**Section 50.90 Reporting by the Inspector General to the Illinois Department of Public Health's Health Care Worker Registry**

a) An employee's identity and the investigative finding will not be reported to the Registry when:

1) OIG has issued an amended investigative report, as a result of a reconsideration, that no longer contains a substantiated finding;

2) The Inspector General requests a stipulated disposition of the investigative report and the Secretary of the Department of Human Services agrees with the requested stipulated dismissal; or

3) The employee has notified OIG in writing, including any supporting documentation, that the employee is formally contesting an adverse employment action resulting from a substantiated finding by a complaint filed with the Illinois Civil Service Commission or has filed an action pursuant to any applicable collective bargaining agreement; or

4) The employee has requested a hearing to appeal the reporting of the employee's name to the Registry and the hearing has not been completed.

b) After OIG's investigative report becomes a Final Investigative Report, OIG shall notify the employee against whom it has substantiated Physical Abuse, Sexual Abuse, Egregious Neglect, or Financial Exploitation that the employee's identity and the investigative finding will be reported to the Registry maintained by IDPH.

c) The notification to the employee of the decision to report the employee's name and OIG's investigative finding to the Registry shall be provided to the last known address of the employee by certified mail and shall include:

1) A clear and concise statement of the grounds on which the report to the Registry is based.

2) Information on the opportunity to request a Registry hearing to contest the decision to report the employee's name and OIG's investigative finding to the Registry, or in lieu of a request for a hearing, the opportunity to submit a written response to the decision to report the employee's name and OIG's investigative finding to the Registry.

3) Explanation of the mechanism by which the employee can request a hearing.

d) If the employee requests a Registry hearing:

1) The employee and the Department may provide documentary, physical and oral evidence at the hearing.

2) The Department shall be required to establish by a Preponderance of the Evidence that the Office of the Inspector General's finding of Physical Abuse, Sexual Abuse, Egregious Neglect, or Financial Exploitation warrants reporting to the Registry.

3) Hearings under this Section shall be conducted in accordance with the Department's rules on the conduct of hearings and appeals at 89 Ill. Adm. Code 508. In the event there is a conflict between 89 Ill. Adm. Code 508 and this Part, the provisions of this Part shall prevail.

4) If applicable, in addition to notice to OIG, the employee must give written notice to the Department's Division of Administrative Hearings, Department of Human Services, Office of the General Counsel, 69 W. Washington St., 4th Floor, Chicago IL 60602, that the employee's initiated the grievance or arbitration process and the date of initiation, or has filed an action with the Civil Service Commission. The notice must include a copy of the grievance or the filing with the Civil Service Commission.

5) The employee may request a hearing no later than 30 calendar days after receipt of the notice issued pursuant to Section 50.70(c). All notices sent to the employee’s last known address via USPS certified mail will be deemed to be received on the 4th working day after mailing. The employee shall file an appeal by email at DHS.BAH@illinois.gov or in writing to the Division of Administrative Hearings, Department of Human Services, Office of the General Counsel, 69 W Washington St, 4th Floor, Chicago IL 60602, requesting a hearing and stating out the reasons why the proposed report to the Registry is not warranted.

6) If the employee requests an administrative hearing, the employee shall be granted an opportunity to appear before an administrative law judge to present reasons why the employee’s name should not be reported to the Registry. The Department shall bear the burden of presenting evidence that establishes, by a Preponderance of the Evidence, that the substantiated finding warrants reporting to the Registry. After considering all the evidence presented, the administrative law judge shall make a recommendation to the Secretary as to whether the substantiated finding warrants reporting the name of the employee to the Registry. The Secretary shall render the final decision.

e) If the employee does not request a hearing or if the hearing results in a decision that the reporting of OIG's finding to the Registry is warranted, OIG shall report the name of the employee to the Registry maintained by IDPH and notify the employee of the report.

f) OIG's report to the Registry shall include:

1) The identity of the employee, including the employee's social security number, and identification of the substantiated finding that resulted OIG’s reporting of the finding to the Registry;

2) The final decision from the Department's Registry hearing, if one was held; and

3) A brief statement from the reported employee if the employee chooses to make a statement.

(Source: Amended at 47 Ill. Reg. 5663, effective April 4, 2023)