

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Nursing Home Care Act is amended by changing
5 Section 3-702 as follows:

6 (210 ILCS 45/3-702) (from Ch. 111 1/2, par. 4153-702)

7 Sec. 3-702. (a) A person who believes that this Act or a
8 rule promulgated under this Act may have been violated may
9 request an investigation. The request may be submitted to the
10 Department in writing, by telephone, by electronic means, or by
11 personal visit. An oral complaint shall be reduced to writing
12 by the Department. The Department shall make available, through
13 its website and upon request, information regarding the oral
14 and phone intake processes and the list of questions that will
15 be asked of the complainant. The Department shall request
16 information identifying the complainant, including the name,
17 address and telephone number, to help enable appropriate
18 follow-up. The Department shall act on such complaints via
19 on-site visits or other methods deemed appropriate to handle
20 the complaints with or without such identifying information, as
21 otherwise provided under this Section. The complainant shall be
22 informed that compliance with such request is not required to
23 satisfy the procedures for filing a complaint under this Act.

1 The Department must notify complainants that complaints with
2 less information provided are far more difficult to respond to
3 and investigate.

4 (b) The substance of the complaint shall be provided in
5 writing to the licensee, owner or administrator no earlier than
6 at the commencement of an on-site inspection of the facility
7 which takes place pursuant to the complaint.

8 (c) The Department shall not disclose the name of the
9 complainant unless the complainant consents in writing to the
10 disclosure or the investigation results in a judicial
11 proceeding, or unless disclosure is essential to the
12 investigation. The complainant shall be given the opportunity
13 to withdraw the complaint before disclosure. Upon the request
14 of the complainant, the Department may permit the complainant
15 or a representative of the complainant to accompany the person
16 making the on-site inspection of the facility.

17 (d) Upon receipt of a complaint, the Department shall
18 determine whether this Act or a rule promulgated under this Act
19 has been or is being violated. The Department shall investigate
20 all complaints alleging abuse or neglect within 7 days after
21 the receipt of the complaint except that complaints of abuse or
22 neglect which indicate that a resident's life or safety is in
23 imminent danger shall be investigated within 24 hours after
24 receipt of the complaint. All other complaints shall be
25 investigated within 30 days after the receipt of the complaint.
26 The Department employees investigating a complaint shall

1 conduct a brief, informal exit conference with the facility to
2 alert its administration of any suspected serious deficiency
3 that poses a direct threat to the health, safety or welfare of
4 a resident to enable an immediate correction for the
5 alleviation or elimination of such threat. Such information and
6 findings discussed in the brief exit conference shall become a
7 part of the investigating record but shall not in any way
8 constitute an official or final notice of violation as provided
9 under Section 3-301. All complaints shall be classified as "an
10 invalid report", "a valid report", or "an undetermined report".
11 For any complaint classified as "a valid report", the
12 Department must determine within 30 working days if any rule or
13 provision of this Act has been or is being violated.

14 (d-1) The Department shall, whenever possible, combine an
15 on-site investigation of a complaint in a facility with other
16 inspections in order to avoid duplication of inspections.

17 (e) In all cases, the Department shall inform the
18 complainant of its findings within 10 days of its determination
19 unless otherwise indicated by the complainant, and the
20 complainant may direct the Department to send a copy of such
21 findings to another person. The Department's findings may
22 include comments or documentation provided by either the
23 complainant or the licensee pertaining to the complaint. The
24 Department shall also notify the facility of such findings
25 within 10 days of the determination, but the name of the
26 complainant or residents shall not be disclosed in this notice

1 to the facility. The notice of such findings shall include a
2 copy of the written determination; the correction order, if
3 any; the warning notice, if any; the inspection report; or the
4 State licensure form on which the violation is listed.

5 (f) A written determination, correction order, or warning
6 notice concerning a complaint, together with the facility's
7 response, shall be available for public inspection, but the
8 name of the complainant or resident shall not be disclosed
9 without his consent.

10 (g) A complainant who is dissatisfied with the
11 determination or investigation by the Department may request a
12 hearing under Section 3-703. The facility shall be given notice
13 of any such hearing and may participate in the hearing as a
14 party. If a facility requests a hearing under Section 3-703
15 which concerns a matter covered by a complaint, the complainant
16 shall be given notice and may participate in the hearing as a
17 party. A request for a hearing by either a complainant or a
18 facility shall be submitted in writing to the Department within
19 30 days after the mailing of the Department's findings as
20 described in subsection (e) of this Section. Upon receipt of
21 the request the Department shall conduct a hearing as provided
22 under Section 3-703.

23 (g-5) The Department shall conduct an annual review and
24 make a report concerning the complaint process that includes
25 the number of complaints received, the breakdown of anonymous
26 and non-anonymous complaints and whether the complaints were

1 substantiated or not, the total number of substantiated
2 complaints, and any other complaint information requested by
3 the Long-Term Care Facility Advisory Board created under
4 Section 2-204 of this Act or the Illinois Long-Term Care
5 Council created under Section 4.04a of the Illinois Act on the
6 Aging. This report shall be provided to the Long-Term Care
7 Facility Advisory Board and the Illinois Long-Term Care
8 Council. The Long-Term Care Advisory Board and the Illinois
9 Long-Term Care Council shall review the report and suggest any
10 changes deemed necessary to the Department for review and
11 action, including how to investigate and substantiate
12 anonymous complaints.

13 (h) Any person who knowingly transmits a false report to
14 the Department commits the offense of disorderly conduct under
15 subsection (a) (8) of Section 26-1 of the Criminal Code of 2012.

16 (Source: P.A. 97-1150, eff. 1-25-13.)

17 Section 10. The ID/DD Community Care Act is amended by
18 changing Section 3-702 as follows:

19 (210 ILCS 47/3-702)

20 Sec. 3-702. Request for investigation of violation.

21 (a) A person who believes that this Act or a rule
22 promulgated under this Act may have been violated may request
23 an investigation. The request may be submitted to the
24 Department in writing, by telephone, by electronic means, or by

1 personal visit. An oral complaint shall be reduced to writing
2 by the Department. The Department shall make available, through
3 its website and upon request, information regarding the oral
4 and phone intake processes and the list of questions that will
5 be asked of the complainant. The Department shall request
6 information identifying the complainant, including the name,
7 address and telephone number, to help enable appropriate follow
8 up. The Department shall act on such complaints via on-site
9 visits or other methods deemed appropriate to handle the
10 complaints with or without such identifying information, as
11 otherwise provided under this Section. The complainant shall be
12 informed that compliance with such request is not required to
13 satisfy the procedures for filing a complaint under this Act.
14 The Department must notify complainants that complaints with
15 less information provided are far more difficult to respond to
16 and investigate.

17 (b) The substance of the complaint shall be provided in
18 writing to the licensee, owner or administrator no earlier than
19 at the commencement of an on-site inspection of the facility
20 which takes place pursuant to the complaint.

21 (c) The Department shall not disclose the name of the
22 complainant unless the complainant consents in writing to the
23 disclosure or the investigation results in a judicial
24 proceeding, or unless disclosure is essential to the
25 investigation. The complainant shall be given the opportunity
26 to withdraw the complaint before disclosure. Upon the request

1 of the complainant, the Department may permit the complainant
2 or a representative of the complainant to accompany the person
3 making the on-site inspection of the facility.

4 (d) Upon receipt of a complaint, the Department shall
5 determine whether this Act or a rule promulgated under this Act
6 has been or is being violated. The Department shall investigate
7 all complaints alleging abuse or neglect within 7 days after
8 the receipt of the complaint except that complaints of abuse or
9 neglect which indicate that a resident's life or safety is in
10 imminent danger shall be investigated within 24 hours after
11 receipt of the complaint. All other complaints shall be
12 investigated within 30 days after the receipt of the complaint.
13 The Department employees investigating a complaint shall
14 conduct a brief, informal exit conference with the facility to
15 alert its administration of any suspected serious deficiency
16 that poses a direct threat to the health, safety or welfare of
17 a resident to enable an immediate correction for the
18 alleviation or elimination of such threat. Such information and
19 findings discussed in the brief exit conference shall become a
20 part of the investigating record but shall not in any way
21 constitute an official or final notice of violation as provided
22 under Section 3-301. All complaints shall be classified as "an
23 invalid report", "a valid report", or "an undetermined report".
24 For any complaint classified as "a valid report", the
25 Department must determine within 30 working days if any rule or
26 provision of this Act has been or is being violated.

1 (d-1) The Department shall, whenever possible, combine an
2 on site investigation of a complaint in a facility with other
3 inspections in order to avoid duplication of inspections.

4 (e) In all cases, the Department shall inform the
5 complainant of its findings within 10 days of its determination
6 unless otherwise indicated by the complainant, and the
7 complainant may direct the Department to send a copy of such
8 findings to another person. The Department's findings may
9 include comments or documentation provided by either the
10 complainant or the licensee pertaining to the complaint. The
11 Department shall also notify the facility of such findings
12 within 10 days of the determination, but the name of the
13 complainant or residents shall not be disclosed in this notice
14 to the facility. The notice of such findings shall include a
15 copy of the written determination; the correction order, if
16 any; the warning notice, if any; the inspection report; or the
17 State licensure form on which the violation is listed.

18 (f) A written determination, correction order, or warning
19 notice concerning a complaint, together with the facility's
20 response, shall be available for public inspection, but the
21 name of the complainant or resident shall not be disclosed
22 without his or her consent.

23 (g) A complainant who is dissatisfied with the
24 determination or investigation by the Department may request a
25 hearing under Section 3-703. The facility shall be given notice
26 of any such hearing and may participate in the hearing as a

1 party. If a facility requests a hearing under Section 3-703
2 which concerns a matter covered by a complaint, the complainant
3 shall be given notice and may participate in the hearing as a
4 party. A request for a hearing by either a complainant or a
5 facility shall be submitted in writing to the Department within
6 30 days after the mailing of the Department's findings as
7 described in subsection (e) of this Section. Upon receipt of
8 the request the Department shall conduct a hearing as provided
9 under Section 3-703.

10 (g-5) The Department shall conduct an annual review and
11 make a report concerning the complaint process that includes
12 the number of complaints received, the breakdown of anonymous
13 and non-anonymous complaints and whether the complaints were
14 substantiated or not, the total number of substantiated
15 complaints, and any other complaint information requested by
16 the DD Facility Advisory Board. This report shall be provided
17 to the DD Facility Advisory Board. The DD Facility Advisory
18 Board shall review the report and suggest any changes deemed
19 necessary to the Department for review and action, including
20 how to investigate and substantiate anonymous complaints.

21 (h) Any person who knowingly transmits a false report to
22 the Department commits the offense of disorderly conduct under
23 subsection (a) (8) of Section 26-1 of the Criminal Code of 2012.
24 (Source: P.A. 96-339, eff. 7-1-10; 97-1150, eff. 1-25-13.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.