**Section 330.200 Inspections, Surveys, Evaluations and Consultation**

The terms survey, inspection and evaluation are synonymous. These terms refer to the overall examination of compliance with the Act and this Part.

a) All facilities to which this Part applies shall be subject to and shall be deemed to have given consent to annual inspections, surveys or evaluations by properly identified personnel of the Department, or by such other properly identified persons, including local health department staff, as the Department may designate. *An inspection, survey or evaluation, other than an inspection of financial records, shall be conducted without prior notice to the facility. A visit for the sole purpose of consultation may be announced.* (Section 3-212(a) of the Act) The licensee, or person representing the licensee in the facility, shall provide to the representative of the Department access and entry to the premises or facility for obtaining information required to carry out this Act and the rules promulgated under the Act. In addition, representatives of the Department *shall have access to and may reproduce or photocopy at the Department's cost any books, records, and other documents maintained by the facility*, the licensee or their representatives *to the extent necessary to carry out* the *Act* and this Part*.* (Section 3-213 of the Act) A facility may charge the Department for photocopying at a rate determined by the facility not to exceed the rate in the Freedom of Information Act.

b) *No person shall:*

1) *Intentionally prevent, interfere with, or attempt to impede in any way any duly authorized investigation and enforcement of* the *Act* or this Part (Section 3-318(a)(2) of the Act);

2) *Intentionally prevent or attempt to prevent any examination of any relevant books or records pertinent to investigations and enforcement of* the *Act* or this Part (Section 3-318(a)(3) of the Act);

3) *Intentionally prevent or interfere with the preservation of evidence pertaining to any violation of* the *Act* or this Part (Section 3-318(a)(4) of the Act);

4) *Intentionally retaliate or discriminate against any resident or employee for contacting or providing information to any state official, or for initiating, participating in, or testifying in an action for any remedy authorized under* the *Act* or this Part. (Section 3-318(a)(5) of the Act)

c) *A violation of* subsection (b*) is a business offense, punishable by a fine not to exceed $10,000, except as otherwise provided in subsection (2) of Section 3-103* of the Act and subsection 330.120(d) *as to submission of false or misleading information in a license application*. (Section 3-318(b) of the Act)

d) *In determining whether to make more than the required number of unannounced inspections, surveys and evaluations of a facility the Department* will *consider one or more of the following:*

1) *previous inspection reports;*

2) *the facility's history of compliance with* the Act and this Part *and correction of violations:*

3) *penalties or other enforcement actions;*

4) *the* *number and severity of complaints received about the facility;*

5) *any* *allegations of resident abuse or neglect;*

6) *weather conditions*

7) *health emergencies*; or

8) *other reasonable belief that deficiencies exist.* (Section 3-212(b) of the Act)

e) *Upon completion of each inspection, survey and evaluation, the appropriate Department personnel who conducted the inspection, survey or evaluation shall submit a physical or electronic copy of their report to the licensee upon exiting the facility, and shall submit the actual report to the appropriate regional office of the Department.* A copy of the information gathered during a complaint investigation will not be provided upon exiting the facility. *Comments or documentation provided by the licensee which may refute findings in the report, which explain extenuating circumstances that the facility could not reasonably have prevented, or which indicate methods and timetables for correction of deficiencies described in the report shall be provided* to the Department *within ten days* after *receipt of the copy of the report.* (Section 3-212(c) of the Act)

f) Consultation consists of providing advice or suggestions to the staff of a facility at their request relative to specific methods of the scope of regulation, method of compliance with the Act or rules, or general matters of resident care.

(Source: Amended at 48 Ill. Reg. 7397, effective May 3, 2024)