**Section 2790.60 Limitation or Termination Proceeding**

a) Scope and Consequences: From its effective date, a limitation or termination shall either:

1) result in limitations on an applicant's or an institution's eligibility; or

2) end the eligibility of an applicant or an institution for any or all programs administered by ISAC.

b) Procedures: The Executive Director begins a limitation or termination proceeding, whether or not a suspension proceeding or an emergency action has begun, by sending an applicant or an institution a notice, by certified mail with return receipt requested. This notice must:

1) inform the applicant or the institution of the intent of ISAC to limit or terminate the applicant's or the institution's eligibility, cite the consequences of that action and identify the alleged violations which constitute the basis for the action, and in the case of a limitation proceeding, state the limits to be imposed;

2) specify the proposed effective date of the limitation or termination which shall be at least 20 days after the date of mailing of the notice of intent;

3) inform the applicant or institution that the limitation or termination will not be effective on the date specified in the notice if the Executive Director receives, at least five days before the proposed effective date, a request for a hearing or written material indicating why the limitation or termination should not take place;

4) invite voluntary efforts to correct the violation(s) which led to the initiation of the action; and

5) inform the applicant or the institution that the failure to request a hearing will be deemed a waiver of that right.

c) If the applicant or the institution does not request a hearing but submits written material, the Executive Director, after considering that material, notifies the applicant or the institution that the:

1) proposed action is dismissed; or

2) limitations are effective as of a specified date; or

3) termination is effective as of a specified date.

d) If the applicant or the institution requests a hearing, at least five days before the proposed effective date, the procedures outlined in Section 2790.140, Hearings, shall be followed.

e) If the applicant or the institution wishes to appeal the decision of the hearing officer, the procedures outlined in Section 2790.70, Recommended and Final Decisions, shall be followed.

(Source: Amended at 22 Ill. Reg. 11123, effective July 1, 1998)