



Policies and Procedures
POLICY: Enforcement
Policy #16
Effective Date: April 2, 2014

Purpose: The ILHIE Authority has the responsibility to appropriately monitor compliance with these Policies and Procedures and the Data Sharing Agreement to build and maintain trust in and the integrity of the ILHIE. In the event that monitoring reveals a Participant’s possible noncompliance with these Policies and Procedures or the Data Sharing Agreement, the ILHIE Authority will seek to correct the noncompliance, mitigate the consequences, and take appropriate corrective action, including implementing appropriate sanctions.

Policy: In accordance with these Policies and Procedures, the Data Sharing Agreement and Applicable Law, the ILHIE Authority is authorized to take an enforcement action against a Participant or its Authorized User where there is reasonable basis to believe that the Participant or its Authorized User is not in compliance with these Policies and Procedures, the Data Sharing Agreement, or Applicable Law.

- 1.0 Audit.** The ILHIE Authority, or its authorized designee, may perform Participant audits, including field audits, in accordance with the Information Systems Activity Review Policy (Policy # 20).
- 2.0 Investigation.** The ILHIE Authority, or its authorized designee, may conduct an investigation into potential noncompliance with these Policies and Procedures, the Data Sharing Agreement, or Applicable Law through audit or otherwise, resulting from a report, complaint or Participant self-disclosure, or by other means.
 - 2.1** A Participant shall cooperate in an ILHIE Authority investigation, including responding to information reasonable requests made by the ILHIE Authority.
- 3.0 Sanctions.** After an investigation, if the ILHIE Authority, or its authorized designee, determines that the evidence or other circumstances support the issuance of a notice of proposed action to a Participant, it may issue a notice that includes any or all of the following:
 - (i) The details regarding each instance of noncompliance with these Policies and Procedures, the Data Sharing Agreement or Applicable Law;
 - (ii) A proposed corrective action plan; or
 - (iii) Proposed sanctions, as set forth in the Sanction Policy (Policy #15).
- 3.1** After an investigation, if the ILHIE Authority, or its authorized designee, determines that a notice of proposed action is not appropriate given the lack of available evidence or other circumstances, it may issue one of the following:
 - (i) A letter finding that no action is recommended at that time; or
 - (ii) A letter finding that no action is warranted.

3.2 If a Participant who receives a notice of a proposed action from the ILHIE Authority agrees with the proposal, the Participant shall notify the ILHIE Authority of agreement in writing and shall promptly implement the action. The Participant shall provide the ILHIE Authority with implementation updates upon reasonable request. If the Participant fails to fully implement the action to the satisfaction of the ILHIE Authority, in its sole discretion, the ILHIE Authority may investigate the matter and issue a new notice of proposed action, and take other enforcement actions, as appropriate.

3.3 A Participant who receives a notice of proposed action from the ILHIE Authority may request an opportunity to show cause to the ILHIE Authority as to why the proposed action should not be implemented, in a manner consistent with the Data Sharing Agreement. The written request must be received by the ILHIE Authority within ten (10) business days of the Participant's receipt of the notice of proposed action. The ILHIE Authority may, in its sole discretion, determine whether it will reconsider the matter. If the matter is reconsidered, the ILHIE Authority may issue the same or a new notice of proposed action to the Participant, or may withdraw the notice of proposed action. A Participant may only request one opportunity to show cause under this Section.

3.4 A Participant's failure to comply with a notice of proposed action may result in enforcement actions by the ILHIE Authority.

4.0 Conflict. If there is conflict between the terms of these Policies and Procedures and the terms of the Data Sharing Agreement, these Policies and Procedures shall control.

5.0 Compliance. Participants shall comply with these Policies and Procedures. The ILHIE Authority will monitor and enforce compliance with and adherence to these Policies and Procedures.

5.1 Participant shall cooperate with the ILHIE Authority in its monitoring and enforcement of the Participant's compliance with these Policies and Procedures.

Associated Policies & Procedures

42 U.S.C. §13410(e)

Data Sharing Agreement

Breach Notification and Mitigation

Compliant Handling and Resolution

Enforcement

Information Systems Activity Review

Sanctions

Definitions

Applicable Law

Breach

ILHIE Authority
Participant
Policies and Procedures