**Section 340.1170 Presentation of Findings by the Department**

a) If it is probable that findings will be presented that could be issued as violations of regulations which represent a direct threat to the health, safety or welfare of residents, surveyors shall notify the administrator or designee during the course of the survey of such possible findings.

b) The Department shall conduct an exit conference with the administrator or other facility designee at the conclusion of each on-site inspection at the facility, whether or not the investigation has been completed. If the investigation has been completed, findings shall be presented during the exit conference. If the investigation has not been completed at the time of the facility exit, the Department shall inform the facility administrator or designee that the investigation is not complete and that findings may be presented to the facility at a later date. Presentation of any additional findings may be conducted at the facility, at the Department's regional office, or by telephone.

c) With the assistance of the administrator, surveyors shall schedule a time and place for the exit conference to be held at the conclusion of the survey.

d) At the exit conference, surveyors shall present their findings and resident identity key and identify regulations related to the findings. The facility administrator or designee shall have an opportunity at the exit conference to discuss and provide additional documentation related to the findings. The Department's surveyors conducting the exit conference may, in their discretion, modify or eliminate any or all preliminary findings in accordance with any facts presented by the facility to the Department during the exit conference.

e) Additional comments or documentation may be submitted by the facility to the Department during a 10-day comment period as allowed by the Act.

f) If the Department determines, after review of the comments submitted pursuant to subsection (e) of this Section, that the facility may have committed violations of the Act or this Part different than or in additional to those presented at the exit conference and the violations may be cited as either a Type A or repeat Type B violation, the Department shall so inform the facility in writing. The facility shall then have an opportunity to submit additional comments addressing the different or additional sections of the Act or this Part. The surveyor will be advised of any code changes made after their recommendations are submitted.

g) The facility shall have 5 working days from receipt of the notice required by subsection (f) of this Section to submit its additional comments to the Department. The Department shall consider such additional comments in determining the existence and level of violation of the Act and/or this Part in the same manner as the Department considers the facility's original comments.

h) If desired by the facility, an audio-taped recording may be made of the exit conference provided that a copy of such recording be provided, at facility expense, to the surveyors at the conclusion of the exit conference. No video-taped recording shall be allowed.

i) Surveyors shall not conduct an exit conference for the following reasons:

1) The facility administrator or designee requests that an exit conference not be held;

2) During the scheduled exit conference, facility staff and/or their guests create an environment that is not conducive to a meaningful exchange of information.