**Section 686.1570 Unauthorized Overtime and Sanctions**

a) The Customer is required to manage their Individual Provider and both the Customer and the Individual Provider are required to comply with all HSP requirements. This shall include monitoring of the Individual Provider's work time by both the Customer and the Individual Provider to ensure unauthorized overtime does not occur.

b) Appropriate action will be taken when unauthorized overtime occurs or when a Customer and/or Individual Provider does not comply with HSP requirements. Unauthorized overtime will result in a documented occurrence of noncompliance (i.e., more than the maximum hours defined within the currently effective Collective Bargaining Agreement (CBA) in a work week not approved for an exception under Section 686.1530).

1) An Individual Provider will be given a written warning for the first three occurrences of unauthorized overtime. Each written notification of an occurrence of unauthorized overtime shall be valid for a rolling twenty-four (24) month period.

2) If within any rolling 24 month period a fourth occurrence of unauthorized overtime occurs, the Individual Provider will be notified in writing that they are temporarily ineligible for funding from HSP for 3 months.

3) After the Individual Provider has been temporarily ineligible for funding three times pursuant to subsections (b)(1) and (b)(2), the Individual Provider will be notified in writing that they are permanently ineligible for funding from the HSP.

4) If an Individual Provider has been deemed permanently ineligible for funding under subsection (b)(3), the Individual Provider may request a review after 12 months for reinstatement to the HSP, except in cases of substantiated fraud, abuse, neglect, or exploitation.

5) If an Individual Provider is deemed permanently ineligible under this Subpart, the Customer will have the opportunity to replace the Individual Provider with another qualified Individual Provider of the Customer’s choosing or the Customer may change to an agency provider or HSP may amend the Customer’s Service Plan to an agency provider.

6) A Customer who has continued noncompliance with other HSP requirements in addition to the overtime noncompliance may have their Service Plan amended to an agency provider.

7) If any changes to the Customer's Service Plan are made under this Subpart, a Service Notice with the effective date of any changes will be issued. The Customer has the right to appeal the action under 89 Ill. Adm. Code 510.

(Source: Amended at 46 Ill. Reg. 20865, effective December 19, 2022)