

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Reference for Rules in Administrative Hearings under Sections 2-110(d) and 3-410 of the Nursing Home Care Act
- 2) Code Citation: 77 Ill. Adm. Code 430
- 3) Section Numbers: 430.10 Proposed Action: Repeal
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A Complete Description of the Subjects and Issues Involved: The Department is repealing Part 430 because it has only one remaining Section, the provisions of which are already covered in the Nursing Home Care Act and in the rule, Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create a state mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

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13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized:

This rule was not included on either of the two most recent Regulatory Agendas because the need for the rulemaking was not known at the time the latest Regulatory Agendas were drafted.

The full text of the Proposed Rule/Amendment begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 430
REFERENCE FOR RULES IN ADMINISTRATIVE HEARINGS
UNDER SECTIONS 2-110(d) AND 3-410 OF
THE NURSING HOME CARE ACT

Section	
430.10	Applicability
430.20	Definitions (Repealed)
430.30	Persons Who May Request a Hearing (Repealed)
430.40	Parties to Hearings (Repealed)
430.50	Appearance – Right to Counsel (Repealed)
430.60	Intervention (Repealed)
430.70	Request for Hearing, Notice of Hearing, Answers and Motions (Repealed)
430.80	Time and Place of the Hearing (Repealed)
430.90	Service (Repealed)
430.100	Discovery and Depositions (Repealed)
430.110	Pre-Hearing Conference (Repealed)
430.120	Conduct of Hearing (Repealed)
430.130	Burden of Proof (Repealed)
430.140	Subpoenas (Repealed)
430.150	Hearing Officer's Report and Final Decision (Repealed)
430.160	Proposal for Decision (Repealed)
430.170	Record of Proceedings (Repealed)
430.180	Miscellaneous (Repealed)

AUTHORITY: Implementing Sections 2-110(d), 3-410, and 3-801 of the Nursing Home Care Act [210 ILCS 45/2-110(d), 3-410, and 3-801].

SOURCE: Adopted and codified at 6 Ill. Reg. 14523, effective November 10, 1982; amended at 25 Ill. Reg. 7480, effective June 1, 2001; repealed at 39 Ill. Reg. _____; effective _____.

Section 430.10 Applicability

Part 100 of this Title 77, Rules of Practice and Procedure in Administrative Hearings (77 Ill.

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Adm. Code 100), contains the provisions applicable to administrative hearings before the Illinois Department of Public Health authorized by:

- a) Section 2-110(d) of the Nursing Home Care Act [210 ILCS 45/2-110(d)] that gives a person refused access to a long-term care facility the right to a hearing.
- b) Section 3-410 of the Nursing Home Care Act [210 ILCS 45/3-410] that gives the resident of a long-term care facility the right to appeal the facility's decision to involuntarily transfer/discharge the resident.

Section 430.20 Definitions (Repealed)

Section 430.30 Persons Who May Request a Hearing (Repealed)

Section 430.40 Parties to Hearings (Repealed)

Section 430.50 Appearance -- Right to Counsel (Repealed)

Section 430.60 Intervention (Repealed)

Section 430.70 Request for Hearing, Notice of Hearing, Answers and Motions (Repealed)

Section 430.80 Time and Place of the Hearing (Repealed)

Section 430.90 Service (Repealed)

Section 430.100 Discovery and Depositions (Repealed)

Section 430.110 Pre-Hearing Conference (Repealed)

Section 430.120 Conduct of Hearing (Repealed)

Section 430.130 Burden of Proof (Repealed)

Section 430.140 Subpoenas (Repealed)

Section 430.150 Hearing Officer's Report and Final Decision (Repealed)

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Section 430.160 Proposal for Decision (Repealed)

Section 430.170 Record of Proceedings (Repealed)

Section 430.180 Miscellaneous (Repealed)