**Section 270.416 Collateral Action**

a) A caregiver may stay the appeal process upon the provision of an adequate and timely notice of the filing of a collateral action challenging an adverse employment action resulting from the verified and substantiated finding of abuse, neglect or financial exploitation.

b) This notice is to be sent to the Department and to the ALJ and all parties of record in the administrative hearing, if applicable.

1) The caregiver will provide supporting evidence of the collateral action such as file-stamped copies from the Illinois Civil Service Commission or documentation relating to a proceeding pursuant to any applicable collective bargaining agreement.

2) If the caregiver fails to provide file-stamped copies of the collateral action after a request to do so by the ALJ, the appeal will move forward.

c) If the adverse employment action is overturned in the collateral action and the caregiver's identity has already been placed on the Registry, the Department will remove the caregiver's identity from the Registry as soon as is practicable.

(Source: Added at 42 Ill. Reg. 9226, effective July 1, 2018)