**Section 390.288 Reduction or Waiver of Penalties**

a) *The Director may reduce or waive payment* for penalties assessed pursuant to Section 390.287 and Section 3-308 of the Act *and* will *consider the following factors in determinations to reduce or waive penalties* resulting from any violations subject to penalties pursuant to the Act or this Part:

1) *The violation has not caused actual harm to a resident;*

2) *The facility has made a diligent effort to correct the violation and to prevent its recurrence;*

3) *The facility has no record of a pervasive pattern of the same or similar violations; and*

4) *The facility has a record of substantial compliance with* the Act *and* this Part. (Section 3-308(d) of the Act)

b) When the Director or the Director's designee finds that correction of a violation required capital improvements or repairs in the physical plant of the facility and the facility has a history of compliance with physical plant requirements, the penalty will be reduced by the amount of the cost of the improvements or repairs. This reduction, however, shall not reduce the penalty for a Type "A" violation to an amount less than $1000.

c) Penalties resulting from Type "B" violations, or administrative warnings issued pursuant to Sections 3-401 through 3-413 of the Act, may be reduced or waived only under one of the following conditions:

1) *The facility submits a true report of correction within 10 days* after the notice of violation is received, and the report is subsequently verified by the Department.

2) *The facility submits a plan of correction within 10 days* after the notice of violation is received, the plan is approved by the Department, and the facility subsequently *submits a true report of correction within 15 days* after submission of the plan of correction, and the report is subsequently verified by the Department.

3) *The facility submits a plan of correction within 10 days* after the notice of violation is received, which *provides for a* period of *correction 30 or fewer days* after submission of the plan of correction, and *the Department approves* the *plan*.

4) When the correction of the violation requires substantial capital improvements or repairs in the physical plant of the facility, *the facility submits a plan of correction for violations involving substantial capital improvements that provides for correction within the initial 90-day limit*, and the Department approves the plan. (Section 3-308 of the Act)

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