**Section 115.440 License Sanctions and Revocation**

a) The Department may revoke a license at any time if the agency:

1) Fails to comply with the service requirements identified in Subpart B of this Part;

2) Fails to comply with the general agency requirements identified in Subpart C of this Part;

3) Fails to correct deficiencies identified as a result of an on-site survey by the Department, or fails to submit a plan of correction within 30 days after receipt of the notice of deficiency;

4) Submits false information either on Department forms, required certifications, plans of correction or during an on-site inspection;

5) Refuses to permit or participate in a scheduled or unscheduled survey; or

6) Willfully violates any rights of individuals being served as identified in Chapter II of the Code or Section 115.250.

b) The Department shall refuse to license or relicense an agency or shall deny or revoke a license if the owner and/or authorized agency representative or licensee has been convicted of a felony, or a misdemeanor involving moral turpitude, as shown by a certified copy of the court of conviction.

c) CILA provider agencies, as a result of an on-site survey, shall be recognized according to levels of compliance with standards as set forth in this Part, as specifically defined in interpretive guidelines made available to CILA agencies. CILA agencies with findings from Level 1 to Level 3 will be considered to be in good standing with the Department. Findings from Level 3 to Level 5 will result in a notice of deficiency, a plan of correction and defined sanctions. Findings resulting in Level 6 will result in a notice of violations and license revocation based on the sanction standard defined in this Section. The levels of compliance are:

1) Level 1 - Full compliance with CILA standards.

2) Level 2 - Acceptable compliance with CILA standards. No written plan of correction will be required from the agency.

3) Level 3 - Partial compliance with CILA standards. An administrative warning is issued. The agency shall submit a written plan of correction.

4) Level 4 - Minimal compliance with CILA standards. The agency shall submit a written plan of correction, and the Department will issue a probationary license. A re-survey shall occur within 90 days.

5) Level 5 - Unsatisfactory compliance with CILA standards. The agency shall submit a written plan of correction, and the Department will issue a restricted license. A re-survey shall occur within 60 days.

6) Level 6 - Revocation of the agency's license to provide CILA services. Revocation shall occur as a result of an agency's consistent and repeated failure to take necessary corrective actions to rectify documented deficiencies, and/or the agency's failure to protect individuals from situations that produce an imminent risk.

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

e) Subsequent to an on-site survey, the Department shall issue a written notice to an agency/organization. The Department shall specify the particular Sections of this Part, if any, with which the agency is not compliant. The Department's notice shall require any corrective actions be taken within a specified time period as required by this Part.

f) If the Department does not approve an agency for license renewal or revokes a license, it shall notify the agency in writing of the opportunity for a hearing per Section 115.470.

g) Sanctions will be imposed according to the following definitions:

1) Administrative notice - A written notice issued by the Department that specifies rule deficiencies requiring a written plan of correction with time frames for corrections to be made and a notice that any additional violation of this Part may result in a higher level sanction. (Level 3)

2) Probation - Compliance with standards is minimally acceptable and necessitates immediate corrective action. Individuals' life safety or quality of care are not in jeopardy. The probationary period is time limited to 90 days. During the probationary period, the agency must make corrective changes sufficient to bring the agency back into good standing with the Department. Failure to make corrective changes within that given time frame may result in a determination to initiate a higher level sanction. The admission of new individuals shall be prohibited during the probationary period. (Level 4)

3) Restricted license - An agency is sanctioned for unsatisfactory compliance. The admission of new individuals shall be prohibited during the restricted licensure period. Corrective action sufficient to bring the agency back into good standing with the Department must be taken within 60 days. During the restricted licensure period a Division monitor will be assigned to oversee the progress of the agency in taking corrective action. Depending on the severity of the deficiencies, individuals may be moved to another CILA site supervised by the same agency or a site supervised by another agency. If individuals are moved to a site supervised by another agency, funding for the services will also be moved. If corrective actions are not taken, the agency will be subject to a higher level sanction. (Level 5)

4) Revocation - Revocation of the CILA license is withdrawal by formal actions of the CILA license. The revocation shall be in effect until such time that the CILA provider submits a re-application and the agency can demonstrate its ability to operate in good standing with the Department. The Department has the right not to reinstate a license. If revocation occurs as a result of imminent risk, all individuals will be immediately relocated to another agency and all CILA funding will be transferred. (Level 6)

5) Financial penalty - A financial penalty may be imposed upon finding of deficiency in any one or combination of the provisions of this Part. 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 deficiency, the degree to which the deficiency 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.

6) Targeted license - An agency with multiple CILA sites may be sanctioned for non-compliance according to the performance of the respective sites. Failure of one site to comply may result in a sanction-level determination for the individual site and may not impact on the license of the parent agency. One exception to the foregoing shall be an agency's continuous administrative failure to implement corrective changes for a site in accordance with a finding of deficiencies and stipulated time frames to come into compliance. The CILA license of the agency may be subject to sanctions in those cases.

7) Higher level sanctions may be imposed in situations where there are repeat deficiencies.

(Source: Amended at 47 Ill. Reg. 8485, effective May 31, 2023)