**Section 380.540 Abuse, Neglect and Theft**

a) *A licensee, executive director, employee, or agent of a facility shall not abuse or neglect a consumer. It is the duty of any facility employee or agent who becomes aware of abuse or neglect* of a consumer *to report it* immediately to the executive director and to the Department, but no later than *within 24 hours* after becoming aware of it*. Facilities shall comply with Section 3-610 and 3-810 of the Nursing Home Care Act.*  With respect to theft or misappropriation of a consumer's property, and to whistleblower protection, *the provisions under Section 3-610 and 3-810 of the Nursing Home Care Act shall apply to employees of facilities licensed under* the *Act.* (Section 3-107 of the Act)

b) An executive director who becomes aware of the abuse or neglect of a consumer or theft of a consumer's property shall immediately report the matter by telephone and in writing to the consumer's guardian, the consumer's substitute decision maker, if any, or any other individual designated in writing by the consumer, and to the Department, but no later than within 24 hours after becoming aware of the abuse, neglect or theft.

c) Consumers shall not be subjected to verbal or physical abuse of any kind. Corporal punishment of consumers is prohibited. The facility shall not permit consumers to discipline other consumers. The facility shall comply with this Section and with Section 380.550 in every instance of assault or battery by a consumer of another consumer or of an employee.

d) A facility employee or agent who becomes aware of another facility employee's or agent's theft or misappropriation of a consumer's property shall immediately report the matter to the executive director. An executive director who becomes aware of a facility employee's or agent's theft or misappropriation of a consumer's property shall immediately report the matter by telephone and in writing to the consumer's representative, the Department, and the local law enforcement agency.

e) Consumer allegations of abuse shall be reported to the Department within 24 hours after the allegation is made, and the facility shall comply with the reporting requirements of Section 380.550. A full investigation report shall be filed with the Department within seven days after the incident occurred.

f) Employee as Perpetrator of Abuse. When an investigation of a report of suspected abuse of a consumer indicates that an employee of the facility is the perpetrator of the abuse, that employee shall immediately be barred from any further contact with any consumer in the facility, pending the outcome of any further investigation, prosecution or disciplinary action against the employee.

g) Consumer as Perpetrator of Abuse. When an investigation of a report of suspected abuse of a consumer indicates that another consumer residing in the facility is the perpetrator of the abuse, the perpetrator's condition shall be immediately evaluated to determine the most suitable therapy and placement for that person, considering the safety of that person as well as the safety of other consumers and of employees of and visitors to the facility.

g) The provisions of the Whistleblower Act shall apply to employees of facilities licensed under the Act.