**Section 2790.50 Suspension Proceedings**

a) Scope and Consequences: From its effective date, a suspension removes an applicant's or an institution's eligibility for any or all ISAC programs for a period of time not exceeding 60 days unless the:

1) applicant or the institution and the Executive Director agree to an extension; or

2) Executive Director begins a limitation or termination proceeding.

b) Procedures: The Executive Director begins a suspension proceeding by sending a notice to an applicant or an institution by certified mail with return receipt requested. The notice must:

1) inform the applicant or the institution of the intent of ISAC to suspend the applicant's or the institution's eligibility, cite the consequences of that action and identify the alleged violations which constitute the basis for the action;

2) specify the proposed effective date of the suspension, which shall be at least 20 days after the date of mailing of notice of intent;

3) inform the applicant or the institution that the suspension will be effective on the date specified in the notice unless the Executive Director receives, at least five days before the proposed effective date, a request for a hearing or written material indicating why the suspension should not take place;

4) invite voluntary efforts to correct the violation(s) which led to the commencement of the action; and

5) inform the applicant or the institution that the failure to request a hearing will be deemed a waiver of that right.

c) If the applicant or the institution does not request a hearing but submits written material, the Executive Director, after considering that material, notifies the applicant or the institution that the:

1) proposed suspension is dismissed; or

2) suspension is effective as of a specified date.

d) Notice of Suspension will be promptly mailed to the applicant or the institution. The suspension takes effect either upon the date on which the notice is received by the applicant or the institution or the originally proposed effective date stated in the notice of intent, whichever is later.

e) A suspension shall not exceed 60 days unless a limitation or termination proceeding is begun under this Section before the expiration of that period. In such case, the period may be extended until the completion of that proceeding, including any appeal to the Commission. (See Section 2790.70, Recommended and Final Decisions.)

f) If the applicant or the institution requests a hearing at least five days before the proposed effective date, the procedures outlined in Section 2790.140, Hearings, shall be followed.

(Source: Amended at 22 Ill. Reg. 11123, effective July 1, 1998)