**Section 500.170 State Complaint Procedure**

a) Individuals or organizations (hereinafter referred to as Complainant) may file a written, signed State Complaint with DHS stating that the Department, regional intake entity or payee/provider (hereinafter referred to as Respondent) is violating a law or rule regarding the Part C EI program. The form Request for Investigation of State Complaint shall be used and shall include:

1) A statement that the Respondent has violated a requirement of Part C of the Act;

2) A recital of facts on which the statement is based;

3) The signature and contact information of the complainant;

4) If violations pertain to a specific child;

A) the name of the child and the address of the residence of the child;

B) the name of the provider serving the child;

C) a description of the nature of the problem of the child, including facts relating to the problem; and

D) a proposed resolution of the problem to the extent known and available to the party at the time the Complaint is filed.

b) A Request for Investigation of a State Complaint shall not be denied if the information required by subsection (a) is otherwise provided in writing.

c) State Complaints must be submitted in writing to:

Part C Coordinator, Bureau of EI

Department of Human Services

823 East Monroe

Springfield, Illinois 62701

d) The Complainant must forward a copy of the State Complaint to the Respondent at the same time the Complainant files the State Complaint with the Department.

e) The alleged violation must have occurred not more than one year before the date the State Complaint is received by the Department.

f) The Department shall have 60 calendar days after receipt of the State Complaint to investigate and issue a written decision to the Complainant and interested parties, addressing each allegation in the State Complaint. During this time, the Department may carry out an independent on-site investigation if deemed necessary and must give the Complainant an opportunity to submit additional information, either orally or in writing, about the allegations made in the Complaint. The Department shall give an opportunity for the Complainant and the Respondent to voluntarily engage in Mediation as set forth in Section 500.145.

g) After reviewing all relevant information, the Department must issue a written decision to the Complainant and the Respondent as to whether the Respondent is violating a requirement of Part C. The Department shall address each allegation in the State Complaint and include findings of fact, as well as conclusions, and the reasons for the Department's final decision. If the Department determines the Respondent failed to provide appropriate services, the Department shall address:

1) corrective actions required to correct the causes of the Complaint, which may include compensatory services or monetary damages; and

2) whether changes in policy and procedures that impact the future provision of service for children with disabilities and their families is required.

h) Final decisions are enforceable and binding. They may be amended only upon agreement in writing between the Department and the Respondent.

i) The Respondent may request reasonable technical assistance or alternative corrective actions. However, these requests do not change the final decision unless it is amended in writing between the Department and the Respondent.

j) The 60 day time period in subsection (f) may be extended if exceptional circumstances exist with respect to a particular State Complaint.

k) The Department shall monitor implementation of the final decision to determine that corrective actions and timelines have been met.

l) The payee/providers may be terminated from participation in Part C programs if corrective actions are not appropriate and/or not met.

m) If an issue raised in a written State Complaint (or any part of a State Complaint) is also the subject of a Due Process Hearing under Section 500.140, the Department must set aside any part that is being addressed in a Due Process Hearing but resolve any other issues within the 60 day timeline.

n) If an issue is raised in a written Complaint that has already been decided in a Due Process Hearing, the previous decision is binding and the complainant must be so informed.

o) A State Complaint alleging failure of the Respondent to implement a decision pursuant to a Request for Due Process Hearing must be resolved by the Department.

p) After completing an investigation, in response to the Complaint, the Department may find that a corrective action plan is not appropriate given the circumstances. With good cause shown that the public interest, safety or welfare may be at risk, the provider's credential and enrollment or Provider Agreement may be immediately terminated pursuant to Section 500.60(q).

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)