**Section 395.190 Denial and Revocation of Program Approval (BNATP Only)**

a) When the Department finds that a proposed program, along with any additional information and revisions that are submitted, fails to comply with the program requirements contained in this Part or 42 CFR 483.151(b)(2)(i) through (v), the Department will notify the sponsor in writing of denial of program approval. The notice to the sponsor shall state the reasons for the denial and the right of the sponsor to appeal the denial and to a hearing before the Department.

b) When the Department, upon evaluation or during monitoring, finds that an approved program does not comply with the program requirements contained in this Part or 42 CFR 483.151(b)(2)(i) through (v), the Department will notify the sponsor in writing of the finding of non-compliance and the reasons for the finding.

1) Findings of non-compliance include, but are not limited to:

A) The instructor is not approved by the Department;

B) The instructor does not meet the requirements of Section 395.160;

C) The program lacks an Approved Evaluator;

D) The program is not conducted in accordance with the master schedule;

E) The official roster of students is not submitted to the Department within 30 days after program completion;

F) The instruction does not follow the approved curriculum;

G) The instruction is being held at a location other than the approved site or sites;

H) The program does not satisfy the requirement of 120 hours of training;

I) The master schedule was not received within 15 days prior to the first scheduled class day;

J) The program exceeds the student-to-instructor ratio at the clinical site;

K) The program exceeds the student-to-instructor ratio in a laboratory setting;

L) The laboratory environment does not meet requirements in Section 395.50;

M) The theory instruction site does not meet student needs for space, comfort and learning;

N) There was no review of the approved training program pursuant to Section 395.130;

O) Program Cluster Scores are consistently below target levels for a period of two or more consecutive years;

P) The first-time pass rate for students on the NATCEP certification examination is below 70% for two or more consecutive years; and

Q) Vocational programs did not submit the Illinois Board of Higher Education (IBHE) annual renewal certificate or letter.

2) The BNATP shall submit a written plan of correction with completion dates to address all findings of non-compliance within 10 days following receipt of the Department's notification.

3) A BNATP found in non-compliance may be subject to follow-up monitoring by the Department if necessary to ensure correction.

c) When the Department determines that a finding of non-compliance in the written notice under subsection (b) has not been corrected, the Department will place the BNATP on probationary status for up to 180 days.

1) The Department will notify the BNATP in writing regarding probationary status.

2) When the Department determines that all findings of non-compliance in the written notice issued under subsection (b) have been corrected, the Department will remove the BNATP from probationary status.

3) The Department will notify the BNATP in writing when the probationary status has been lifted.

d) If the Department determines that a finding of non-compliance in the written notice of probation issued under subsection (c) has not been corrected, the Department will revoke its approval of the program.

1) The Department will notify the BNATP in writing regarding the revocation status and conditions of reinstatement.

2) A revoked BNATP shall not conduct nursing assistant training programs.

3) When the approval of a program has been revoked for reasons other than 42 CFR 483.151(b)(2)(i) through (v), the program sponsor shall have a right to appeal the revocation and to a hearing before the Department.

e) When the approval of a program has been denied or revoked for reasons other than 42 CFR 483.151(b)(2)(i) through (v), the program sponsor may submit a written appeal of the action and request for a hearing within 10 calendar days after notification of the decision to deny or revoke approval. Failure to request a hearing within 10 calendar days will leave the program in a revoked status for two years. A program may apply as a new BNATP after the two-year program revocation period ends.

f) All hearings under this Part shall be conducted in accordance with the Department's Practice and Procedure in Administrative Hearings.

(Source: Amended at 48 Ill. Reg. 17753, effective December 2, 2024)