**Section 295.2010 Termination of Residency**

a) Voluntary termination of residency

1) A resident or resident's representative may terminate residency immediately after notice to the establishment due to any of the following: neglect, abuse, financial exploitation or imminent danger of life, health, or safety that is caused by the establishment.

2) Upon a resident's death and removal of the resident's property from the unit, the lease agreement shall terminate.

3) A resident or resident's representative may terminate residency by providing 30 day's written notice to the licensee.

b) Involuntary termination of residency

1) *Residency shall be involuntarily terminated only for the following reasons:*

A) *as provided in Section 75 of the Act* and Section 295.2000 (Residency Requirements) of this Part;

B) *nonpayment of contracted charges after the resident and the resident's representative have received a minimum of 30 days written notice of the delinquency and the resident or the resident's representative has had at least 15 days to cure the delinquency; or*

C) *failure to execute a service delivery contract or to substantially comply with its terms and conditions, failure to comply with the assessment requirements contained in Section 15* of the Act, *or failure to substantially comply with the terms and conditions of the lease agreement.* (Section 80(a) of the Act)

2) *A 30 day written notice of involuntary residency termination shall be provided to the resident, the resident's representative, or both, and the ombudsman.* (Section 80(b) of the Act)

3) The notice shall be on a form prescribed by the Department and shall contain all of the following:

A) The stated reason for the residency termination;

B) The proposed date of the residency termination;

C) A statement *of the resident's right to appeal*;

D) *The steps that the resident or the resident's representative must take to initiate an appeal;*

E) *A statement of the resident's right to continue to reside in the establishment until a decision is rendered;*

F) *A toll free telephone number to initiate an appeal;*

G) *A written hearing request form, together with a postage paid, pre-addressed envelope to the Department; and* (Section 80(b) of the Act)

H) The name, address, and telephone number of the person at the establishment offering relocation assistance pursuant to subsection (b)(1).

4) *If the resident or the resident's representative, if any, cannot read English, the notice must be provided in a language the individual receiving the notice can read or the establishment must provide a translator who has been trained to assist the resident or the resident's representative in the appeal process.* (Section 80(b) of the Act)

5) *In emergency situations* as defined in Section 295.200 of this Part, *the 30-day provision of the written notice may be waived.* (Section 80(b) of the Act)

6) *The establishment shall attempt to resolve with the resident or the resident's representative, if any, circumstances that if not remedied have the potential of resulting in an involuntary termination of residency and shall document those efforts in the resident's file. This action may occur prior to or during the 30 day notice period, but must occur prior to the termination of the residency. In emergency situations, the requirements of this subsection may be waived.* (Section 80(c) of the Act)

7) *A request for a hearing shall stay an involuntary termination of residency until a decision has been rendered by the Department* in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100), except as otherwise provided in this Part. *During this time period, the establishment may not terminate or reduce any service for the purpose of making it more difficult or impossible for the resident to remain in the establishment.* (Section 80(d) of the Act)

8) The only issues to be considered at the involuntary termination of residency hearing are whether one or more of the statutory reasons exist for involuntary termination; whether the establishment has followed the proper involuntary termination procedures; and whether the establishment has attempted to resolve the circumstances leading to an involuntary termination.

9) *The establishment shall offer the resident and the resident's representative, if any, residency termination and relocation assistance including information on available alternative placement. Residents shall be involved in planning the move and shall choose among the available alternative placements except when an emergency situation makes prior resident involvement impossible. Emergency placements are deemed temporary until the resident's input can be sought in the final placement decision. No resident shall be forced to remain in a temporary or permanent placement.* (Section 80(e) of the Act)

10) *The Department may offer assistance to the establishment and the resident in the preparation of residency termination and relocation plans to assure safe and orderly transition and to protect the resident's health, safety, welfare, and rights. In nonemergencies, and where possible in emergencies, the transition plan shall be designed and implemented in advance of transfer or residency termination.* (Section 80(f) of the Act)