**Section 2060.339 License Sanctions**

a) Prior to initiating a formal action to sanction a license, the Department will allow an organization an opportunity to take corrective action to eliminate or ameliorate a violation of the Act or this Part, except in cases in which the Department determines that emergency action is necessary to protect the public interest, safety or welfare.

b) The Department shall issue written notice to an organization determined to be in non-compliance. The Department's notice shall specify the particular activities deemed to violate the Act and/or this Part. The Department's notice shall require such corrective action as it deems necessary for compliance and shall establish a time period within which the corrective action is to be completed.

c) In determining whether to initiate formal action the Department shall consider whether the organization made an effort to comply with the Department's notice of corrective action, whether compliance with the Act and this Part was achieved within the designated time frame and the potential for harm to a patient as a result of the failure to comply.

d) Nothing contained herein shall preclude the Department from initiating formal action against an organization who has complied with the Department's notice of corrective action. In such case, the factors enumerated above shall be considered by the Department in determining whether and to what extent the following sanctions should be imposed:

1) Administrative Warning - A written warning issued by the Department which specifies rule violations and a corrective time period and that also warns that any additional violation of this Part may result in a more severe sanction.

2) Probation - Probation of the license for a specified period of time during which action shall be taken, as necessary, to achieve compliance with all licensure standards. When the probationary period has expired, the Department shall terminate the probationary status. If the Department determines that the organization still does not meet licensure standards or has continued violations, the Department may suspend the license or extend the probationary period, if such extension would likely result in correction.

3) Restricted License - A restriction placed on a license which limits operation to specified services after a Department finding that one or more services has not met licensure standards.

4) Financial Penalty - A financial penalty imposed upon a finding of violation of any one or combination of the provisions of Section 15-25 of the Act. A financial penalty may not be paid with public funds. In determining an appropriate financial penalty the Department may consider the deterrent effect of the penalty on the organization and on other providers, the nature of the violation, the degree to which the violation resulted in a benefit to the organization and/or harm to the public and any other relevant factor to be examined in mitigation or aggravation of the organization's conduct. The financial penalty may be imposed in conjunction with other sanctions or separately.

5) Summary Suspension - An immediate suspension of the license ordered if the Department finds that the public interest, safety, or welfare imperatively requires emergency action.

A) A petition for summary suspension shall state the statutory basis for the action petitioned, alleged facts, supported by evidence or affidavit, sufficient to demonstrate a need for emergency action, be signed by the Department's chief legal counsel and be presented to the Secretary either in person or by telephone and in the presence of a court reporter.

B) An order for summary suspension shall contain findings of fact sufficient to support imposition of a summary suspension, recite the statutory basis for the action, appoint a hearing officer, demand immediate surrender of the license and be signed by the Secretary.

C) A notice of summary suspension shall accompany the order and shall set a date for commencement of a hearing within 14 calendar days after the date on which the order takes effect. The notice of summary suspension shall also identify the hearing officer who will conduct the hearing and include a copy of the Department's rule pertaining to hearings.

D) If the parties agree to a prehearing conference, such conference shall constitute the commencement of the hearing. The hearing shall determine whether the summary suspension shall remain in effect until conclusion of a formal hearing on the merits.

6) Suspension - Suspension of the license is a temporary withdrawal, by formal action, of a license for a period of time specified by the Department during which corrective action is taken to rectify problem areas that led to the suspension. When the corrective action has been taken, the Department will determine if such action meets Department standards and either reinstate or revoke the license.

7) Revocation - Revocation of the license is withdrawal by formal action of a license to provide treatment or intervention services. The termination shall be in effect until such time as the license is reinstated or an application for a new license has been made and approved by the Department.

e) The Department may reinstate a license, after a period of suspension or revocation, providing the organization proves full compliance with licensure standards.

f) The Department shall deny a license application for failure to comply with the Act and this Part.