**Section 100.12 Discovery**

a) Prior to the initial prehearing conference, the Department shall provide all parties with a copy of all of the Department's inspection or investigative reports resulting in the Allegations of Noncompliance or the Notice of Opportunity for an Administrative Hearing. If no pre-hearing conference is held, the Department shall provide copies of the investigative reports prior to the hearing.

b) At least 21 days prior to the commencement of the hearing, and consistent with Section 100.19(b), each party shall provide all other parties with a copy of any document that it may seek to offer into evidence. This subsection shall not require any party to again provide copies of those documents already provided by the Department under subsection (a).

c) At least 21 days prior to the commencement of the hearing, each party shall provide all other parties with a list containing the name and address of any witness who may be called to testify.

d) All parties shall be entitled to any exculpatory evidence in the Department's possession that tends to support the Respondent's position or that would impeach the credibility of a Department witness.

e) The Respondent shall produce documents, books, records, or other evidence that relates directly to conduct of the business entity or other subject of the administrative hearing within seven days upon a written request by the Department.

f) All parties shall be under a continuing obligation to promptly update requested discovery until the hearing is concluded without the necessity for further or additional requests.

g) There shall be no depositions for discovery purposes or interrogatories allowed in any proceedings brought pursuant to this Part, except as agreed to by the parties.

h) Requests to Admit Facts and Genuineness of Documents shall be allowed in accordance with Supreme Court Rule 216.

i) Nothing contained in this Section shall preclude the parties from agreeing to the voluntary exchange of more information than is required.

j) Copies of any record containing the personal health information of any individual shall not be shared with a third party (see Section 100.3(b)), unless that third party possesses legal authority to access personal health information under a written power of attorney, certified copy of a court order or other written HIPAA compliant authorization.

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