**Section 50.70 Completed Investigations**

a) OIG's investigation shall be considered final 30 calendar days after OIG provides notice to the facility or agency as required in Section 50.60(a)(3)(A), except where OIG has granted a request for clarification or reconsideration.

b) Distribution of Completed Investigative Reports

1) *Within 10* calendar *days after the transmittal of a* completed investigative report *substantiating an allegation, finding an allegation is unsubstantiated, or if a recommendation is made,* OIG *shall provide the investigative report to the Secretary and to the director of the facility or agency where the abuse, neglect, financial exploitation, or material obstruction of an investigation occurred.* *The director of the facility or agency shall be responsible for maintaining the confidentiality of the investigative report consistent with State and federal law.*  (Section 1-17(m) of the Act)

2) OIG shall provide copies of all completed investigative reports within 10 calendar days to the federally-mandated Protection and Advocacy System for the State of Illinois, and the Illinois Guardianship and Advocacy Commission.

3) OIG shall provide a completed investigative report of all substantiated cases from Department facilities serving individuals with developmental disabilities within 10 calendar days to IDPH and the Department's Division of Developmental Disabilities.

4) OIG shall provide a completed investigative report of all substantiated cases from Department facilities serving individuals with mental illness within 10 calendar days to the Department's Division of Mental Health.

5) If OIG substantiates abuse, neglect, financial exploitation, or material obstruction of an investigation at a community agency serving individuals with developmental disabilities or recommends administrative action, the completed investigative report shall be provided to the Department's Division of Developmental Disabilities within 10 calendar days.

6) If OIG substantiates abuse, neglect, financial exploitation, or material obstruction of an investigation at a community agency serving individuals with mental illness or recommends administrative action, the completed investigative report shall be provided to the Department's Division of Mental Health within 10 calendar days.

7) OIG shall provide a completed investigative report of all cases of abuse, neglect, financial exploitation, or material obstruction of an investigation in community agencies within 10 calendar days after closure to the Department's Bureau of Accreditation, Licensure and Certification.

8) OIG shall provide a completed investigative report in all cases substantiating abuse, neglect, financial exploitation, or material obstruction of an investigation against a Department employee within 10 calendar days to the Department's Bureau of Labor Relations.

9) OIG shall provide a completed investigative report substantiating abuse, neglect, financial exploitation, or material obstruction of an investigation within 10 calendar days to the Department's Office of General Counsel.

10) When an accused employee in a substantiated case is licensed by the Department of Financial and Professional Regulation, OIG shall provide a copy of the completed investigative report to that agency.

c) OIG shall inform the accused employee of the results of a reconsideration or clarification request or of any changes in the finding that resulted from such a request within 15 calendar days.

d) If the finding substantiates physical abuse, sexual abuse, egregious neglect, financial exploitation, or material obstruction of an investigation, OIG shall report the identity of the accused employee and its finding to IDPH's Registry. OIG shall notify the accused employee of the right to appeal the action that will report OIG's finding to the Registry as described in Section 50.90.

e) Release of Investigative Reports

1) *All investigative reports prepared by* OIG *shall be considered confidential and shall not be released except as provided by the law of this State or as required under applicable federal law.* (Section 1-17(m) of the Act)

2) Substantiated findings shall be released in accordance with the Act, the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110] and the Freedom of Information Act [5 ILCS 140].

3) *Unsubstantiated and unfounded investigative reports shall not be disclosed except as allowed pursuant to Section 6 of the Abused and Neglected Long Term Care Facility Residents Reporting Act* [210 ILCS 30] *or* pursuant to a valid court order*.* (Section 1-17(m) of the Act)

4) The identity of any person as a complainant shall remain confidential in accordance with the Freedom of Information Act [5 ILCS 140], or unless authorized by the complainant in writing. The identity of a required reporter shall only remain confidential under certain circumstances as determined by OIG on a case-by-case basis.

f) Release of Unredacted Investigative Reports and Raw Data

*Unredacted investigative reports, as well as raw data, may be shared, upon written request, with local law enforcement, state's attorney's offices, and coroner's offices*. [20 ILCS 1305/1-17(m)]

g) Recommendations for Sanctions

1) The Inspector General may recommend to the Secretary of the Department of Human Services that sanctions be imposed against facilities or community agencies to protect residents, including:

A) *appointment of on-site monitors* or receivers;

B) *transfer or relocation of an individual or individuals;*

C) *closure of units; and*

D) *termination of any one or more of the following:*

i) *Department licensing;*

ii) Department *funding; or*

iii) Department *certification*.

2) *The Inspector General may seek the assistance of the Attorney General of Illinois or the State's* Attorney for imposing sanctions listed in subsection (g)(1). [20 ILCS 1305/1-17(r)]

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