with the provisions of Sections 697.110, 697.120, 697.130 and 697.140 of this Part that are applicable to the health care facilities and health care professionals as a condition of licensure, certification, permit or any other form of recognition by the Department. The reckless, deliberate or conscious failure to comply with these provisions shall constitute grounds for suspension, revocation or denial in accordance with the respective licensure, certification, permit and other recognition laws and regulations.

2) The Department shall forward to the appropriate State, federal or local regulatory agency any complaint that it receives concerning the failure by any health care facility or health care professional that is subject to regulation by that agency to comply with the applicable provisions of Sections 697.110, 697.120, 697.130 and 697.140.

b) The *intentional or reckless violation of* the Act *or* this Part *shall constitute a Class A* *misdemeanor*. (Section 12 of the Act)

c) *Any person aggrieved by a violation of* the *Act or* this Part *shall have a right of action in the circuit court and may recover for each violation:*

1) *Against any person who negligently violates a provision of* the *Act or* this Part*, liquidated damages of $2,000 or actual damages, whichever is greater.*

2) *Against any person who intentionally or recklessly violates a provision of* the *Act or* this Part*, liquidated damages of $10,000 or actual damages, whichever is greater.*

3) *Reasonable attorney fees.*

4) *Such other relief, including an injunction, as the court may deem appropriate.* (Section 13 of the Act)

(Source: Amended at 36 Ill. Reg. 7613, effective May 4, 2012)