**Section 325.80 Violations of this Part**

a) Violations by Physicians

1) For psychotropic medications that were started without consent, the Psychotropic Medication Consent Form from the Centralized Consent Unit shall indicate that it is a violation of this Part to prescribe a psychotropic medication to a foster child without the consent of the Guardian.

2) A first warning letter from the Department's Division of Guardian and Advocacy shall be sent to physicians who have received five such notifications.  The letter shall inform the physician that it is a violation of this Part to prescribe a psychotropic medication to a foster child without the consent of the Guardian and that any further violations of this Part may result in a complaint being filed with the Illinois Department of Financial and Professional Regulation.

3) A second warning letter from the Division of Guardian and Advocacy shall be sent to any physician who has received an additional five such notifications.  The letter shall inform the physician that it is a violation of this Part to prescribe a psychotropic medication to a foster child without the consent of the Guardian and that any further violations of this Part shall result in a complaint being filed with the Illinois Department of Financial and Professional Regulation.

4) A Violation Notification letter from the Division of Guardian and Advocacy shall be sent to any physician who has received an additional such notification.  The letter shall inform the physician that the Guardian is lodging a complaint with the Illinois Department of Financial and Professional Regulation. The Guardian shall notify the Illinois Department of Financial and Professional Regulation by certified mail that the physician has repeatedly violated the consent requirement of this Part.

b) Violations by Group Homes and Residential Treatment Facilities

1) For psychotropic medications that were started without consent, the Psychotropic Medication Consent Form from the Centralized Consent Unit shall indicate that it is a violation of this Part to prescribe a psychotropic medication to a foster child without the consent of the Guardian.

2) A first warning letter from the Division of Guardian and Advocacy shall be sent to group homes and residential treatment facilities (institutions) who have received 10 warning letters. The letter shall inform the institution that it is a violation of this Part to prescribe a psychotropic medication to a foster child without the consent of the Guardian and that any further violations of this Part may result in a licensing complaint being filed with the DCFS Division of Monitoring.

3) A second warning letter from the Division of Guardian and Advocacy shall be sent to institutions who have received an additional 10 warning letters. The letter shall inform the institution that it is a violation of this Part to prescribe a psychotropic medication to a foster child without the consent of the Guardian and that any further violations of this Part shall result in a licensing complaint being filed with the Division of Monitoring.

4) A Violation Notification letter from the Division of Guardian and Advocacy shall be sent to any institution that has received an additional notification.  The letter shall inform the Director of the institution that the Guardian is lodging a licensing complaint with the Division of Monitoring.  The Guardian shall notify the Division of Monitoring that the institution has repeatedly violated the consent requirement of this Part.

c) Violations by Psychiatric Hospitals or Psychiatric Units

1) For psychotropic medications that were started without consent, the Psychotropic Medication Consent Form from the Centralized Consent Unit shall indicate that it is a violation of this Part to prescribe a psychotropic medication to a foster child without the consent of the Guardian.

2) A first warning letter from the Division of Guardian and Advocacy shall be sent to psychiatric hospitals or psychiatric units (hospitals) who have received 10 warning letters.  The letter shall inform the hospital that it is a violation of this Part to prescribe a psychotropic medication to a foster child without the consent of the Guardian and that any further violations of this Part may result in a licensing complaint being filed with the Illinois Department of Public Health.

3) A second warning letter from the Division of Guardian and Advocacy shall be sent to hospitals who have received an additional 10 warning letters. The letter shall inform the hospital that it is a violation of this Part to prescribe a psychotropic medication to a foster child without the consent of the Guardian and that any further violations of this Part shall result in a licensing complaint being filed with the Illinois Department of Public Health.

4) A Violation Notification letter from the Division of Guardian and Advocacy shall be sent to any hospital that has received an additional notification. The letter shall inform the Director of the hospital that the Guardian is lodging a complaint with the Illinois Department of Public Health as a licensing violation.  The Guardian shall notify the Illinois Department of Public Health by certified mail that the hospital has repeatedly violated the consent requirement of this Part.

d) Notice to Guardian ad Litem

The Guardian shall notify *the guardian ad litem appointed pursuant to Section 2-17 of the Juvenile Court Act of 1987* [705 ILCS 405/2.17] *of a ward who has been administered a psychotropic medication in violation of* this Partwhen *the guardian ad litem has requested notification and provides the Department with documentation verifying that, pursuant to the Mental Health and Developmental Disabilities Confidentiality Act, the court has entered an order granting the guardian ad litem authority to receive and review this information* or with a properly executed consent. [20 ILCS 535/10(e)]

(Source: Added at 36 Ill. Reg. 3846, effective February 24, 2012)