**Section 50.60 OIG Procedures for Investigative Reports, Referrals, Reconsideration, and Clarification Requests**

a) Processing Investigative Reports

1) When OIG determines that abuse, neglect, or financial exploitation of an individual or material obstruction of an investigation is substantiated against an employee, OIG shall note in the investigative report any aggravating or mitigating circumstances as those terms are defined in this Part.

2) When OIG substantiates neglect against an employee, OIG shall make a determination in the investigative report if the neglect is egregious neglect, as defined herein.

3) Finalizing Investigative Reports and Notifications to Community Agencies and Facilities

A) After determining the finding, for substantiated cases and unsubstantiated cases, as well as any case containing an OIG recommendation, OIG shall notify the authorized representative of the community agency or facility by submitting a copy of the investigative report to them. The authorized representative shall be responsible for maintaining the confidentiality of the investigative report consistent with State and federal law. For unfounded cases without recommendations, a letter of finding will be sent to the facility or agency.

B) The community agency or facility shall submit a written response when required as described in Section 50.80.

4) After OIG completes its investigative report, OIG shall notify, in addition to the facility or agency, the following parties of its finding:

A) the complainant;

B) the individual who was allegedly abused, neglected, financially exploited, or involved in a case alleging material obstruction of an investigation or their legal guardian (if applicable); and

C) the employee or employees alleged to have committed the act or acts.

5) The notice provided to the following parties shall identify the outcome of the investigation and include a statement of the right to request clarification or reconsideration of the finding:

A) the individual who was allegedly abused, neglected, financially exploited, or involved in a case alleging material obstruction of an investigation or their legal guardian (if applicable);

B) the employee or employees alleged to have committed the act or acts; and

C) the facility or agency.

6) In substantiated cases, OIG shall provide the employees found to have taken the substantiated action and the victim or guardian with a redacted copy of the investigative report.

b) Referrals

With respect to allegations within OIG's jurisdiction that OIG refers to a community agency or facility, after the community agency or facility has completed its inquiry, the agency or facility shall notify the following parties of the outcome:

1) the complainant;

2) the individual who was allegedly abused, neglected, or financially exploited, or their legal guardian (if applicable); and

3) the employee or employees alleged to have committed the act or acts.

c) Reconsideration and clarification requirements

Requests that OIG either clarify or reconsider its findings or recommendations must be submitted within 15 calendar days after receipt of the report or notification of the findings and/or recommendations.

1) All clarification and reconsideration requests must be in writing.

2) Community agency or facility clarification and reconsideration requests must be on letterhead signed by the authorized representative.

3) All clarification and reconsideration requests must clearly identify the nature of the request and reconsideration requests must clearly indicate the specific findings and/or specific recommendations to be considered.

4) Reconsideration requests shall be subject to a multi-layer review and shall include at least one reviewer who did not participate in the investigation or approval of the original investigative report.

5) If a reconsideration request is denied or after clarification has been provided, the community agency or facility shall submit a written response as set forth in Section 50.80.

6) If OIG determines further investigation is necessary based on the request for reconsideration or clarification of the findings, the investigation shall be reopened and an amended investigative report shall be issued.

(Source: Amended at 48 Ill. Reg. 14653, effective September 27, 2024)