**Section 401.120 Suspension, Revocation and Denial of Accreditation**

a) The Agency may act to suspend or revoke an individual's accreditation, or refuse to issue or renew accreditation, for any one or a combination of the following causes:

1) Knowingly causing a material misstatement or misrepresentation to be made in the application for initial accreditation or renewal of accreditation if such misstatement or misrepresentation would impair the Agency's ability to assess and evaluate the applicant's qualifications for accreditation under this Part;

2) Knowingly making a false material statement to an Agency employee during the course of official Agency business;

3) Willfully evading the statute or regulations pertaining to accreditation, or willfully aiding another person in evading the statute or regulations pertaining to accreditation;

4) Performing procedures under or representing as valid to any person either a certificate of accreditation not issued by the Agency, or a certificate of accreditation containing on its face unauthorized alterations or changes that are inconsistent with Agency records regarding the issuance of that certificate;

5) Having been convicted of a crime that is a felony under the laws of this State or conviction of a felony in a federal court, unless the individual demonstrates to the Agency that he/she has been sufficiently rehabilitated to warrant the public trust (see subsection (b));

6) Exhibiting significant or repeated incompetence in the performance of professional duties;

7) Having a physical or mental illness or disability that results in the individual's inability to perform professional duties with reasonable judgment, skill and safety;

8) Continuing to practice medical radiation technology when knowingly having a potentially serious disease, such as those listed in 77 Ill. Adm. Code 690.100, which could be transmitted to patients;

9) Having an actual or potential inability to practice radiologic technology with reasonable skill and safety on patients or other individuals due to use of alcohol, narcotics or stimulants;

10) Having had a similar credential by another state or the District of Columbia suspended or revoked if the grounds for that suspension or revocation are the same as or equivalent to one or more grounds for suspension or revocation set forth in this Section;

11) Failing to meet child support orders as provided in 5 ILCS 100/10-65. The action will be based solely upon the certification of delinquency made by the Department of Healthcare and Family Services, Division of Child Support Enforcement, or its successor agency, or the certification of violation made by the court. Further process, hearing or redetermination of the delinquency or violation by the Agency shall not be required (see 5 ILCS 100/10-65(c));

12) Failing to pay a fee or civil penalty properly assessed by the Agency;

13) Failing to respond to an audit request by the Agency for documentation of continuing education;

14) Applying ionizing radiation to a human being when not operating in each particular case under the direction of a duly licensed practitioner or to any person or part of the human body other than specified in the law under which the practitioner is licensed;

15) Interpreting a diagnostic image for a physician, a patient, the patient's family or the public;

16) Performing in a way that deviates from accepted professional conduct; and

17) Engaging in conduct with a patient or another individual that is sexual, in any verbal behavior that is sexually demeaning to a patient, or in sexual exploitation of a patient or former patient. This applies to any unwanted sexual behavior, verbal or otherwise.

b) Applicant Convictions

1) The Agency shall not consider the following criminal history records in connection with an application for accreditation:

A) Juvenile adjudications of delinquent minors as defined in Section 5-105 of the Juvenile Court Act of 1987, subject to the restrictions set forth in Section 5-130 of the Juvenile Court Act of 1987 [705 ILCS 405];

B) Law enforcement records, court records, and conviction records of an individual who was 17 years old at the time of the offense and before January 1, 2014, unless the nature of the offense required the individual to be tried as an adult;

C) Records of arrest not followed by a conviction;

D) Convictions overturned by a higher court; or

E) Convictions or arrests that have been sealed or expunged.

2) The Agency, upon a finding that an applicant for accreditation was convicted of a felony, shall consider any evidence of rehabilitation and mitigating factors contained in the applicant's record, including any of the following factors and evidence, to determine if the conviction will impair the ability of the applicant to engage in the position for which accreditation is sought:

A) The lack of direct relation of the offense for which the applicant was previously convicted to the duties, functions and responsibilities of the position for which a license is sought;

B) Whether 5 years since a felony conviction, or 3 years since release from confinement for the conviction, whichever is later, have passed without a subsequent conviction;

C) If the applicant was previously licensed or employed in this State or other states or jurisdictions, then the lack of prior misconduct arising from or related to the licensed position or position of employment;

D) The age of the person at the time of the criminal offense;

E) Successful completion of sentence and, for applicants serving a term of parole or probation, a progress report provided by the applicant's probation or parole officer that documents the applicant's compliance with conditions of supervision;

F) Evidence of the applicant's present fitness and professional

character;

G) Evidence of rehabilitation or rehabilitative effort during or after incarceration, or during or after a term of supervision, including, but not limited to, a certificate of good conduct under Section 5-5.5-25 of the Unified Code of Corrections or a certificate of relief from disabilities under Section 5-5.5-10 of the Unified Code of Corrections; and

H) Any other mitigating factors that contribute to the person's potential and current ability to perform the duties and responsibilities of the position for which accreditation is sought.

3) If the Agency refuses to issue accreditation to an applicant, then the Agency shall notify the applicant of the denial in writing, with the following included in the notice of denial:

A) A statement about the decision to refuse to grant the accreditation;

B) A list of the convictions that the Agency determined will impair the applicant's ability to engage in the position for which accreditation is sought;

C) A list of convictions that formed the sole or partial basis for the refusal to issue accreditation; and

D) A summary of the appeal process or the earliest the applicant may reapply for accreditation, whichever is applicable.

c) If, based upon any of the grounds in subsection (a), the Agency determines that action to suspend or revoke accreditation, or refusal to issue or renew accreditation, is warranted, the Agency shall notify the individual and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200. An opportunity for a hearing shall be provided before the Agency takes action to suspend or revoke an individual's accreditation unless the Agency finds that an immediate suspension of accreditation is required to protect against immediate danger to the public health or safety (see 420 ILCS 40/38), in which case the Agency shall suspend an individual's accreditation pending a hearing.

d) If the Agency finds that removal or refusal to issue or renew accreditation is warranted, the usual action shall be a suspension or denial of accreditation for up to one year. The term of suspension or denial may be reduced by the Director, based upon evidence presented, if the conditions leading to the Preliminary Order for Suspension can be cured in less than one year. In the case of frequent child support arrearages, the Agency may also impose conditions, restrictions or disciplinary action upon the accreditation. However, if the Agency finds that the causes are of a serious or continuous nature, such as past actions that posed an immediate threat to public health or safety, deficiencies that cannot be cured within one year or frequent child support arrearages, the Agency shall revoke the individual's accreditation or deny the application.

e) When an individual's accreditation is suspended or revoked, the individual shall surrender his/her credential to the Agency until the termination of the suspension period or until reissuance of the accreditation.

f) An individual whose accreditation has been revoked may seek reinstatement of accreditation by submitting to the Agency an application with the appropriate fee. The application may be filed one year or more after the beginning of the revocation period.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)