**Section 390.3310 Complaint Procedures**

a) *A resident shall be permitted to present grievances on behalf of himself or herself and others to the administrator, the DD Facility Advisory Board established under Section 2-204 of the ID/DD Community Care Act, the residents' advisory council, State governmental agencies or other persons without threat of discharge or reprisal in any form or manner whatsoever.* (Section 2-112 of the Act)

b) *The* facility *administrator shall provide all residents or their representatives with the name, address, and telephone number of the appropriate State governmental office where complaints may be lodged.* (Section 2-112 of the Act)

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, by electronic means, 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 in writing 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 seven 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* *within* *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 if any rule or provision of* *the* *Act has been or is being violated.* (Section 3-702(d) of the Act)

g) *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* 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 comments 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 ten 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 warning notice, if any; inspection report;* *or 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, together with the facility's reasons, shall be available for public inspection, but the name of the complainant or resident shall not be disclosed without his or her 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)*. 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) that *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). *Upon receipt of the request the Department shall conduct a hearing as provided under* subsection (k). (Section 3-702(g) of the Act)

k) Any person aggrieved by a decision of the Department rendered in a particular case that affects the legal rights, duties or privileges created under the Act may have such decision reviewed in accordance with Sections 3-703 through 3-712 of the Act.

l) When the Department finds that a provision of Article II of the Act regarding residents' 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.

(Source: Amended at 46 Ill. Reg. 8192, effective May 6, 2022)