**Section 395.260 Denial and Revocation of Program Approval (ANATP Only)**

a) Denial of Approval of a Proposed Program

If 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, 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, the right of the sponsor to appeal the denial, and the right to a hearing before the Department.

b) Noncompliance By an Approved Program

If the Department, upon evaluation or during monitoring, finds that an approved program does not comply with the program requirements contained in this Part, the Department will notify the sponsor in writing with a Notice of Findings of Noncompliance (Notice).

1) Violations that constitute noncompliance shall include, but are not limited to:

A) The instructor is not approved by the Department;

B) The instructor does not meet the requirements in accordance with Section 395.235 and is not approved by IDPH;

C) The program is not conducted in accordance with the ANATP course schedule;

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

E) The instruction is not following the approved curriculum;

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

G) The program is less than the minimum requirement of 120 hours of training (see Section 395.230(a));

H) The ANATP course schedule was not received within 15 days prior to the first scheduled class day without prior communication with the Department about a delay;

I) The program exceeds the 16-to-one student-to-instructor ratio for the laboratory environment without prior approval from the Department and/or the five-to-one student-to-bed ratio in the laboratory environment;

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

K) There was no review of the approved training program pursuant to Section 395.220;

L) The program exceeds the eight-to-one student-to-instructor ratio for the clinical environment;

M) The program has admitted students who are not active as a CNA I on the Health Care Worker Registry.

2) The ANATP shall submit a written plan of correction, with completion dates, to address all findings of noncompliance within 10 business days following receipt of the Department's notification.

3) The ANATP shall submit evidence of resolution of the findings of noncompliance within 30 days after the date of the ANATP plan of correction.

4) An ANATP found in noncompliance may be subject to follow-up monitoring by the Department.

c) Probation

If the Department determines that the findings of noncompliance in the Notice (see subsection (b)) have not been corrected, the Department will issue a Notice of Probationary Status that will remain in effect until the deficiencies have been corrected and the Department has notified the ANATP that the probation is lifted.

1) The Notice of Probationary Status will include the conditions of, and the duration of, the probationary period up to 180 days.

2) If the Department determines that the findings in the Notice have been corrected during the probationary period, the Department will remove the ANATP from probationary status.

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

d) Revocation

If the Department determines that the findings in the Notice have not been corrected, within 90 days after the Department has issued the Notice of Probationary Status, the Department will revoke its approval of the program, subject to appeal. An ANATP whose approval has been revoked shall not conduct CNA II classes.

e) Appeal

If the approval of an ANATP has been denied or revoked, the program sponsor may submit a written appeal of the action and a request for a hearing within 10 business days after receiving notification of the action. Failure to request an appeal within 10 business days after notification will result in the immediate implementation of any sanctions, actions, probationary periods, or additional requirements originally listed in the Notice of Findings of Noncompliance.

f) Hearings

All hearings under this Part will be conducted in accordance with Department hearing rules (Practice and Procedure in Administrative Hearings).

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