**Section 1250.1120 Reconsideration Hearings on State Agency Findings**

a) The Right to Reconsideration Hearing

1) The Right to a Reconsideration Hearing by Affected Persons Excluding HSAs and Providers of the Service Under Review

Any affected person as defined in Section 1250.320 excludings HSA's or providers of the service under review, may, for "good cause" shown, request in writing a hearing for purposes of reconsideration of a State Board finding. Such request must be submitted in writing to the Executive Secretary of the Illinois Health Facilities Planning Board (Illinois Department of Public Health, 525 West Jefferson Street – 5th Floor, Springfield, Illinois 62761) no later than 30 days from the date of the State Board findings. The request must detail the basis for requesting the hearing. If no request for a reconsideration hearing is received within 30 days from the State Board publication of findings, the right to reconsideration hearing shall be considered to be waived.

2) The Right to a Reconsideration Hearing by a Health Systems Agency

A) A health systems agency may, for "good cause" shown or when the State Board findings are inconsistent with the recommendations of the health systems agency on the appropriateness of the service under review, request in writing a hearing for purposes of reconsideration of a State Board finding. Such request must be submitted in writing to the Executive Secretary of the Illinois Health Facilities Planning Board (Illinois Department of Public Health, 525 West Jefferson Street - 5th Floor, Springfield, Illinois 62761) no later than 30 days from the date of the State Board Findings. The request must detail the basis for requesting the hearing.

B) If no request for a reconsideration hearing is received within 30 days from the date of State Board findings, the right to reconsideration hearing shall be considered to be waived.

3) The Right to a Reconsideration Hearing by a Provider of the Service Under Review

A) Any provider of a service which is subject to review, may, for "good cause" shown or when the State Board findings reflect an institution specific finding of inappropriateness in their facility, request in writing a hearing for purposes of reconsideration of a State Board finding. Such request must be submitted in writing to the Executive Secretary of the Illinois Health Facilities Planning Board (Illinois Department of Public Health, 525 West Jefferson Street – 5th Floor, Springfield, Illinois 62761) no later than 30 days from the date of the State Board findings. The request must detail the basis for requesting the hearing.

B) If no request for a reconsideration hearing is received within 30 days from the date of State Board findings, the right to reconsideration hearing shall be considered to be waived.

b) Procedures for Reconsideration Hearing

1) Good Cause Definition

For purposes of this Part, "good cause" shall be deemed to be shown if the request for reconsideration hearing:

A) Presents significant, relevant information not previously considered by the State Board; and/or

B) Demonstrates that there have been significant changes in factors or circumstances relied upon by the State Board in reaching its decision; and/or

C) Demonstrates that the State Board has materially failed to follow its adopted standards and procedures in reaching its decision.

2) Request for Reconsideration Hearing

Within 15 days from the receipt of a request for a reconsideration hearing, the Executive Secretary shall transmit a copy of the request to the Chairman of the State Board, who – acting for the State Board – shall review the request and determine if "good cause" is indeed shown. If the Chairman finds that the request does not show "good cause" the person requesting the hearing shall be notified in writing and may appeal the decision of the Chairman at the next scheduled State Board Meeting.

3) Notification of Hearing

Notification of the reconsideration hearing shall be sent prior to the date of the hearing. Such notification shall be forwarded to the following:

A) The person requesting the hearing;

B) The affected HSA and all providers of the service within the service area; and

C) Any other affected persons upon request.

4) Schedule for Reconsideration Hearing by Affected Persons Excluding HSA's and Providers of the Service Under Review.

A) If it is determined that a request for reconsideration hearing demonstrates "good cause", the State Board, at the next practicable State Board Meeting, shall convene the reconsideration hearing before the State Board.

B) The State Board shall make written findings which state the reasons for its decision within 45 days after the conclusion of the reconsideration hearing. The State Board shall either affirm the original findings or amend the findings on the basis of the hearing.

5) Schedule and Procedures for Reconsideration Hearings by Health Systems Agencies and Providers of the Service Under Review.

If it is determined that a request for a reconsideration hearing is justified under subsection (c)(1)(A or B) above, such a hearing shall be convened in accord with the applicable sections of 77 Ill. Adm. Code 1180" Practice and Procedures in Administrative Hearings."