

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Loan Repayment Assistance for Dentists
- 2) Code Citation: 77 Ill. Adm. Code 580
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
580.100	Amend
580.110	Amend
580.120	New
580.200	Amend
580.210	Amend
580.220	Amend
580.230	Amend
580.240	Amend
580.250	New
- 4) Statutory Authority: Loan Repayment Assistance for Dentists Act [110 ILCS 948]
- 5) Effective Date of Rulemaking: January 27, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Amendments Published in Illinois Register: October 14, 2011; 35 Ill. Reg. 16381
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Various typographical, grammatical, and form changes were made in response to the comments from JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments to this Part added several definitions. New clarifying language was added regarding application requirements and terms of performance. Also, new sections were added for administrative hearings and the applicable provisions of the Illinois Grant Funds Recovery Act.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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Springfield, Illinois 62761
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217/782-2043

The full text of the Adopted Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER g: GRANTS TO DENTAL AND MEDICAL STUDENTS

PART 580
LOAN REPAYMENT ASSISTANCE FOR DENTISTS

SUBPART A: GENERAL PROVISIONS

Section	
580.100	Definitions
580.110	Incorporated and Referenced Materials
580.120	Administrative Hearings

SUBPART B: EDUCATIONAL LOAN REPAYMENT APPLICATION,
ELIGIBILITY AND PROGRAM REQUIREMENTS

Section	
580.200	Application
580.210	Eligibility
580.220	Grant Awards
580.230	Grant Terms and Obligations
580.240	Penalty for Failure to Fulfill Obligation
580.250	Grant Funds Recovery

AUTHORITY: Implementing and authorized by the Loan Repayment Assistance for Dentists Act [110 ILCS 948].

SOURCE: Adopted at 33 Ill. Reg. 7166, effective May 14, 2009; amended at 34 Ill. Reg. 20105, effective December 9, 2010; amended at 36 Ill. Reg. 2313, effective January 27, 2012.

SUBPART A: GENERAL PROVISIONS

Section 580.100 Definitions

"Act" means the Loan Repayment Assistance for Dentists Act [110 ILCS 948].

["Administrative law judge" shall have the meaning ascribed in the Department's Practice and Procedure in Administrative Hearings \(77 Ill. Adm. Code 100\).](#)

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"Applicant" means a person who submits an application to the Department to receive a dental loan repayment assistance grant.

"Business day" means Monday through Friday. It does not include a federal or State government declared holiday, Saturday or Sunday.

"Calendar day" means all days in a month or prescribed time frame. It includes weekends and federal or State government declared holidays.

"Commercial lending institution" means a bank, credit union or financial company that makes loans.

"Dental ~~hygienist~~Hygienist" means a person who holds a dental hygienist license under the Illinois Dental Practice Act to perform dental services as authorized by Section 18 of the Illinois Dental Practice Act. (Section 10 of the Act).

"Dental ~~payments~~Payments" means compensation provided to dentists and dental specialists for services rendered under Article V of the Illinois Public Aid Code [305 ILCS 5/Art. V], the Covering ALL KIDS Health Insurance Act [215 ILCS 170], or the Children's Health Insurance Program ~~Insurance~~ Act [215 ILCS 106] administered by the Illinois Department of Healthcare and Family Services (HFS). (Section 10 of the Act)

"Dental ~~specialist~~Specialist" means a person who has received a license as a dentist in this State and who is trained and qualified to practice in one or more of the following specialties of dentistry: endodontics, oral and maxillofacial surgery, orthodontics, pedodontics, periodontics, and prosthodontics. (Section 10 of the Act)

"Dentist" means a person who has received a general license pursuant to Section 11(a) of the Illinois Dental Practice Act [225 ILCS 25/11(a)], who may perform any intraoral and extraoral procedure required in the practice of dentistry, and to whom are reserved the responsibilities specified in Section 17 of the Illinois Dental Practice Act. (Section 10 of the Act)

"Department" means the Department of Public Health. (Section 10 of the Act)

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"Designated ~~shortage area~~Shortage Area" means a dental Health Professional Shortage Area (HPSA) as defined by the United States Department of Health and Human Services (Designation of Health Professional Shortage Areas (42 CFR 5, 51c) and the Public Health Service Act (42 USC 216, 254c)) or as otherwise designated by the Department of Public Health. (Section 10 of the Act)

"Educational ~~loans~~Loans" means higher education student loans that a person has incurred in attending a registered professional dental education program. (Section 10 of the Act)

"Full-Time Practice" means a dental practice with a 40-hour work week where at least 32 hours of the 40 hours per week are spent providing clinical services. These services shall be conducted during normally scheduled clinic hours in the ambulatory care setting offices. The remaining hours shall be spent providing inpatient care and/or in practice-related administrative activities. The 40 hours per week may be compressed into no fewer than four days per week, with no more than 12 hours of work to be performed in any 24-hour period. Time spent in "on-call" status will not count toward the 40-hour week. Hours worked over the required 40 hours per week will not be applied to any other work week.

"Grant" means funds awarded under the Act.

"Grant agreement" means the agreement entered into between the Department and any person or entity for obligation, capital expenditure or use for a specific purpose.

"Grantee" means a person or entity which may use grant funds (Section 2(c) of the Illinois Grant Funds Recovery Act) refers to a person who is the recipient of a grant for educational loan repayment assistance under the Act and this Part.

"Grant funds" means public funds dispensed by the Department to any person or entity for obligation, expenditure or use for a specific purpose. (Section 2(b) of the Illinois Grant Funds Recovery Act)

"Grant period" means the duration of the loan repayment benefit, which is one year.

"Health Professional Shortage Area" or "HPSA" means a designation provided by the U.S. Department of Health and Human Services, Health Resources and

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Services Administration. The HPSA designation indicates the shortage of primary medical care, dental or mental health providers. The designation may be geographic (a county or service area), demographic (low income population) or institutional (comprehensive health center, ~~FQHC~~~~federally qualified health center~~ or other public facility). HPSA designations can be found at <http://hpsafind.hrsa.gov/>.

"Health Professional Shortage Area Score" or "HPSA Score" means~~refers to~~ the HPSA shortage severity score calculated by the United States Department of Health and Human Services, Bureau of Health Professionals when ~~an~~ HPSA is federally designated. ~~This severity score provides a relative number of the amount of dental shortage in a geographic area.~~

"Illinois resident" means a person who has been a resident of Illinois for at least one year prior to applying for loan repayment assistance and is a citizen or lawful permanent resident of the United States.

"Lawful permanent resident" means a person who is not a citizen of the United States but who resides in the United States under legally recognized requirements and lawfully records his/her permanent residence.

"Low ~~income person~~~~Income Person~~" ~~means~~~~refers to~~ a person whose income is at or below ~~the~~ 200% ~~of the federal~~ poverty level ~~guideline~~ as determined by the most recent U.S. Census Bureau's decennial census information.

"Low ~~income patients~~~~Income Patients~~" ~~mean~~~~refers to the~~ patients in the dental practice whose income is at or below ~~the~~ 200% ~~of the federal~~ poverty level ~~guideline~~ as determined by the most recent U.S. Census Bureau's decennial census information.

"Medical ~~assistance~~~~Assistance~~" means services for medical and dental assistance provided under Article V of the Illinois Public Aid Code.

"Medical ~~assistance reimbursement documentation~~~~Assistance-Reimbursement Documentation~~" ~~means~~~~refers to~~ the documentation of medical assistance reimbursement dollars that dentists receive from the Illinois Department of Healthcare and Family Services for dental services provided to medical assistance recipients. ~~The Department of Healthcare and Family Services periodically provides this data to the Department.~~

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"Metropolitan Statistical Area" or "[MSA](#)" means one or more adjacent counties that have at least one urban core area of at least 50,000 in population, plus adjacent territory that has a high degree of social and economic integration with the core as measured by commuting ties.

"Program" means the educational loan repayment assistance program for dentists and dental specialists or dental hygienists established by the Department under the Act. (Section 10 of the Act)

"Registered ~~professional dental education program~~[Professional Dental Education Program](#)" means a dental school accredited by the American Dental Association Commission on Dental Accreditation (~~CODA~~).

"Rural" means any geographic area not located in a U.S. Census Bureau Metropolitan Statistical Area; or a county located within a Metropolitan Statistical Area but having a population of 60,000 or less; or a geographic area located within a Metropolitan Statistical Area but having a population of 2,500 or less.

"Service ~~area~~[Area](#)" ~~means~~[refers to](#) the geographic area of the HPSA.

"Service ~~term~~[Term](#)" ~~means~~[refers to](#) the length of time that the dentist, dental hygienist or dental specialist will receive loan repayment funds from the Department while serving a dental HPSA.

"Urban" means any geographic area that does not meet the [definition of "rural" in this Section](#)~~rural geographic area definition in this Part~~.

(Source: Amended at 36 Ill. Reg. 2313, effective January 27, 2012)

Section 580.110 Incorporated and Referenced Materials

[The following are referenced or incorporated in this Part:](#)

- a) ~~The following~~ Illinois statutes ~~are referenced in this Part:~~
 - 1) Loan Repayment Assistance for Dentists Act [110 ILCS 948]
 - 2) Illinois Public Aid Code [305 ILCS 5]

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- 3) Illinois Dental Practice Act [225 ILCS 25]
 - 4) Children's Health Insurance Program Act [215 ILCS 106]
 - 5) Covering ALL KIDS Health Insurance Act [215 ILCS 170]
 - 6) [Illinois Grant Funds Recovery Act \[30 ILCS 705\]](#)
 - 7) [Illinois Administrative Procedure Act \[5 ILCS 100\]](#)
- b) [Illinois rule: Practice and Procedure in Administrative Hearings \(77 Ill. Adm. Code 100\)](#)
- cb) ~~Federal statutes: The following federal statute is referenced in this Part:~~
- 1) [Designation of Health Professional Shortage Areas, section 332 of the Public Health Service Act \(42 USC 254\(e\)\).](#)
 - 2) [Designation of Medically Underserved Areas, section 330\(b\)\(3\) of the Public Health Service Act \(42 USC 254\(b\)\(3\)\).](#)
- ~~Public Health Service Act [42 USC 216, 254b and 254e]~~
- de) ~~Federal regulation: The following federal regulation is incorporated in this Part:~~
- Designation of Health Professional Shortage Areas (42 CFR 5, 51c) (October 1, 2007)
- ed) Incorporations by reference of federal regulations refer to the regulations on the date specified and do not include any later amendments or editions.

(Source: Amended at 36 Ill. Reg. 2313, effective January 27, 2012)

Section 580.120 Administrative Hearings

Administrative hearings conducted concerning the provisions of this Part shall be governed by the Department's Practice and Procedure in Administrative Hearings.

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(Source: Added at 36 Ill. Reg. 2313, effective January 27, 2012)

SUBPART B: EDUCATIONAL LOAN REPAYMENT APPLICATION,
ELIGIBILITY AND PROGRAM REQUIREMENTS

Section 580.200 Application

- a) ~~The~~ *The Department shall, each year, consider 4 applications for assistance under the program.* (Section 20 of the Act) The Department will review all applications received.
- b) The Department will prepare and make available applications to eligible applicants. Applicants shall complete an application on forms available from the Department. The applicant shall indicate the location of the dental practice in a designated shortage area where service will be performed.
- c) Applicants shall document currently existing educational loan indebtedness to a governmental or commercial lending institution incurred for educational expenses in pursuit of the applicant's dental or dental hygienist degree. The documentation of indebtedness shall include a photocopy or original copy of promissory notes or other evidence of indebtedness with disclosure of the lending institution or agency, loan amount, loan period, ~~and~~ interest rate, and any amounts repaid prior to the date of submission of the application.
- d) An applicant ~~Applicants~~ shall demonstrate that he or she ~~the applicant~~ meets all of the eligibility criteria in Section 580.210.

(Source: Amended at 36 Ill. Reg. 2313, effective January 27, 2012)

Section 580.210 Eligibility

- a) Individuals who receive educational loan repayment assistance with federal funds or from loan funds requiring service commitments that would prevent the grantee from meeting the requirements of the Act and this Part are ineligible for assistance from this program.
- b) *To be eligible for assistance under the program, an applicant must meet all of the following qualifications:*

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- 1) *He or she must be a citizen or [lawful](#) permanent resident of the United States.*
- 2) *He or she must be a resident of this State.*
- 3) *He or she must be practicing full time in this State as a dentist, dental specialist, or dental hygienist.*
- 4) *He or she must currently be repaying educational loans.*
- 5) *He or she must accept dental payments as defined in the Act.*
- 6) *He or she must practice or commit to practice full time in this State in a designated shortage area.*
- 7) *He or she must allocate at least 20% of all patient appointments to patients covered by Article V of the Illinois Public Aid Code, the Covering ALL KIDS Health Insurance Act, or the Children's Health Insurance Program Act. (Section 25 of the Act)*

(Source: Amended at 36 Ill. Reg. 2313, effective January 27, 2012)

Section 580.220 Grant Awards

- a) *~~For~~ each year that a qualified applicant who is selected as a [grantee](#) practices full time in this State in a designated shortage area as a dentist or dental specialist, the Department shall, subject to appropriation, award a grant to that person in an amount equal to the amount in educational loans that the person must repay that year. However, the total amount in grants that a person may be awarded under the program must not exceed \$25,000 per year for a 4-year period. The Department shall require recipients to use the grants to pay off their educational loans. (Section 30(a) of the Act)*
- b) *The initial grant awarded to a dentist or dental specialist under the Act shall be for a 2-year period. Based on the successful completion of the initial 2-year grant, the grantees may be awarded up to 2 subsequent one-year grants. Grantees are eligible to receive grant funds for no more than a 4-year period. Previous grant recipients shall be given priority for years 3 and 4 grant funding, provided that the grantee continues to meet the eligibility requirements set forth*

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in Section 25 of the Act [and Section 580.210](#). Grantees shall practice full time in a designated shortage area for the period of each grant awarded. (Section 30(c) of the Act)

- c) *The Department shall award grants to otherwise eligible dental applicants by using the following criteria:*
- 1) *Dental specialist willing to practice in any designated shortage area.*
 - 2) *Dentist willing to practice in a designated shortage area with the highest Health Professional Shortage Area (HPSA) score.*
 - 3) *Dentist willing to practice in a designated shortage area with the highest HPSA score and agreeing to allocate the highest percentage of patient appointments to those that are covered by Article V of the Illinois Public Aid Code, the Covering ALL KIDS Health Insurance Act, or the Children's Health Insurance Program Act. (Section 30(e) of the Act)*
- d) Grants will be awarded in the order listed in subsection (c) ~~of this Section~~. Dental specialists shall be the first group to receive funding. Once dental specialists are funded (or if no dental specialists apply) and if remaining funds allow, dentists ~~will receive funding~~ who fulfill the requirements of subsection (c)(2) ~~will receive funding of this Section~~. If there are more dentists applying for assistance than available funds, the Department shall award funding to dentists who fulfill the requirements of subsection (c)(3) ~~of this Section~~.
- e) For each year that a qualified applicant who is selected as a ~~grantee~~ ~~recipient~~ practices full time in this State in an HPSA as a dental hygienist, the Department shall, subject to appropriation, award a grant to that person in an amount equal to the amount in educational loans that the person must repay that year. However, the total amount in grants that a dental hygienist may be awarded under the program ~~shall~~ ~~must~~ not exceed ~~\$5,000~~ ~~\$25,000~~ per year for a two-year period. *The Department shall require a recipient to use the grants to pay off his or her educational loans. (Section 30(c) of the Act)*
- f) ~~Funds received from the Department~~ ~~Payments~~ shall be used for the repayment of educational loans, including principal, interest and related expenses of government and commercial loans, ~~received by the individual~~ and used for tuition expenses while attending a registered professional dental education program.

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- g) The Department will award loan repayment grants to individuals who meet the eligibility requirements of Section 580.210. For dental specialists and dentists, awards will be made in accordance with the requirements of subsection (c). For dental hygienists, awards will be made once all awards to dental specialists and dentists are complete and if funds are available. If the amount of funding received for the program in a fiscal year is insufficient to award grants to all qualified dental hygienist applicants, the loan repayment grants shall be prorated to all dental hygienist grantees. ~~accept applications for funding between July 1 and September 30 of each year. If enough eligible applications are received, all awards will be made. If~~ However, if funds remain available after all loan repayment awards have been made, subsequent applications will be evaluated individually as received.
- h) Payments shall be made on a quarterly basis to ~~grantees~~ grant recipients following the completion of each three-month period of compliance with the terms of the grant agreement.

(Source: Amended at 36 Ill. Reg. 2313, effective January 27, 2012)

Section 580.230 Grant Terms and Obligations

- a) Each dentist, dental specialist, or dental hygienist selected for educational loan repayment shall enter into a written grant agreement with the Department prior to receiving assistance. The agreement shall contain terms and conditions that ensure compliance with this Part and the laws of the State of Illinois, and enforcement of the agreement.
- 1) The grant agreement shall contain, at a minimum, the following:
 - A) Identifying information of the grantee, including name, mailing address, phone number and e-mail address;
 - B) A description of the grant's purpose;
 - C) Specific information on how payments to the grantee will be made;
 - D) Details on what constitutes permissible expenditure of grant funds;

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and conditions of the grant agreement. The report shall contain the following~~Mandatory reporting requirements every six months include:~~

- 1) The ~~grantee shall provide documentation of the~~ percentage of low income patients served in his or her practice. Medical assistance reimbursement documentation and practice documentation will be accepted for this purpose.
 - 2) The ~~grantee shall provide documentation that the~~ amount of money paid for educational loan debt. Documentation shall demonstrate that the amount of money paid is greater than or equal to the amount of money paid by the Department under this program. Cancelled checks or documentation from the lending institution will be accepted for this purpose.
- ed) For dentists and dental specialists, the grant program ~~allows administered under this Part will allow~~ for an initial two-year grant and two additional one-year grants. Grantees ~~cannot receive grant funds after the four-year time frame has elapsed are eligible to receive grant funds for no more than a four-year period.~~ Previous grantees shall receive priority for years three and four of grant funding, provided that:
- 1) The grantee successfully completes the initial two-year grant; and
 - 2) The grantee continues to meet the eligibility requirements stipulated in Section 25 of the Act and Section 580.210.
- fe) *The grant award for a dental hygienist shall be for a maximum of 2 years.*
(Section 30(c) of the Act)
- g) If the grantee is disabled or is otherwise unable for reasons beyond the grantee's control to perform the loan repayment obligations, these obligations shall be suspended until the grantee is able to resume the loan repayment obligations. However, the suspension shall not exceed two years.
- 1) To request a suspension of the loan repayment obligation, a grantee shall submit a suspension request in writing to the Department. This request shall detail the reason for the suspension and, if temporary, the duration of the suspension and shall be supported by clear and convincing

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documentation.

- 2) The Department shall approve a request for suspension if the request is supported by a letter from the grantee's licensed physician fully explaining and attesting to the grantee's inability (either temporarily or permanently) to continue the loan repayment obligation.
- 3) If the Department denies the suspension request, the grantee shall fulfill the loan repayment obligation.
- 4) Based on the information contained in the suspension request, the Department's acceptance or denial of the request will be provided in writing, under the Director's signature.
- 5) If the grantee suffers total and permanent disability, is adjudicated as incompetent or dies, the grantee shall be discharged from all obligations to the Department in connection with this Part and the Act.

(Source: Amended at 36 Ill. Reg. 2313, effective January 27, 2012)

Section 580.240 Penalty for Failure to Fulfill Obligation

- a) If the ~~Upon breach of~~ grant agreement ~~is breached~~, loan repayment recipients shall repay the Department a sum equal to the amount received under the program, plus an annual percentage rate (APR) of 7% interest. (Section 35 of the Act) ~~Repayment of the obligation shall be made as agreed to by the grantee and the Department in the grantee's agreement and in accordance with Section 580.250.~~
- b) The grantee shall repay all funds provided by the Department under this Part within a period of time equal to the grantee's service term.
- be) A breach of grant agreement shall include, but not be limited to, the ~~following situations~~:
 - 1) Failure to practice full time~~full-time~~ in a designated shortage area at the location specified and for the time period required in the grant agreement (Sections 30(c) and Section 35~~Section~~ of the Act);

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- 2) Relocation to an area that has a lower priority ranking as a designated shortage area;
 - 3) Material misstatement in reporting information to the Department, for example, misstating the percentage of low income patients served;
 - 4) Making any material misrepresentation to the Department for the purpose of obtaining a grant;
 - 5) Failure to allocate at least 20% of all patient appointments as required by Section 25 of the Act and Section 580.210(b)(7). Failure to practice in a designated shortage area for two years. (Section 35 of the Act)
- c) When the Department determines that the grant agreement has not been fulfilled and all applicable requirements of Section 580.250 have been met, the Department and grantee shall enter into a contract for the repayment of the obligation.
- 1) To fulfill the repayment requirements of the Act and this Section, the grantee shall have 30 calendar days after the conclusion of all applicable requirements of Section 580.250 to enter into a contract with the Department.
 - 2) Payment shall be made in equal monthly installments in amounts so that all sums due shall be paid within a period of time equal to the grantee's service term, or remaining portion thereof, or as otherwise approved by the Department.
- d) If the grantee does not repay all funds owed to the Department within the required time period, the Department shall refer the matter to the Illinois Attorney General, a collection agency, or a licensed attorney for resolution.

(Source: Amended at 36 Ill. Reg. 2313, effective January 27, 2012)

Section 580.250 Grant Funds Recovery

- a) If a grantee fails to comply with this Part or any terms of the grant agreement, the Department, after notice and opportunity for hearing, shall suspend or revoke the grant and recover any grant funds previously disbursed to the grantee.

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- b) If the Department believes that a grant should be suspended, revoked or recovered because of a grantee's failure to comply with this Part or the terms of the grant agreement, the grantee shall have the opportunity for at least one informal hearing before the Department or the Department's designee to determine the facts and issues and to resolve any conflicts as amicably as possible before any formal recovery action is taken.
- c) If, based on the outcome of the informal hearing, the Department believes that a grant should be suspended, revoked or recovered because of a grantee's failure to comply with this Part or the terms of the grant agreement, written notice of the proposed action will be given to the grantee identifying the action to be taken and specific facts that permit the action. The grantee shall have 35 calendar days after the receipt of the notice to request a formal hearing (see 77 Ill. Adm. Code 100) to show why recovery is not justified or proper.
- d) If a grantee requests a hearing pursuant to subsection (c), the Department will hold a hearing at which the grantee or the grantee's attorney is permitted to present evidence and witnesses to show why the recovery action should not be taken.
- e) After the conclusion of the hearing, the Department will issue a written final order setting forth its findings of fact and decision. A copy of the order will be sent to the grantee.
- f) In addition to the terms of the grant agreement regarding suspension or termination, the Department may suspend or terminate the grant agreement if the grantee breaches the grant agreement, fails to comply with the Act or this Part, makes any material misrepresentation to the Department or creates any situation that constitutes a threat to the public's health, safety or welfare. Notice of opportunity for hearing will be provided with the notice of suspension. If a grantee requests a hearing pursuant to subsection (c), the Department may not take any action of recovery until at least 35 calendar days after the Department has issued a final recovery order pursuant to subsection (e). If a grantee does not request a hearing, the Department may proceed with recovery of the grant funds identified in the notice at any time after the expiration of the 35 calendar day request period established in subsection (c).

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- g) Any notice or mailing required or permitted by this Part shall be deemed received five business days after the notice or mailing is deposited in the United States mail, properly addressed with the grantee's current or last known business address and with sufficient U.S. postage affixed.

(Source: Added at 36 Ill. Reg. 2313, effective January 27, 2012)