**Section 686.940 Provider Compliance Requirements**

In order to participate in the DHS-DRS program to provide services to persons with HIV/AIDS, the provider agrees to meet the following minimum requirements that shall be reviewed by DHS annually for compliance.

a) Organization and Administration: The provider shall make available, upon request, its articles of incorporation, or if an unincorporated association (e.g., partnerships and limited partnerships) shall provide a statement of purpose and functions, and the names and addresses of its owners, partners, or general partners.

b) Audits: DHS reserves the right to audit all records and accounts pertinent to the provision of services and billing at any time within five years after the provider stopped providing services under the HIV/AIDS waiver.

c) Policies and Procedures: The provider shall have written policies approved by its governing authority (e.g., Board of Directors) and available for review by customers and purchasers of the service. Such policies shall at a minimum cover:

1) Service Provided: Policy shall designate the type and scope of service provided. When more than one type of service is offered, there shall be a clear distinction between each type provided.

2) Personnel Policies: Policies shall cover salary schedules, hours of work, sick leave, provision for handling employee grievances, and requirements for attendance at work conferences and training sessions. There shall be written job descriptions identifying required qualifications and duties for each title. Policies shall also include the Centers for Disease Control and Prevention (CDC) recommendations for health care workers for provision of services to persons with HIV/AIDS and any requirements within the Illinois Compiled Statutes regarding HIV/AIDS, including the AIDS Confidentiality Act [410 ILCS 305].

d) State and Federal Statutes

1) All providers shall be subject to compliance with Illinois Compiled Statutes governing conflict of interest [30 ILCS 500/50-13].

2) All providers shall agree to comply with the Civil Rights Restoration Act of 1987 P.L. 100-259), Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), the Illinois Human Rights Act [775 ILCS 5], the Constitution of the United States, the 1970 Constitution of the State of Illinois and any laws, regulations or orders, State or federal, that prohibit discrimination on the basis of, including but not limited to, race, color, sex (including sexual harassment), religion, national origin, ancestry, age (40 and over), order of protection status; marital status, sexual orientation (including gender-related identity), physical or mental disability, or unfavorable discharge from military service, pregnancy, citizenship status, employment discrimination based on arrest record, and discrimination in real estate transactions based on familial status or arrest record.

e) Non-compliance: If the provider is not in compliance with the requirements of this Subpart, corrective actions up to and including termination of the provider as an approved provider shall be taken.

(Source: Amended at 47 Ill. Reg. 19328, effective December 13, 2023)