**Section 270.414 Initiation of an Appeal**

Requests for an appeal to contest placement of the caregiver's identity on the Registry are to be submitted to the Department/other entity authorized to conduct hearings under this Subpart. These requests are to be made in writing and signed by the caregiver within 30 calendar days after the date of the notice from the Department. The request is to be sent via regular pre-paid, first-class mail, email, facsimile, or other acceptable means as specified in the notice.

a) The sole issue on appeal is whether placement of the caregiver's identity on the Registry is in the public interest.

1) A copy of the notice to the caregiver, the statement of allegations in the abuse report, and the substantiation decision in the final investigative report constitute prima facie evidence of abuse, neglect or financial exploitation for placement on the Registry, which will be admitted into evidence without further proof.

2) The burden of proof belongs to the caregiver to establish by a preponderance of evidence that placement of his or her identity on the Registry is not in the public interest, based on the following factors:

A) the length of time the caregiver has been providing care to the victim;

B) the relationship between the caregiver and the victim;

C) whether placement of the caregiver's identity on the Registry is in the victim's best interest or that of other participants;

D) whether additional training for the caregiver could remediate the abuse, neglect or financial exploitation;

E) in the case of financial exploitation, the value of the assets at issue and whether restitution was made; or

F) whether criminal charges were filed against a caregiver and any related outcome.

3) The administrative law judge will issue a recommendation for final administrative decision based on the record as a whole and will have the discretion to determine whether placement of the caregiver's identity on the Registry is in the public interest.

b) The Department will be represented by a person designated by the Director.

(Source: Added at 42 Ill. Reg. 9226, effective July 1, 2018)