**Section 100.3 Parties to Hearings**

a) Except for hearings conducted pursuant to the Nursing Home Care Act (NHCA), MC/DD Act, SMHRF Act, or the ID/DD Act, the parties to an administrative hearing before the Department are the Department (as Complainant) and the Respondent.

b) For hearings conducted pursuant to the NHCA, MC/DD Act, SMHRF Act, or the ID/DD Act:

1) In a Complainant's hearing (Section 3-702(g) of the NHCA, MC/DD Act, or the ID/DD Act), the parties are the Department and the Complainant. The facility that was investigated may participate as a third party (see Section 100.6 of this Part).

2) In a denial of access hearing (Section 2-110(d) of the NHCA, MC/DD Act, or the ID/DD Act), the parties are the person who requested a hearing based on denial of access to a facility and the facility.

3) In an involuntary transfer/discharge hearing, the parties are the resident who is to be transferred/discharged and the facility.

4) In all other NHCA, MC/DD Act, SMHRF Act, or ID/DD Act hearings, the parties are the Department (as Complainant) and facility (as Respondent). If the action resulted from a complaint filed with the Department, the person who filed the complaint may participate as a third party.

5) A third party shall file an appearance with the administrative law judge on or before the date of the prehearing conference, if one is scheduled, or prior to the hearing date if no prehearing conference was scheduled.

c) A Respondent or alleged violator is a person or entity against whom a complaint or petition is filed or to whom a citation or notice of an opportunity for hearing is directed.

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