

ILLINOIS REGISTER

---

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

TITLE 77: PUBLIC HEALTH  
CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

PART 2540  
PENALTIES (REPEALED)

Section	
2540.10	Criminal Penalties
2540.20	Referral to State's Attorney
2540.30	Request for Injunction

AUTHORITY: Implementing Article V and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. V and 2-3].

SOURCE: Adopted at 9 Ill. Reg. 12778, effective August 5, 1985; amended at 12 Ill. Reg. 6114, effective March 21, 1988; emergency amendment at 16 Ill. Reg. 19223, effective November 25, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 9713, effective June 10, 1993; amended at 19 Ill. Reg. 12485, effective August 21, 1995; amended at 25 Ill. Reg. 2078, effective January 19, 2001; repealed at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2540.10 Criminal Penalties**

- a) *Any individual hospital or licensed ambulatory surgical treatment center or other organization or entity willfully violating the provisions of the Illinois Health Finance Reform Act [20 ILCS 2215] or this Chapter promulgated by the Council, shall be guilty of a business offense punishable by a fine of \$10,000 and each day's violation shall constitute a separate offense. These penalties apply to all intentional breaches of patient confidentiality not authorized by statute or the Council. [20 ILCS 2215/5-2]*
- b) *The State's Attorney of the county in which the violation occurred, or the Attorney General, shall, upon the request of the Council, bring an action for an injunction against any hospital or licensed ambulatory surgical treatment center violating the provisions of the Act. [20 ILCS 2215/5-2]*

**Section 2540.20 Referral to State's Attorney**

Whenever the Council is aware of the existence of probable cause to believe that a hospital or licensed ambulatory surgical treatment center is willfully violating any provisions of the Act or of this Chapter, it shall inform the State's Attorney of the county in which the alleged violation

ILLINOIS REGISTER

---

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

occurred of the facts known to the Council concerning the alleged violation.

**Section 2540.30 Request for Injunction**

- a) Whenever the Council finds that it is necessary in order for the Council to effectively perform its duties pursuant to the Act, it may request the State's Attorney of the county in which an alleged violation of the Act or this Chapter occurred, or the Attorney General, to bring an action for injunction against any hospital or licensed ambulatory surgical treatment center violating the provisions of the Act or this Chapter.
- b) The Council will send two warning letters to hospitals or licensed ambulatory surgical treatment centers who are out of compliance with its requirements for the correct submission of financial data or UB-92/HCFA 1450 or HCFA 1500 data as set forth in 77 Ill. Adm. Code 2510. The letters will be sent within 60 days after the time the hospital or licensed ambulatory surgical treatment center is determined to be out of compliance. The first letter will be sent no later than 20 days and the second letter no later than 40 days after the hospital or licensed ambulatory surgical treatment center is determined by the Council to be out of compliance. The letters will be sent certified mail return receipt requested.
- c) The first letter will be a reminder that data are due. The final letter will indicate that, if the hospital or licensed ambulatory surgical treatment center does not provide a satisfactory response within ten days, the Council shall request an injunction.
- d) A satisfactory response from a hospital or licensed ambulatory surgical treatment center shall be the submission of the late data or a response acceptable to the Council from the hospital or licensed ambulatory surgical treatment center demonstrating that either compliance is impossible or that the hospital or licensed ambulatory surgical treatment center is actively undertaking those steps necessary to submit the late data. Compliance is impossible when the Council determines that it would constitute a burden outweighing the benefit to the public that would be obtained by the submission of the data.