**Section 50.20 Reporting** **an Allegation** **of Abuse, Neglect, or Financial Exploitation** **and Death Reports**

a) Reporting – by a Facility, Community Agency, or Employee

1) If an employee witnesses, is told of, or suspects an incident of Physical Abuse, Sexual Abuse, Mental Abuse, Financial Exploitation, neglect, or a death has occurred, the employee, Community Agency, or facility shall report the allegation to the OIG Hotline according to the Community Agency's or facility's procedures. The employee, Community Agency, or facility shall report the allegation immediately, but no later than the time frames specified in subsections (a)(2) and (3). Such an employee or representative of a Community Agency or facility shall be deemed the "Required Reporter" for purposes of this Part. Such reporting shall additionally meet any requirements of 59 Ill. Adm. Code 115, 119 and 132 and Department administrative directives, as applicable.

2) Within four hours after the initial discovery of an incident of alleged Physical Abuse, Sexual Abuse, Mental Abuse, Financial Exploitation or neglect, the Required Reporter shall report the following allegations by phone to the OIG Hotline:

A) Any allegation of abuse by an employee;

B) Any allegation of neglect by an employee, Community Agency, or facility;

C) Any allegation of Financial Exploitation by an employee, Community Agency, or facility; and

D) Any injury or death of an individual that occurs within a facility or Community Agency program when abuse or neglect may be suspected.

E) At a minimum, Required Reporters to the OIG Hotline shall provide details concerning:

i) Information about the victim, including name, date of birth, sex, disability, identification number, and/or social security number (if known);

ii) Information about the incident, including what happened, when it happened, where it happened, how it happened, and the identification of all witnesses;

iii) Information about the accused employee (if known), including name, contact information, and if the accused employee/facility/agency is presently working with or will be working with the victim; and

iv) Information about the person initiating the complaint, including name, contact information, relationship to the victim, and the need for anonymity (if applicable).

3) Within 24 hours after initial discovery of a death, the Required Reporter shall call the OIG Hotline and report (as described in Section 50.30):

A) Any death occurring within 14 calendar days after discharge or transfer of an individual from an agency residential program or facility;

B) Any death of an individual occurring within 24 hours after deflection from an agency residential program or facility;

C) Any other death of an individual occurring within an agency residential program or facility or at any other site licensed, funded , or certified by the Department even though not alleged to be a result of abuse or neglect.

4) Screening, delaying, or withholding reports of incidents or allegations of abuse or neglect from OIG is strictly prohibited. Failure to report incidents or allegations of abuse or neglect to OIG within the required timeframe is a Class A misdemeanor (see 20 ILCS 1305/1-17(k)(1)).

5) Retaliation

It is a violation of Section 1-17(k)(3) of the Act for any employee or administrator of an agency or facility to take retaliatory action against an employee who acts in good faith in conformance with the employee's duties as a Required Reporter.

6) Other Community Agency and facility requirements

A) Reporting to OIG shall not relieve the Community Agency or facility from any statutory or regulatory reporting requirements applicable to the Community Agency or facility. Authorized Representatives are therefore not restricted or prohibited from taking action to protect residents or patients in accordance with or as required by IDPH to ensure compliance with Intermediate Care Facility Providers for Developmental Disability (ICF/DD) standards, including, but not limited to:

i) 42 CFR 483.420, Condition of participation: Client protections; and

ii) State Operations Manual Appendix J - Guidance to Surveyors: Intermediate Care Facilities for Individuals with Intellectual Disabilities, available at https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Policy-and-Memos-to-States-and-Regions-Items/Qso18-16-ICFIID.

B) If the Authorized Representative, their designee, or the OIG Liaison reviews an agency's or facility's internal documents regarding an allegation of abuse, neglect, Financial Exploitation, or the death of an individual at the respective Community Agency or facility, they shall not delete, delay, withhold, limit, or otherwise restrict any of the information contained in the documents. Information may be added by the Authorized Representative or their designee for clarification purposes only. Failure to report incidents or allegations of abuse, neglect, or Financial Exploitation within the required timeframe is a Class A misdemeanor (see 20 ILCS 1305/1-17(k)(1)).

b) OIG Hotline

The OIG Hotline (#1-800-368-1463) shall be communicated to individuals and guardians at the time of admission and the number shall be posted in plain sight at each Community Agency and facility location where individuals receive services.

c) Other reports of allegations of abuse, neglect, Financial Exploitation, and deaths

1) Any other person, individual, family member, guardian or advocate who witnesses, is told of, or suspects an incident of alleged abuse, neglect, Financial Exploitation, or a death of an individual has occurred, may report the incident to OIG by telephoning the OIG Hotline, or in writing by fax or other electronic reporting system offered by OIG to the OIG Hotline or mail at:

Department of Human Services

Office of Inspector General

901 Southwind Road

Springfield, Illinois 62703

2) Notifications

A) Within 3 working days after receipt of an allegation, OIG shall notify the Authorized Representative of the Community Agency or facility or their designee that an allegation has been received unless such notification compromises the integrity of the investigation, such as, an allegation involving the Authorized Representative or their designee.

B) Within 24 hours after notification of an allegation, the Authorized Representative of the Community Agency or facility shall notify the victim or guardian (if applicable) and the accused employee that an allegation has been received. If the Authorized Representative or designee is unable to reach the guardian by phone, a letter of notification shall be sent within 24 hours.

C) Immediately, but no later than within 3 working days after receipt of an allegation, OIG shall also contact the complainant regarding the allegation.

d) Training and technical assistance

1) Agencies and facilities shall have a policy detailing procedures for reporting allegations of abuse, neglect, Financial Exploitation, and deaths as set forth in Sections 50.10 and 50.20.

2) All employees, as defined in Section 50.10, shall be trained in Part 50 requirements upon being hired and at least biennially thereafter.

3) Each facility and Community Agency is required to have an employee who is designated as the OIG Liaison.

4) Community Agency or facility employees designated as OIG Liaisons or whose duties include completing the initial incident response as set forth in Section 50.30(f) are required to take OIG’s Section 50.30(f) training.

5) Any employee, Community Agency, or facility may request training or technical assistance from OIG in identifying, reporting, investigating, and preventing abuse, neglect, Financial Exploitation, reporting of deaths, or participation in applicable OIG-sponsored training as referenced in Section 1-17(h) of the Act.

e) Misleading reports

Nothing in this Part protects persons who knowingly make false or misleading reports from disciplinary and other actions available to either the Community Agency or facility. Nothing in this Part prohibits OIG, other enforcement authorities, or any employee jeopardized by such reporting from pursuing any and all allowable remedies.

(Source: Amended at 47 Ill. Reg. 5663, effective April 4, 2023)