**Section 50.50 Conducting Investigations**

a) In accordance with investigative best practice, OIG shall, when feasible, and to the extent these actions have not already been fully addressed by facility or agency staff:

1) Ensure that the victim is not in Imminent Danger;

2) Protect the integrity of the investigation at all times;

3) Secure the scene of the incident;

4) Identify and separate witnesses;

5) Preserve and secure all evidence;

6) Obtain statements from persons involved, including victims, accused employees, and witnesses through in-person interviews, by telephone, or by video; and

7) Obtain copies of pertinent documents relating to the investigation, i.e., progress notes, incident or injury reports, patient or resident records, photographs, etc.

b) Confidentiality

Any allegations or investigations of reports of abuse, neglect, and Financial Exploitation shall remain confidential until a final report is completed (Section 1-17(m) of the Act). The identity of any person as a complainant shall remain confidential in accordance with the Freedom of Information Act [5 ILCS 140] or unless identification is authorized by the complainant. Information concerning diagnosis and treatment for substance use disorder shall be disclosed to OIG by Community Agencies only in accordance with federal regulations at 42 CFR 2. Information concerning tests for human immunodeficiency virus (HIV) and diagnosis and treatment for acquired immune deficiency syndrome (AIDS) shall be disclosed to OIG by Community Agencies only in accordance with the AIDS Confidentiality Act [410 ILCS 305]. All personal health related information contained in OIG investigative reports shall remain confidential in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) (P.L. 104-191) (45 CFR 160, 162 and 164). All personal information concerning an employee or recipient shall be protected from disclosure in accordance with the Personal Information Protection Act [815 ILCS 530], except as necessary to complete reporting of an employee’s name to the Registry or for other required reporting to investigatory, law enforcement, and/or licensing authorities.

c) All investigations shall be conducted in a manner that respects the dignity and human rights of all persons involved.

d) Every OIG Investigator authorized to conduct investigations shall receive ongoing training regarding OIG Investigations of Alleged Abuse, Neglect, or Financial Exploitation in State-Operated Facilities and Community Agencies (59 Ill. Adm. Code 50). Additionally, every OIG Investigator authorized to conduct investigations at community agencies shall receive ongoing training regarding Standards and Licensure Requirements for Community-Integrated Living Arrangements (59 Ill. Adm. Code 115); Administration of Medication in Community Settings (59 Ill. Adm. Code 116); and Minimum Standards for Certification of Developmental Training Programs (59 Ill. Adm. Code 119).

e) Representation during Interviews

An employee may request representation at an interview with OIG if the employee has reasonable grounds to believe that the interview may be used to support disciplinary action against them. If the investigator denies the request, the employee's statement may not be used in any subsequent disciplinary proceeding against that employee. No representative of the agency or facility that employs the interviewee may be present at an investigatory interview. Union representation for AFSCME employees, Council 31 (State-operated facilities), shall be granted in accordance with the applicable union contract.

f) No person shall interfere with or obstruct an OIG interview or investigation. Such conduct is a violation of Section 1-17(i)(2) of the Act.

g) OIG shall be granted access, for the purpose of investigating abuse, neglect, or Financial Exploitation, to any facility or program operated, funded, licensed, or certified by the Department that is subject to the provisions of Section 1-17 of the Act.

1) When advance notice to an Authorized Representative or their designee is not provided, OIG shall, on arrival at the Community Agency or facility site, request that an on-duty and on-site employee notify the Authorized Representative or their designee of OIG's arrival.

2) Facilities and community agencies shall obtain and provide OIG with all written statements and any requested documents in a timely manner.

h) If OIG determines that:

1) An individual's health or safety is in Imminent Danger, the Inspector General shall immediately notify the Secretary or their designee and the Authorized Representative of the Community Agency or facility or their designee.

2) There is reason to believe that a violation of an existing Department rule may have occurred, OIG shall notify the Authorized Representative of the Community Agency or their designee and the appropriate Department division.

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