**Section 400.120 Complaint**

a) All complaint investigations shall be initiated within 30 days of the receipt of the complaint by the Central Complaint Registry. *The Department shall initiate an investigation of each report of resident abuse and neglect, whether oral or written, as provided for in Section 3-702 of the Nursing Home Care Act, except that reports of abuse* or neglect *which indicate that a resident's life or safety is in imminent danger shall be investigated within 24 hours of such report.* (Section 6 of the Act)

b) Abuse or Neglect

All persons required by Section 4 of the Act, including facility employees, shall notify the Central Complaint Registry when abuse or neglect of a resident is suspected. Criteria to be used in determining whether abuse or neglect is suspected include, but are not limited to:

1) Direct observation of abuse or neglect, such as;

A) Physical abuse, which may include but is not limited to hitting, kicking, pinching, choking, shoving, pushing, biting, slapping, punching, striking with an object, burning, or cutting of a resident;

B) Sexual abuse, which may include but is not limited to any sexual penetration or sexual conduct;

C) Verbal or psychological abuse, which may include but is not limited to the use of words, signs, or gestures to intimidate, demean, curse, harass, cause emotional anguish or distress, ridicule, or threaten harm to the resident, or words, signs or gestures or actions that the person knows for that particular resident will or are likely to precipitate maladaptive or regressive behavior by that resident;

D) Neglect (as defined in Section 400.100), which may include but is not limited to:

i) The failure to carry out required clinical or habilitation services as directed or ordered by a physician or other authorized personnel;

ii) The failure to provide for the resident's personal hygiene needs or the withholding of food, fluids, clothing, or prosthetic devices or other personal care items that the resident uses or needs unless ordered by a physician or other authorized personnel and documented in the resident's record;

iii) The failure to provide or ensure medical attention for physical injuries to a resident or residents.

2) Evidence of abuse or neglect, such as a pattern or trend of unexplained injuries such as cuts, bruises, scratches, fractures, bleeding, or burns.

c) Emergency Situations

When the allegations are of an emergency nature, the Department will evaluate the facts and determine an investigation schedule pursuant to Section 3-702 of the Nursing Home Care Act. Examples of emergency situations include, but are not limited to:

1) Hazardous environmental conditions, such as heating and cooling problems, fire safety issues, and chemical fumes;

2) Missing persons;

3) Life-threatening communicable diseases, such as hepatitis, influenza, and symptoms of food-borne illness;

4) Threats of suicide on which the facility has not taken action.

d) The caller will be interviewed to assess the nature of the call and to determine whether the caller wishes to file a complaint. The Department will determine whether the facility in question is licensed by the Department and confirm the name and address of the facility. Specific information concerning the allegations will be requested by questions, including but not limited to the following:

1) Date and time or shift of the incident;

2) Name(s) and location of the resident(s), staff, family and visitors involved;

3) Relationship of the caller to the resident or facility;

4) Condition and status of the resident;

5) Details of the situation.

e) The caller will be questioned concerning whether he wishes to provide his name. The Department will respect the confidentiality of the caller.

f) Because of the confidentiality of complaints, information concerning complaints will be provided only upon written request pursuant to the Freedom of Information Act (Ill. Rev. Stat. 1989, ch. 116, pars. 201 et seq.) and the Department's rules implementing the Freedom of Information Act (2 Ill. Adm. Code 1126).

g) Information about the complaint, including date and time of complaint, caller's name, name and license number of the facility and the specific allegations registered, is maintained by the Department.

h) The complaint report is prepared using the information gathered from the interview.