**Section 100.2 Definitions** **and Incorporated and Referenced Materials**

a) Definitions

"Administrative law judge" or "hearing officer" means any attorney licensed to practice law in Illinois and authorized by the Director to preside at an administrative hearing.

"Alleged violator" means a person or entity issued a citation under the Smoke Free Illinois Act.

"Business Day" means any day when the Department's offices are open.

"Citation" means a document alleging a violation of the Smoke Free Illinois Act.

"Contested case" has the meaning ascribed to it in Section 1-30 of the IAPA and shall include hearings pursuant to the Smoke Free Illinois Act (SFIA).

"Day" means a calendar day, unless otherwise specified.

"Default" or "default judgment" means a written order entered after due process requirements of adequate notice and opportunity for hearing have been provided and the respondent fails to appear, defend, or answer; or a written order entered as an ultimate sanction for improper conduct. This order is considered a final order.

"Department" means the Illinois Department of Public Health.

"Director" means the Director or the designee of the Director of the Department of Public Health.

"Dismissal for Want of Prosecution" means any instance where a Complainant fails to actively participate in a case which they have initiated.

"Electronic mail" means a communication by electronic means which is automatically retained and stored and may be readily accessed or retrieved.

"Enforcing agency" has the meaning ascribed to it in Section 40 of the Smoke Free Illinois Act.

"Final order" or "final decision" means a written order that disposes of a case or action, either with or without the imposition of a penalty, sanction, or other action.

"License" has the meaning ascribed to it in Section 1-35 of the IAPA.

"Licensing" has the meaning ascribed to it in Section 1-40 of the IAPA.

"Person" has the meaning ascribed to it in Section 1-60 of the IAPA.

"Personal information" includes any Social Security, Medicaid, Medicare, or health insurance numbers.

"Video conferencing application" refers to video conferencing applications such as WebEx, Zoom, Skype, etc.

b) Referenced Materials

The following federal laws, State laws and rules, and Illinois Supreme Court Rules are referenced in this Part:

1) Social Security Act (42 U.S.C. 1395 and 1396)

2) Health Insurance Portability and Accountability Act of 1996 (HIPAA) (110 U.S.C. 1936)

3) Illinois Administrative Procedure Act [5 ILCS 100]

4) Nursing Home Care Act [210 ILCS 45]

5) MC/DD Act [210 ILCS 46]

6) ID/DD Community Care Act [210 ILCS 47]

7) Smoke Free Illinois Act (SFIA) [410 ILCS 82]

8) Specialized Mental Health Rehabilitation Act of 2013 (SMHRF Act) [210 ILCS 49]

9) Code of Civil Procedure [735 ILCS 5]

10) Administrative Review Law [735 ILCS 5/Art. III]

11) Personal Information Protection Act [815 ILCS 530]

12) Specialized Mental Health Rehabilitation Facilities Code (77 Ill. Adm. Code 380)

13) Health Facilities and Services Review Board: Health Facilities Planning Procedural Rules (77 Ill. Adm. Code 1130)

14) Illinois Supreme Court Rule 216: Admission of Fact or of Genuineness of Documents

15) Illinois Supreme Court Rule 13: Appearances – Time to Plead – Withdrawal

(Source: Amended at 46 Ill. Reg. 8158, effective May 5, 2022)