**Section 330.272 Determination to Issue a Notice of Violation or Administrative Warning**

a) Upon receipt of a report of an inspection, survey, or evaluation of a facility, *the Director* will review the findings contained in the report to *determine whether the report's findings constitute a violation or violations of which the facility must be given notice.* All information, evidence, and observations made during an inspection, survey or evaluation will be considered findings or deficiencies. (Section 3-212(c) of the Act)

b) In making this determination, the Director will consider any *comments and documentation provided by the licensee within 10 days after receipt of the copy of the report* in accordance with Section 330.200(e). (Section 3-212(c) of the Act)

c) In determining whether the findings warrant the issuance of a notice of violation, the Director will consider the following factors:

1) *The severity of the finding.* The Director will consider whether the finding constitutes a technical non-substantial error or whether the finding is serious enough to constitute an actual violation of the intent and purpose of the Act or this Part.

2) *The danger posed to resident health and safety.* The Director will consider whether the finding could pose any direct harm to the residents.

3) *The diligence and efforts to correct deficiencies and correction of reported deficiencies* by the facility*.* The Director will consider *comments and documentation provided by the facility* evidencing that steps have been taken to correct reported findings and to insure a reduction of deficiencies.

4) *The frequency and duration of similar findings in previous reports and the facility's general inspection history.* The Director will consider whether the same finding or a similar finding relating to the same condition or occurrence has been included in previous reports and whether the facility has allowed the condition or occurrence to continue or to recur. (Section 3-212(c) of the Act)

d) *If the Department finds a situation, condition or practice* that *violates* the Act or this Part, that *does not constitute a type "AA", Type "A", Type "B", or Type "C" violation, the Department* will *issue an administrative warning. Any administrative warning shall be served upon the facility in the same manner as the notice of violation under Section 3-301* of the Act. *A written plan of correction is required to be filed for an administrative warning issued for violations of Sections 3-401 through 3-413* of the Act or Section 330.4300. (Section 3-303.2(a) of the Act)

e) *If, however, the situation, condition or practice* that *resulted in the issuance of an administrative warning, with the exception of administrative warnings issued pursuant to Sections 3-401 through 3-413* of the Act and Section 330.4300, *is not corrected by the next on-site inspection by the Department* that *occurs no earlier than 90 days from the issuance of the administrative warning, a written plan of correction must be submitted in the same manner as provided in subsection (b) of Section 3-303* of the Act and Section 330.278(b). (Section 3-303.2(b) of the Act)

f) *Violations shall be determined under this* Section *no later than 75 days after completion of each inspection, survey, and evaluation.* (Section 3-212(c) of the Act)

(Source: Amended at 48 Ill. Reg. 7397, effective May 3, 2024)