**Section 1130.790 Penalties, Fines and Sanctions for Non-compliance with the Act and HFSRB Rules**

a) *Any person establishing, constructing, or modifying a health care facility or portion thereof without obtaining a required permit, or in violation of the terms of the required permit, shall not be eligible to apply for any necessary operating licenses or be eligible for payment by any State agency for services rendered in that facility or portion thereof until the required permit is obtained.* [20 ILCS 3960/13.1]

b) *Any person acquiring major medical equipment or establishing, constructing or modifying a health care facility without a permit issued under the Act or in violation of the terms of such a permit is guilty of a business offense and may be fined up to* $25,000. [20 ILCS 3960/14]

c) HFSRB *may deny an application for permit or may revoke or take other action as permitted by the Act with regard to a permit as* HFSRB *deems necessary, including the imposition of fines.* [20 ILCS 3960/14.1(a)]

d) HFSRB *may impose fines as specified below for the enumerated violations:*

1) *A permit holder who fails to comply with the requirements for maintaining a valid permit shall be fined an amount not to exceed 1% of the approved permit amount, plus an additional 1% of the approved permit amount for each 30-day period, or fraction thereof, that the violation continues.* [20 ILCS 3960/14.1(b)(1)]

2) *A permit holder who alters the scope and size of an approved project or whose project costs exceed the allowable permit amount without first obtaining* HFSRB *approval shall be fined an amount not to exceed the sum of:*

A) *The lesser of $25,000 or 2% of the approved permit amount; and*

B) *In those cases where the approved permit amount is exceeded by more than $1,000,000, an additional $20,000 for each $1,000,000, or fraction thereof, in excess of the approved permit amount.* [20 ILCS 3960/14.1(b)(2)]

3) *A permit holder who fails to comply with the post-permit and reporting requirements set forth in Section 5 shall be fined an amount not to exceed $10,000 plus an additional $10,000 for each 30-day period, or fraction thereof, that the violation continues. This fine shall continue to accrue until the date that the post-permit requirements are met and the post-permit reports are received by the State Board, or* until *the matter is referred by the State Board to the State Board's legal counsel. The accrued fine is not waived by the permit holder submitting the required information and reports. Prior to any fine beginning to accrue, the Board shall notify, in writing, a permit holder of the due date for the post-permit and reporting requirements no later than 30 days before the due date for the requirements.* [20 ILCS 3960/14.1(b)(2.5)]

4) *A person who acquires major medical equipment or who establishes a category of service without first obtaining a permit or exemption, as the case might be, shall be fined an amount not to exceed $10,000 for each such acquisition or category of service established plus an additional $10,000 for each 30-day period, or fraction thereof, that the violation continues.* [20 ILCS 3960/14.1(b)(3)]

5) *A person who constructs, modifies, establishes, or changes ownership of a health care facility without first obtaining a permit or exemption shall be fined an amount not to exceed $25,000 plus an additional $25,000 for each 30-day period, or fraction thereof, that the violation continues.* [20 ILCS 3960/14.1(b)(4)]

6) *A person who discontinues a health care facility or category of service without first obtaining a permit or exemption shall be fined an amount not to exceed $10,000 plus an additional $10,000 for each 30-day period, or fraction thereof, that the violation continues. Facilities licensed under the Nursing Home Care Act or the MR/DD Community Care Act, with exception of facilities operated by a county or Illinois Veterans Homes, are exempt from this permit requirement. However, facilities licensed under the Nursing Home Care Act or the MR/DD Community Care Act must comply with Section 3-423 of the Nursing Home Care Act or Section 3-423 of the MR/DD Community Care Act and must provide the Board with 30-days' written notice of its intent to close.* [20 ILCS 3960/14.1(b)(5)]

7) *A person subject to* the *Act who fails to provide information requested by* HFSRB or its staff *within 30 days after a formal written request shall be fined an amount not to exceed $1,000, plus an additional $1,000 for each 30-day period, or fraction thereof, that the information is not received by* HFSRB or its staff*.* [20 ILCS 3960/14.1(b)(6)]

e) If an individual or entity has failed to comply with the Act or HFSRB rules and has been notified by HFSRB about an allegation of noncompliance, this shall provide a basis for HFSRB to defer consideration of any and all applications, rulings, or advisory opinions filed before HFSRB until the noncompliant matter is resolved.

f) Failure to pay any fine imposed under this Section within 30 days after its imposition, or by a specified date if the default of payment extends past 30 days, shall subject the person to other sanctions permitted by the Act as HFSRB deems appropriate.

g) If an individual, entity or person who has failed to comply with the Act or HFSRB rules, waives his or her right to an administrative hearing regarding the noncompliance and waives an opportunity to appear before HFSRB to respond to the noncompliance matters, HFSRB is authorized to use in-kind services to reduce the fines in the negotiation of settlements.

(Source: Amended at 40 Ill. Reg. 14647, effective October 14, 2016)