**Section 390.286 Notice of Penalty Assessment: Response by Facility**

a) If the Director or his or her designee determines that a penalty is to be assessed, a written notice of penalty assessment shall be sent to the facility. Each notice of penalty assessment shall include:

1) *The amount of the penalty assessed* as provided in Section 390.282.

2) The amount of any reduction or whether the penalty has been waived pursuant to Section 390.288.

3) A description of the violation, including a reference to the notices of violation and plans of correction that are the basis of the assessment.

4) A citation to the provision of *the statute or rule alleged to have been violated*.

5) A description of the right of the facility to appeal the assessment and of the *right to a hearing under Section 3-703 of* the *Act.* (Section 3-307 of the Act)

6) For *violations* that are *continuing* at the time of the notice of assessment, *the amount of additional* penalties  *per day* thatwill be assessed. (Section 3-307 of the Act)

b) *A facility may contest an assessment of a penalty by sending a written request for hearing to the Department under Section 3-703* of the Act. *Upon receipt of the request, the Department will hold a hearing as provided under Section 3-703* of the Act. *Instead of requesting a hearing pursuant to Section 3-703* of the Act, *a facility may, within 10 business days after receipt of the notice of violation and fine assessment, transmit to the Department* *65% of the amount assessed for each violation specified in the penalty assessment*. (Section 3-309 of the Act)

c) The facility shall pay the penalties to the Department within the time periods provided in Section 3-310 of the Act.

d) The submission of 65% of the amount assessed for each violation specified in the penalty assessment shall constitute a waiver by the facility of a right to hearing (see Section 3-703 of the Act).

(Source: Amended at 43 Ill. Reg. 3564, effective February 26, 2019)