**Section 2085.25 Terms and Conditions of Authorization**

a) The hospital pharmacy upon receipt of written authorization by the Department may dispense delta-9-THC to cancer chemotherapy patients in conformity with this Part, all requirements imposed by the NCI as set forth in the Mechanisms and the Guidelines and all applicable regulations of the DEA. Failure to adhere to such applicable requirements may result in the suspension or revocation of Department authorization.

b) In determining whether to approve an application, the Department will consider the following factors:

1) Whether the application contains false or fraudulent information or material;

2) Whether the applicant maintains current Federal and State licenses as required by law;

3) Whether the applicant has established and maintains adequate security of its drug stocks and in the handling of such stocks;

4) Whether the applicant has agreed to comply with the procedures imposed by NCI as set forth under the Mechanism and the Guidelines and other applicable protocols; and

5) Whether the applicant maintains and adheres to acceptable professional standards in the provision of medical and/or hospital services.

c) In determining whether to suspend or revoke an authorization, the Department will consider the following criteria:

1) The intentional nature of the violation;

2) The potential or actual injury or harm to an individual or the public resulting from the violation;

3) The severity of the violation;

4) The potential for diversion resulting from the violation; and

5) Whether the violation is one incident describing a course of conduct of repeated failure to comply with existing rules concerning the use of Marijuana in the treatment of cancer chemotherapy patients.

d) Any action by the Department to deny, revoke or suspend an authorization shall be in accordance with the applicable provisions of Subpart F and such provisions of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1981, ch. 127, pars. 1001 et seq.) as apply to contested cases.