**Section 330.4310 Complaint Procedures**

a) *A resident shall be permitted to present grievances on behalf of* themself *or others to the administrator, the Long-Term Care Facility Advisory Board, the residents' advisory council, State governmental agencies or other persons of the resident's choice, free from restraint, interference, coercion, or discrimination and without threat of discharge or reprisal in any form or manner whatsoever.* *Every facility licensed under* the *Act shall have a written internal grievance procedure that, at a minimum:*

1) *sets forth the process to be followed;*

2) *specifies time limits, including time limits for facility response;*

3) *informs residents of their right to have the assistance of an advocate;*

4) *provides for a timely response within 25 days by an impartial and nonaffiliated third party, including, but not limited to, the Long-Term Care Ombudsman, if the grievance is not otherwise resolved by the facility;*

5) *requires the facility to follow applicable State and federal requirements for responding to and reporting any grievance alleging potential abuse, neglect, misappropriation of resident property, or exploitation; and*

6) *requires the facility to keep a copy of all grievances, responses, and outcomes for* three *years and provide the information to the Department upon request.*  (Section 2-112 of the Act)

b) *The administrator shall provide all residents or their representatives upon admission and at request with the name, address, and telephone number of the appropriate State governmental office where complaints may be lodged in language the resident can understand, which must include notice of the grievance procedure of the facility or program and addresses and phone numbers for the Office of Health Care Regulation and the Long-Term Care Ombudsman Program.* (Section 2-112 of the Act) Facilities shall:

1) Provide all residents with a list of names, addresses (mailing and email), and telephone numbers of all pertinent State regulatory and informational agencies, resident advocacy groups including, but not limited to the State Long-Term Care Ombudsman Program, the protection and advocacy agency, adult protective services where state law provides for jurisdiction in long-term care facilities, the local contact agency for information about returning to the community, and the Medicaid Fraud Control Unit; and

2) Post a statement that the resident may file a complaint with the Department concerning any suspected violation of State or federal nursing facility regulations, including but not limited to resident abuse, neglect, exploitation, misappropriation of resident property in the facility, non-compliance with the advance directives requirements and requests for information regarding returning to the community.

3) Information provided to residents shall be in a format and a language (including Braille) that is clear and understandable to the resident or their representative.

c) *A person who believes that* the Act *or* this Part *may have been violated may request an investigation. The request may be submitted to the Department in writing, by telephone, by electronic means, or by personal visit. An oral complaint* will *be reduced to writing by the Department.* (Section 3-702(a) of the Act)

d) *The substance of the complaint* will *be provided in writing to the licensee, owner or administrator no earlier than at the commencement of the on-site inspection of the facility* that *takes place pursuant to the complaint.* (Section 3-702(b) of the Act)

e) *The Department* will *not disclose the name of the complainant unless the complainant consents in writing to the disclosure or the investigation results in a judicial proceeding, or unless disclosure is essential to the investigation. The complainant* will *be given the opportunity to withdraw the complaint before disclosure. Upon the request of the complainant, the Department* will *permit the complainant or a representative of the complainant to accompany the person making the on-site inspection of the facility.* (Section 3-702(c) of the Act)

f) *Upon receipt of a complaint, the Department* will *determine whether* the Act *or* this Part *has been or is being violated. The Department* will *investigate all complaints alleging abuse or neglect within* seven *days after the receipt of the complaint except* *that* *complaints of abuse or neglect which indicate that a resident's life or safety is in imminent danger shall be investigated with 24 hours after receipt of the complaint. All other complaints shall be investigated within 30 days after the receipt of the complaint, except that, during a statewide public health emergency, as defined in the Illinois Emergency Management Agency Act, all other complaints shall be investigated within appropriate time frames to the extent feasible.* (Section 3-702(d) of the Act)

g) *The Department employees investigating a complaint* will *conduct a brief, informal exit conference with the facility to alert its administration of any suspected serious deficiency that poses a direct threat to the health, safety, or welfare of a resident to enable an immediate correction for the alleviation or elimination of* the *threat. Information and findings discussed in the brief exit conference* will *become a part of the investigating record but* will *not in any way constitute an official or final notice of violation as provided under Section 3-301* of the Act and Section 330.276 of this Part. *All complaints* will *be classified as* *"an invalid report," "a valid report," or "an undetermined report."* *For any complaint classified as* *"a valid report,"* *the Department* will *determine within 30 working days after any Department employee enters a facility to begin an on-site inspection if* this Part *or provision of* the *Act has been or is being violated.* (Section 3-702(d) of the Act)

h) *In all cases, the Department* will *inform the complainant of its findings within 10 days* after *its determination unless otherwise indicated by the complainant, and the complainant may direct the Department to send a copy of* the *findings to another person. The Department's findings may include comments or documentation provided by either the complainant or the licensee pertaining to the complaint. The Department* will *also notify the facility of* these *findings within 10 days* after *the determination, but the name of the complainant or residents* will *not be disclosed in this notice to the facility. The notice of findings* will *include a copy of the written determination; the correction order, if any; the warning notice, if any; the inspection report;* *or the State licensure* *form* *on which the violation is listed.* (Section 3-702(e) of the Act)

i) *A written determination, correction order, or warning notice concerning a complaint, together with the facility's response,* will *be available for public inspection, but the name of the complainant or resident* will *not be disclosed without* their *consent.* (Section 3-702(f) of the Act)

j) *A complainant who is dissatisfied with the determination or investigation by the Department may request a hearing under* subsection (k) of this Section. *The facility* will *be given notice of* the *hearing and may participate in the hearing as a party. If a facility requests a hearing under* subsection (k) of this Section that *concerns a matter covered by a complaint, the complainant* will *be given written notice and may participate in the hearing as a party. A request for a hearing by either a complainant or a facility shall be submitted in writing to the Department within 30 days after the mailing of the Department's findings as described* in subsection (h) of this Section. *Upon receipt of the request the Department* will *conduct a hearing as provided under* subsection (k) of this Section. (Section 3-702(g) of the Act)

k) *Any person requesting a hearing* *to contest a decision rendered in a particular case may have* the *decision reviewed in accordance with Sections 3-703 through 3-712* of the Act. (Section 3-703)

l) *When the Department finds that a provision of Article II* of the Act, Rights and Responsibilities, *has been violated with regard to a particular resident, the Department* will *issue an order requiring the facility to reimburse the resident for injuries incurred, or $100, whichever is greater.* (Section 3-305(6) of the Act)

(Source: Amended at 49 Ill. Reg. 802, effective December 31, 2024)