**Section 330.4310 Complaint Procedures**

a) *A resident shall be permitted to present grievances on behalf of himself or herself or others to the administrator, the Long-Term Care Facility Advisory Board, the residents' advisory council, State governmental agencies or other persons of the resident's choice, free from restraint, interference, coercion, or discrimination and without threat of discharge or reprisal in any form or manner whatsoever.* *Every facility licensed under* the *Act shall have a written internal grievance procedure that, at a minimum:*

1) *sets forth the process to be followed;*

2) *specifies time limits, including time limits for facility response;*

3) *informs residents of their right to have the assistance of an advocate;*

4) *provides for a timely response within 25 days by an impartial and nonaffiliated third party, including, but not limited to, the Long-Term Care Ombudsman, if the grievance is not otherwise resolved by the facility;*

5) *requires the facility to follow applicable State and federal requirements for responding to and reporting any grievance alleging potential abuse, neglect, misappropriation of resident property, or exploitation; and*

6 *requires the facility to keep a copy of all grievances, responses, and outcomes for 3 years and provide the information to the Department upon request.*  (Section 2-112 of the Act)

b) *The administrator shall provide all residents or their representatives upon admission and at request with the name, address, and telephone number of the appropriate State governmental office where complaints may be lodged in language the resident can understand, which must include notice of the grievance procedure of the facility or program and addresses and phone numbers for the Office of Health Care Regulation and the Long-Term Care Ombudsman Program.* (Section 2-112 of the Act) Facilities shall:

1) Provide all residents with a list of names, addresses (mailing and email), and telephone numbers of all pertinent State regulatory and informational agencies, resident advocacy groups including, but not limited to the State Long-Term Care Ombudsman Program, the protection and advocacy agency, adult protective services where state law provides for jurisdiction in long-term care facilities, the local contact agency for information about returning to the community, and the Medicaid Fraud Control Unit; and

2) Post a statement that the resident may file a complaint with the Department of Public Health concerning any suspected violation of State or federal nursing facility regulations, including but not limited to resident abuse, neglect, exploitation, misappropriation of resident property in the facility, non-compliance with the advance directives requirements and requests for information regarding returning to the community.

3) Information provided to residents shall be in a format and a language (including Braille) that is clear and understandable to the resident or their representative.

c) *A person who believes that the Act or a rule promulgated under the Act may have been violated may request an investigation. The request may be submitted to the Department in writing, by telephone, or by personal visit. An oral complaint shall be reduced to writing by the Department.* (Section 3-702(a) of the Act)

d) *The substance of the complaint shall be provided to the licensee, owner or administrator no earlier than at the commencement of the on-site inspection of the facility which takes place pursuant to the complaint.* (Section 3-702(b) of the Act)

e) *The Department shall not disclose the name of the complainant unless the complainant consents in writing to the disclosure or the investigation results in a judicial proceeding, or unless disclosure is essential to the investigation. The complainant shall be given the opportunity to withdraw the complaint before disclosure. Upon the request of the complainant, the Department may permit the complainant or a representative of the complainant to accompany the person making the on-site inspection of the facility.* (Section 3-702(c) of the Act)

f) *Upon receipt of a complaint, the Department shall determine whether the Act or a rule promulgated under the Act has been or is being violated. The Department shall investigate all complaints alleging abuse or neglect within 7 days after the receipt of the complaint except* *that* *complaints of abuse or neglect which indicate that a resident's life or safety is in imminent danger shall be investigated with 24 hours after receipt of the complaint. All other complaints shall be investigated within 30 days after the receipt of the complaint. All complaints shall be classified as* *"an invalid report," "a valid report," or "an undetermined report."* *For any complaint classified as* *"a valid report,"* *the Department must determine within 30 working days after any Department employee enters a facility to begin an on-site inspection if any rule or provision of this Act has been or is being violated.* (Section 3-702(d) of the Act)

g) *Upon the request of a resident or complainant, the Department may permit the resident or complainant or a representative of the complainant to accompany the person making the on-site inspection of the facility pursuant to the complaint.* (Section 3-702(c) of the Act)

h) *In all cases, the Department shall inform the complainant of its findings within 10 days of its determination unless otherwise indicated by the complainant, and the complainant may direct the Department to send a copy of such findings to another person. The Department's findings may include contents or documentation provided by either the complainant or the licensee pertaining to the complaint. The Department shall also notify the facility of such findings within 10 days of the determination, but the name of the complainant or residents shall not be disclosed in this notice to the facility. The notice of such findings shall include a copy of the written determination; the correction order, if any; the inspection report;* *the warning notice, if any; and the State licensure* *form* *on which the violation is listed.* (Section 3-702(e) of the Act)

i) *A written determination, correction order, or warning notice concerning a complaint shall be available for public inspection, but the name of the complainant or resident shall not be disclosed without* their *consent. (Section 3-702(f) of the Act)*

j) *A complainant who is dissatisfied with the determination or investigation by the Department may request a hearing under* subsection (k) of this Section. *The facility shall be given notice of any such hearing and may participate in the hearing as a party. If a facility requests a hearing under* subsection (k) of this Section *which concerns a matter covered by a complaint, the complainant shall be given written notice and may participate in the hearing as a party. A request for a hearing by either a complainant or a facility shall be submitted in writing to the Department within 30 days after the mailing of the Department's findings as described* in subsection (h) of this Section. *Upon receipt of the request the Department shall conduct a hearing as provided under* subsection (k) of this Section. (Section 3-702(g) of the Act)

k) *Any person requesting a hearing* *to contest a decision rendered in a particular case may have such decision reviewed in accordance with Sections 3-703 through 3-712* of the Act. (Section 3-703)

l) *When the Department finds that a provision of Article II of the Act*, Resident Rights, *has been violated with regard to a particular resident, the Department shall issue an order requiring the facility to reimburse the resident for injuries incurred, or $100, whichever is greater.* (Section 3-305(6) of the Act)

(Source: Amended at 48 Ill. Reg. 7397, effective May 3, 2024)