**Section 240.1650 Classification, Identification and Receipt of Provider Service Violations**

Failure to comply with the contract, proposal and Department rules shall be identified and classified by the Department.

a) In determining the classification assigned to each provider service violation, the Department shall consider the following:

1) the severity of the violation;

2) the danger posed by the violation to the health, safety or welfare of the participant, based upon degree of participant impairment and availability of support sources;

3) the provider's efforts to correct violations;

4) the volume and scope of violations.

b) There are 3 classifications of violations: Type I, Type II and Type III.

1) Type I provider service violations are participant-centered violations that pose an imminent risk to the health, safety or welfare of the CCP participant, and represent situations in which failure to correct the violation could result in the participant's potential hospitalization or nursing facility placement. Type I violations shall receive priority attention, requiring immediate (within 24 hours) correction to remove the risk environment. Permanent correction must be achieved within 60 calendar days.

2) Type II provider service violations are participant-centered violations that pose a potentially serious risk to the participant. These violations are to be corrected within 60 calendar days.

3) Type III provider service violations are administrative violations that pose a very low risk to the participant. The time frame for correction of Type III violations shall be 60 calendar days or as established in an approved work plan.

c) Provider service violations include, but are not limited to, violation of the following CCP rules:

1) adult day service standard requirements (Section 240.1550);

2) adult day service and in-home provider staffing requirements (Sections 240.1530 and 240.1555);

3) special services (Subpart J);

4) provider administrative minimum standards and responsibilities (Sections 240.1510, 240.1520, 240.1542, 240.1544 and 240.2020);

5) service components (Sections 240.210, 240.230, 240.235, 240.237 and 240.270);

6) adult day service and in-home provider staff qualification and responsibilities (Sections 240.1535 and 240.1560);

7) service provision requirements (Subpart B and Section 240.915);

8) emergency home response equipment (Section 240.1541);

9) AMD equipment (Section 240.1543).

d) The Department will be in receipt of reported violations through the following methods:

1) Performance reviews of contracted provider agencies (Section 240.1660);

2) Service complaints/violations that are reported directly to the Department or to the Senior HelpLine of the Department or are referred to the Senior HelpLine by the Department/CCU or service provider/other; and/or

3) Reports from Department staff.

(Source: Amended at 42 Ill. Reg. 20653, effective January 1, 2019)