

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Allied Health Care Professional Assistance Code
- 2) Code Citation: 77 Ill. Adm. Code 598
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
598.10	Amend
598.20	Amend
598.30	Amend
598.100	Amend
598.110	Amend
598.120	Amend
598.130	Amend
598.140	Amend
598.150	New
- 4) Statutory Authority: Allied Health Care Professional Assistance Law [110 ILCS 905]
- 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. 16413
- 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? Yes
- 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 adopted amendments to this Part added several definitions, including advanced practice nurse, primary care and medically underserved areas. New clarifying language was added regarding the terms of performance required of scholarship recipients and to clarify the process for repayment of funds.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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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 INCREASE ACCESS TO
PRIMARY HEALTH CARE AND SCHOLARSHIPS
FOR HEALTH PROFESSIONAL STUDENTS

PART 598

ALLIED HEALTH CARE PROFESSIONAL ASSISTANCE ~~CODE~~LAW

SUBPART A: GENERAL PROVISIONS

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598.20	Referenced Materials
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SUBPART B: ALLIED HEALTH CARE PROFESSIONAL SCHOLARSHIPS

Section	
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598.110	Eligibility for Application
598.120	Criteria for Selecting Scholarship Recipients
598.130	Terms of Performance
598.140	Scholarship Repayment
<u>598.150</u>	<u>Grant Funds Recovery</u>

AUTHORITY: Implementing and authorized by the Allied Health Care Professional Assistance Law [110 ILCS 905].

SOURCE: Adopted at 18 Ill. Reg. 11931, effective August 1, 1994; emergency amendment at 19 Ill. Reg. 6020, effective April 7, 1995, for a maximum of 150 days; emergency expired September 4, 1995; amended at 20 Ill. Reg. 6034, effective April 1, 1996; amended at 36 Ill. Reg. 2345, effective January 27, 2012.

SUBPART A: GENERAL PROVISIONS

Section 598.10 Definitions

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"Academic year" means the period of time each year during which an approved school is open and classes are in session.

"Act" means the Allied Health Care Professional Assistance Law (Ill. Rev. Stat. 1991, ch. 144, par. 1481 et seq.) [110 ILCS 905].

"Accepted for admission" means that a student has completed the requirements for entry at an approved school, as documented by the approved school.

"Administrative law judge" shall have the meaning ascribed in the Department's Practice and Procedure in Administrative Hearings.

"Advanced practice nurse" or "APN" means a person who has met the qualifications for a certified nurse midwife (CNM); certified nurse practitioner (CNP); certified registered nurse anesthetist (CRNA); or clinical nurse specialist (CNS) and has been licensed by the Department of Financial and Professional Regulation. (Section 50-10 of the Nurse Practice Act)

"Allied health care professional" means a person who is licensed in Illinois as a certified nurse practitioner, physician assistant, certified registered nurse anesthetist or certified nurse midwife.

"Applicant" means a person who submits an application to the Department to receive an allied health care professional assistance scholarship.

"Approved school" means a medical or other school located in Illinois and accredited in its field or otherwise approved by the Department. (Section 2003(a)(1) of the Act)

"Arrears" means an overdue amount that has not been paid.

"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.

"Department" means the Illinois Department of Public Health. (Section 2003(b) of the Act)"Department" means the Illinois Department of Public Health.

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"Designated Shortage Area" means an area designated by the Director of Public Health as a physician shortage area, a medically underserved area, or a critical health manpower shortage area as defined by the United States Department of Health and Human Services, or as further defined by the Department to enable it to effectively fulfill the purpose stated in Section 2002 of the Act. Such areas may include the following:

an urban or rural area which is a rational area for the delivery of health services;

a population group; or

a public or nonprofit private medical facility. (Section 2003(c) of the Act)

"Director" means the Director of the Illinois Department of Public Health.

"Eligible allied health care professional" means a person who meets all of the following qualifications:

he or she is studying an allied health care field in a medical or other school located in Illinois and accredited in its field or otherwise approved by the Department, and agrees to obtain a license to practice in his or her field in this State;

he or she exhibits financial need as determined by the Department; and

he or she agrees to practice full-time in a Designated Shortage Area ~~are a designated shortage area~~ as an allied health care professional one year for each year he or she is a scholarship recipient. (Section 2003(a) of the Act)

"Federally Qualified Health Center" or "FQHC" means a health center funded under section 330 of the federal Public Health Service Act.

"Federally Qualified Health Center Look-Alike" or "FQHC Look-Alike" means an organization that meets the requirements for receiving a grant under section 330 of the federal Public Health Service Act but does not receive federal funding under that authority.

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"Fees" means those mandatory charges, in addition to tuition, that all enrolled students at an approved school must pay, including required course or lab fees.

"Fund" means the Community Health Center Care Fund.

"Full-time academic work" means enrollment for the number of hours required per term by a school for its full-time students.

"Full-time employment" means being available at the practice location for face-to-face direct patient visits a minimum of 32 hours per week.

"Full-time student" means a student who is enrolled for at least the number of hours required per term by a school for its full-time students.

"Grant" means funds awarded under the Act.

"Grantor Agency" means any agency of State government which dispenses grant funds. (Section 2(a) of the Illinois Grant Funds Recovery 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)

"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)

"Good academic standing" means that a student is matriculating with the rest of his or her class and is demonstrating minimum competence in his or her field of study at an approved school.

"Health Professional Shortage Area" or "HPSA" is a designation provided by the U.S. Department of Health and Human Services, Health Resources and Services Administration. The HPSA designation indicates the shortage of primary medical care, dental or mental health providers. The designation may be geographic (a

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county or service area), demographic (low income population) or institutional (comprehensive health center, FQHC or other public facility). HPSA designations can be found at <http://hpsafind.hrsa.gov/>.

"Health Professional Shortage Area Score" or "HPSA Score" refers to the HPSA shortage severity score calculated by the U.S. Department of Health and Human Services, Bureau of Health Professionals when an HPSA is federally designated.

"Illinois resident" means a person who has been a resident of Illinois for at least one year prior to applying for an Allied Health Care Professional Scholarship 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.

"Medically underserved population" or "MUP" means individuals who reside in a U.S. Department of Health and Human Services health professional shortage area or medically underserved area; or who are designated a medically underserved population by the U.S. Department of Health and Human Services; or who reside in an area designated by the Department as underserved.

"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.

"Mid-level providers" include health professionals who have completed specialized training and who meet the requirements of nationally recognized health professional organizations granting certification to certified nurse practitioners, certified nurse midwives, certified registered nurse anesthetists and physician assistants.

"Part-time academic work" means enrollment for at least one-third of the number of hours required per term by a school for its full-time students.

"Part-time student" means a student who is enrolled for at least one-third of the number of hours required per term by a school for its full-time students.

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"Physician assistant" means an individual licensed under the Physician Assistant Practice Act of 1987 [225 ILCS 95].

"Primary care" means health care that encompasses prevention services, basic diagnostic and treatment services and support services, including laboratory, radiology, transportation and pharmacy. Primary care is comprehensive in nature and not organ or problem specific, is oriented toward the longitudinal care of the patient, and includes responsibility for coordination of other health and social services as they relate to the patients' needs.

"Quarter" means a term within an academic year that marks the beginning and end of classes. Quarters are approximately eight to 10 weeks in duration and there are four quarters in an academic year.

"Rational area" means a geographic area for the delivery of primary health care services. In determining a rational area, one of the following conditions must be met: a county or a group of contiguous counties whose population centers are within 30 minutes travel time of each other; a portion of a county whose population has limited access to a contiguous area's resources, as measured by travel time greater than 30 minutes; or established communities within a metropolitan statistical area that have limited interaction with contiguous areas, and have a maximum population of 20,000.

"Rural practice" means providing primary care services in any geographic area of Illinois that is not located in a Metropolitan Statistical Area or a county located within a Metropolitan Statistical Area but having a population of less than 60,000, or a community located within a Metropolitan Statistical Area but having a population of 2,500 or less.

"School term" means an academic term, such as a semester, quarter or trimester, or number of clock hours, as defined by an approved school.

"Semester" means a term within an academic year that marks the beginning and end of classes. Semesters are approximately 15 to 16 weeks in duration and there are two semesters in an academic year.

"Summer term" means a term within an academic year that marks the beginning and end of classes. The term is approximately four to nine weeks in duration and is typically offered during June, July and August of an academic year.

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"Trimester" means a term within an academic year that marks the beginning and end of classes. Trimesters are approximately 12 to 15 weeks in duration, and there are three trimesters in an academic year.

"Tuition" means the established charges of an institution of higher learning for instruction at the institution.

"Urban practice" means providing primary care services in any geographic area of Illinois that does not meet the rural practice definition.

(Source: Amended at 36 Ill. Reg. 2345, effective January 27, 2012)

Section 598.20 Referenced Materials

The following materials are referenced in this Part:

- a) Illinois Statutes: ~~Illinois Health Care Professional Assistance Law (Ill. Rev. Stat 1991, ch. 144, par. 1481 et seq.) [110 ILCS 905]~~
 - 1) Allied Health Care Professional Assistance Law [110 ILCS 905]
 - 2) Illinois Administrative Procedure Act [5 ILCS 100]
 - 3) Physician Assistant Practice Act of 1987 [225 ILCS 95]
 - 4) Nurse Practice Act [225 ILCS 65]
 - 5) Department of Public Health Powers and Duties Law [20 ILCS 2310/2310-200]
 - 6) Illinois Grant Funds Recovery Act [30 ILCS 705]
- b) Illinois ~~Rule~~Rules: ~~Rules of~~Practice and Procedure in Administrative Hearings (77 Ill. ~~Adm. Admin.~~ Code 100).
- c) Federal Statutes:

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- 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))

(Source: Amended at 36 Ill. Reg. 2345, effective January 27, 2012)

Section 598.30 Administrative Hearings

~~Administrative~~Any administrative hearings conducted by the Department concerning the provisions of this Part shall be governed by the Department's ~~Rules of~~ Practice and Procedure in Administrative Hearings (~~See 77 Ill. Adm. Code 100~~).

(Source: Amended at 36 Ill. Reg. 2345, effective January 27, 2012)

SUBPART B: ALLIED HEALTH CARE PROFESSIONAL SCHOLARSHIPS

Section 598.100 Limitations on Use of Scholarship Funds

- a) Scholarships in the amount of \$7,500 shall be issued per academic year to each recipient and shall be used for tuition, ~~and matriculation~~ fees and living expenses for students of allied health care professional programs.
- b) Scholarships may be made to part-time (but not less than 1/3 time) students and full-time students.
- c) Scholarship funds shall be expended by the recipient only while enrolled and in good academic standing at an approved school.
- d) Scholarship funds shall not be awarded for expenses incurred when the student must repeat ~~more than once~~ an academic term or terms, if the repetition is necessary because the student has an academic performance below an acceptable level as determined by the student's approved school.
- e) Scholarship awards shall be made directly to the recipient.
- f) Scholarship awards shall be made for a maximum of two ~~(2)~~ years.

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- g) Scholarship awards shall not be made if recipient is in arrears on tuition payments to recipient's approved school.

(Source: Amended at 36 Ill. Reg. 2345, effective January 27, 2012)

Section 598.110 Eligibility for Application

- a) Students eligible to apply for Allied Health Care Professional Scholarships shall meet the following qualifications:
- 1) ~~be he or she is~~ studying an allied health care field in a medical or other school located in Illinois and accredited in its field or otherwise approved by the Department and agrees to obtain a license to practice in his or her field in this State;
 - 2) ~~exhibit he or she exhibits~~ financial need as determined by the Department; and
 - 3) ~~agree he or she agrees~~ to practice full-time in a Designated Shortage Area designated shortage area as an allied health care professional one year for each year he or she is a scholarship recipient. (Section 2003(a) of the Act)
- b) Students receiving funds from other scholarship or loan funds requiring service commitments that would prevent the student applicant from meeting the requirements of the Act and this Part Allied Health Care Professional Scholarship shall ~~not be~~ ineligible eligible for scholarships described in this Subpart.

(Source: Amended at 36 Ill. Reg. 2345, effective January 27, 2012)

Section 598.120 Criteria for Selecting Scholarship Recipients

- a) Preference shall be given to those scholarship applicants who, in written narratives and personal interviews, ~~can~~ demonstrate the following:
- 1) Interest in pursuing a degree and licensure or certification as a certified nurse practitioner, physician assistant, certified registered nurse anesthetist or certified nurse midwife;

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- 2) Previous experience with medically underserved populations;
 - 3) Previous experience in rural practice, with preference given to those whose experience has involved one of the primary care specialty areas;
 - 4) Academic capabilities as reported by the applicant's approved school;
 - 5) Financial need as reported by standard financial analysis documentation supplied by the applicant's school on the student's behalf;
 - 6) Greater number of years of school remaining;
 - 7) Stated interest in providing primary health care to ~~Illinois~~ citizens residing in designated shortage areas of Illinois;
 - 8) Most number of years of residence in Illinois; and
 - 9) United States citizens; or lawful permanent residents~~those granted permanent residence in the United States by the Immigration and Naturalization Service.~~
- b) Of all applicants, priority shall be given to those individuals who have previously received a scholarship~~an Allied Health Care Professional Scholarship~~, provided that:
- 1) Recipient requests, in a format determined by the Department, a continuation of scholarship funds;
 - 2) Recipient would not be repeating the same year of school for the second consecutive year because of poor academic performance; and
 - 3) Recipient has not voluntarily withdrawn from school.
- c) When the number of applicants is~~are~~ sufficient, scholarships will be equally distributed among all applicants by profession.

(Source: Amended at 36 Ill. Reg. 2345, effective January 27, 2012)

Section 598.130 Terms of Performance

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- a) Each scholarship recipient shall sign a written agreement with the Department prior to receiving a scholarship~~contract~~. The agreement shall contain~~contract contains~~ terms and conditions ~~that~~which ensure compliance with this Part and, the laws of the State of Illinois, and enforcement of the agreement~~contract~~.
- b) Scholarship recipients who fail to complete school ~~because of~~due to academic failure, as documented by the recipient's school, shall repay to the Department the amount received in scholarship assistance. Repayment shall be in accordance with the provisions of the recipient's agreement and Section 598.150~~be discharged from all obligations~~.
- c) Scholarship recipients who fail to complete school ~~because of~~due to voluntary actions (e.g., withdrawal from school) on their part shall repay to the Department an amount equal to three~~3~~ times the amount of the annual scholarship grant received for each unfulfilled year of the obligation together with interest at 7%~~percent~~ per year on that amount. Repayment of obligation shall be in accordance with the provisions of the recipient's agreement and Section 598.150.
- d) Scholarship recipients who complete school but fail to become licensed in Illinois shall repay to the Department an amount equal to three times the amount of the annual scholarship received for each unfulfilled year of the obligation, together with interest at 7% per year on that amount. Repayment of the obligation shall be in accordance with the provisions of the recipient's agreement and Section 598.150.
- e)d) ~~If in the event~~ the scholarship recipient is disabled or is otherwise unable for reasons beyond the recipient's control to perform the scholarship obligations, these obligations shall be suspended until ~~such time as~~ the scholarship recipient is able to resume the scholarship obligations. However, the suspension shall not exceed two years. Such suspension shall be requested in writing by the scholarship recipient. The Department's acceptance or denial of the suspension request will be provided in writing under the Director's signature. The Department shall accept a request for a suspension when supported by a letter from the recipient's physician attesting to the recipient's inability (either temporarily or permanently) to continue (either school or the practice of the allied health care professional field) and the recipient's agreeing to not continue either his or her education in the profession (or the practice of the allied health care profession) in any state.

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- 1) To request a suspension of the scholarship obligation, a recipient shall submit a suspension request in writing to the Department. This request shall detail the reasons for the suspension and, if temporary, the duration of the suspension and shall be supported by clear and convincing documentation.
- 2) The Department shall approve a request for a suspension if the request is supported by a letter from the recipient's licensed physician fully explaining and attesting to the recipient's inability (either temporarily or permanently) to continue either school or the recipient's profession and if the recipient agrees not to continue either his or her education or practice in any state.
- 3) If the Department denies the suspension request, the recipient shall fulfill the scholarship 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 a scholarship recipient suffers total and permanent disability, is adjudicated as incompetent, or dies, the recipient shall be discharged from all obligations to the Department in connection with the Act and this Part. (Section 2005 of the Act)
- f) If the recipient involuntarily leaves the *profession due to a decrease in the number of health care professionals employed in Illinois*, the scholarship recipient shall be discharged from all obligations by the Department. (Section 2005 of the Act)
- g)e) Misrepresentation of any materialthe facts presented in the scholarshiprecipient's application shall be considered a breach of contract. If the Department determines that a breach of contract occurred, the recipient shall repay to the Department an amount equal to three times the amount of the annual scholarship received for each unfulfilled year of the obligation, together with interest at 7% per year on that amount. Repayment of the obligation shall be made as agreed to by the recipient and the Department in the recipient's agreement and in accordance with Section 598.150All funds provided by the Department to the

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~~student shall be due in full, immediately.~~

- h) A breach of contract shall include, but not be limited to, the following:
- 1) Failure to practice full time at the location specified in the scholarship agreement;
 - 2) Relocation to an area that is outside Illinois;
 - 3) Material misstatement in furnishing information to the Department; or
 - 4) Making any misrepresentation for the purpose of obtaining a scholarship.

(Source: Amended at 36 Ill. Reg. 2345, effective January 27, 2012)

Section 598.140 Scholarship Repayment

- a) Upon successful completion of all educational requirements at the approved school and all applicable Illinois licensure requirements for the profession, the scholarship recipient shall provide health care services as an allied health care professional in a designated shortage area of Illinois. The term of this service shall be *one year for each year he or she is a scholarship recipient.* (Section 2003(a)(3) of the Act)
- b) Service as an allied health care professional shall begin ~~not~~ later than 30 calendar days after completion of the allied health training program, or, if licensure is required, 30 calendar days after the issuance of a temporary license by the Illinois Department of Financial and Professional Regulation.
- c) The scholarship recipient shall submit a written request to the Department for approval for a proposed practice location. The Department will provide approval or disapproval, in the form of a letter, to the scholarship recipient. A letter of approval shall include a description of the terms of the service obligation. Written approval of the Department for a proposed practice location shall be requested and received by the scholarship recipient.
 - 1) Without ~~the Department's~~ approval, time in practice at ~~this~~ location shall not meet the scholarship recipient's service obligation.

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- 2) The scholarship recipient may request and receive approval for a practice location up to 18 months preceding the time practice at the location is to begin.
 - 3) Approval for a practice location is granted for the duration of the scholarship recipient's service obligation.
- d) The scholarship recipient's practice shall meet the following requirements:
- 1) Be located in a designated shortage area;
 - 2) Be a full-time practice providing face-to-face direct patient care; and
 - 3) ~~Provide~~Be providing continuous service at the rate of 12 months for each academic year of school supported by the scholarship.
- e) Scholarship recipients may relocate to another practice location or practice in more than one location if prior written approval is granted by the Department.
- f) Scholarship recipients shall enter into a written contract with the Department ~~that~~which describes terms of the service obligation and contains provisions for enforcement of the contract.
- g) *Scholarship recipients who fail to fulfill the obligation described in the Act and in Section 598.130(c) and (d) of this Part shall pay to the Department an amount equal to 3 times the amount of the annual scholarship grant received for each unfulfilled year of the obligation together with interest at 7% per year on that amount. (Section 2005 of the Act) Repayment of the obligation shall be in accordance with the provisions of the recipient's agreement and Section 598.150.*
- 1) After the Department determines that the scholarship obligation has not been fulfilled and after the Department has satisfied all of the applicable requirements of Section 598.150, the Department and recipient shall enter into a contract for the repayment of the scholarship obligation.
 - 2) To fulfill the repayment requirements of the Act and this Section, the scholarship recipient shall have 30 calendar days after the conclusion of all applicable requirements of Section 598.150 to enter into a contract with the Department.

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- 3)4) ~~Payments~~Payment shall be made in equal monthly installments in ~~such~~ amounts so all sums due shall be paid within a period of time equal to the recipient's service term, or remaining portion thereof, or as otherwise approved by the Department.
- 4)2) ~~Both the scholarship recipient~~Recipient and Department shall enter into a written contract ~~that~~which describes terms of the repayment and contains provisions for enforcement of the contract.
- 5) The amounts paid by the recipient to the Department under this Section shall be deposited into the Community Health Center Care Fund and shall be used by the Department to improve access to primary health care services as authorized under Section 2310-200(a) of the Department of Public Health Powers and Duties Law.
- h) ~~If in the event~~ a scholarship recipient fails to pay monies owed ~~to~~ the Department, the Department ~~shall~~may refer the matter to the Illinois Attorney General, ~~or to~~ a collection agency, or a licensed attorney for restitution.

(Source: Amended at 36 Ill. Reg. 2345, effective January 27, 2012)

Section 598.150 Grant Funds Recovery

- a) If a grant recipient 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 recipient.
- b) If the Department believes that a grant should be suspended, revoked or recovered because of a grant recipient's failure to comply with this Part or the terms of the grant agreement, the recipient 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 recipient's failure to comply with this Part or the terms of the grant agreement, written notice of the

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proposed action shall be given to the recipient identifying the action to be taken and specific facts that permit the action. The recipient 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 recipient requests a hearing pursuant to subsection (c), the Department shall hold a hearing at which the recipient or the recipient'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 shall issue a written final order setting forth its findings of fact and decision. A copy of the order shall be sent to the recipient.
- 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 recipient breaches the grant agreement, fails to comply with the Act or administrative rules in 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 recipient 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 recipient 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).
- 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 recipient's current or last known business address and with sufficient U.S. postage affixed.

(Source: Added at 36 Ill. Reg. 2345, effective January 27, 2012)