**Section 205.840 Adverse Licensure Action**

a) Adverse licensure actions include the denial of an initial license application, denial of an application for license renewal, revocation of a license, imposition of a penalty or fine, service suspension, and emergency suspension.

b) Adverse licensure actions will be considered by the Department under the following conditions:

1) *Substantial or continued failure* of the licensee, facility, or applicant *to comply with the Act or this Part.* (Section 10f(a) of the Act)

2) *Failure* of the licensee, facility, or applicant *to demonstrate the capacity to safely provide one or more of its services to patients*. (Section 10f(b) of the Act)

3) Violation of any provision of the Act or this Part by conduct which is detrimental to the health, safety, or welfare of a patient or patients.

4) *Refusal of the licensee to make payment* of a penalty or fine which has been added to the facility's license renewal fee under Section 10e of the Act and Section 205.850(e)(2) of this Part. (Section 10e of the Act)

c) In determining whether to take adverse licensure action pursuant to Section 10f of the Act and the severity of the action, including setting the amount of any fine or penalty, the Department will consider the following factors:

1) *The gravity of the violation* or violations, including each of the following:

A) *The probability that death or serious physical or mental harm to a patient* or patients *will result or has resulted.*

B) *The severity of the actual or potential harm* to a patient or patients.

C) *The extent to which the provisions of the Act,* other *applicable statutes,* or this Part *were violated.*

2) *The reasonable diligence exercised by the licensee*, facility, or applicant to avoid the violation or violations or to reduce the potential harm to a patient or patients.

3) *Efforts* by the licensee, facility, or applicant *to correct* the violation or *violations.*

4) *Any previous violations committed by the licensee,* facility, or applicant.

5) *Any financial benefit to the facility of committing or continuing the violation* or violations. (Section 10d(b) of the Act)

d) When the Department determines under this Section and Section 10f(a) of the Act *to issue an order of license denial, suspension or revocation, or refusal to renew a license,* the Department shall notify the licensee, facility, or applicant. The notice shall be served in the manner provided in Section 10g(a) of the Act and shall specify the effective date of the action. (Section 10f(a) of the Act)

e) When the Department determines under this Section and Section 10f(b) of the Act to *issue an order of service suspension*, the Department shall notify the licensee, facility, or applicant. The notice shall be served in the manner provided in Section 10g(a) of the Act and shall specify the effective date of the action. (Section 10f(b) of the Act)

f) When the Department *finds that the public interest, health, safety, or welfare imperatively requires emergency action* to suspend specific services, or to deny or revoke a license, the Department shall notify the licensee or facility. The notice shall include a statement of the basis of the emergency action and shall be served in the manner provided in Section 10g(a) of the Act. The order shall take effect immediately, provided that the Department *promptly initiates proceedings for license revocation or other action.* (Section 10f(c) of the Act)

(Source: Section repealed, new Section adopted at 15 Ill. Reg. 17770, effective December 1, 1991)