**Section 390.276 Notice of Violation**

a) *Each notice of violation shall be prepared in writing* and contain the following information:

1) A description of *the nature of the violation*.

2) A citation of the specific *statutory provision or rule* *alleged* by the Department *to have been violated*. (Section 3-301 of the Act)

3) A statement of the level of the violation as determined pursuant to Section 390.274.

4) One of the following requirements for corrective action:

A) *The situation, condition, or practice constituting a Type "AA" violation or a Type "A" violation shall be abated or eliminated immediately unless a fixed period of time, not exceeding 15 days, as determined by the Department and specified in the notice of violation, is required for correction*. In setting this period, the Department will consider whether harm to residents of the facility is imminent, whether necessary precautions can be taken to protect residents before the corrective action is completed, and whether delay would pose additional risks to the residents.

B) *At the time of issuance of a notice of a Type "B" violation, the Department* will *request a plan of correction that is subject to the Department's approval. The facility shall have 10 days after receipt of notice of violation in which to prepare and submit a plan of correction*. (Section 3-303(b) of the Act)

5) A statement that the Department may take additional action under the Act, including assessment of penalties or licensure action.

6) A description of the licensee's right to appeal the notice and its right to a hearing.

b) For each notice of violation*, the Director or his or her designee shall serve a notice of violation upon the licensee within 10 days* after the Director determines that issuance of a notice of violation is warranted under Section 390.272. (Section 3-301 of the Act)

1) *Each day the violation exists after the date upon which a notice of violation is served under Section 3-301* of the Act *shall constitute a separate violation for purposes of assessing penalties or fines under Section 3-305* of the Act.

2) *The submission of a plan of correction pursuant to* Section 3-303(b) of the Act *does not prohibit or preclude the Department from assessing penalties or fines pursuant to Section 3-305* of the Act *for those violations found to be valid except as provided under Section 3-308* of the Act *in relation to Type "B" violations.* (Section 3-302 of the Act)

c) *Residents and their guardians or other resident representatives, if any, shall be notified of any violation of* the *Act or* this Part *pursuant to Section 2-217 of the Act, or of violations of the requirements of Title XVIII or XIX of the Social Security Act or* federal regulations*, with respect to the health, safety, or welfare of the resident*. (Section 2-115 of the Act)

d) *The issuance or renewal of a license after notice of a violation has been sent shall not constitute a waiver by the Department of its power to rely on the violation as the basis for subsequent license revocation or other enforcement action under* the *Act* or this Part *arising out of the notice of violation.* (Section 3-111 of the Act)

(Source: Amended at 46 Ill. Reg. 8192, effective May 6, 2022)