

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 300
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

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359 AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].
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361 SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a
 362 maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency
 363 amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at
 364 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982;
 365 amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective
 366 September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982;
 367 amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective
 368 December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill.
 369 Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983;
 370 amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992,
 371 effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August
 372 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999,
 373 effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186,
 374 effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984;
 375 amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective
 376 December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill.
 377 Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987;
 378 amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811,
 379 effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24,
 380 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg.
 381 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended
 382 at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective
 383 October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg.
 384 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended
 385 at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420,
 386 effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993;
 387 emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days;

388 emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3,
 389 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279,
 390 effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993;
 391 amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491,
 392 effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended
 393 at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567,
 394 effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996;
 395 amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective
 396 September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at
 397 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15,
 398 1998; amended at 22 Ill. Reg. 16609, effective September 18, 1998; amended at 23 Ill. Reg.
 399 1103, effective January 15, 1999; amended at 23 Ill. Reg. 8106, effective July 15, 1999;
 400 amended at 24 Ill. Reg. 17330, effective November 1, 2000; amended at 25 Ill. Reg. 4911,
 401 effective April 1, 2001; amended at 26 Ill. Reg. 3113, effective February 15, 2002; amended at
 402 26 Ill. Reg. 4846, effective April 1, 2002; amended at 26 Ill. Reg. 10523, effective July 1, 2002;
 403 emergency amendment at 27 Ill. Reg. 2181, effective February 1, 2003, for a maximum of 150
 404 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5452, effective
 405 March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at
 406 27 Ill. Reg. 5862, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14204, effective
 407 August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at
 408 27 Ill. Reg. 15855, effective September 25, 2003; amended at 27 Ill. Reg. 18105, effective
 409 November 15, 2003; expedited correction at 28 Ill. Reg. 3528, effective November 15, 2003;
 410 amended at 28 Ill. Reg. 11180, effective July 22, 2004; amended at 28 Ill. Reg. 14623, effective
 411 October 20, 2004; amended at 29 Ill. Reg. 876, effective December 22, 2004; emergency
 412 amendment at 29 Ill. Reg. 11824, effective July 12, 2005, for a maximum of 150 days;
 413 emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15101, effective
 414 September 23, 2005, for the remainder of the maximum 150 days; emergency amendment
 415 expired December 8, 2005; amended at 29 Ill. Reg. 12852, effective August 2, 2005; amended at
 416 30 Ill. Reg. 1425, effective January 23, 2006; amended at 30 Ill. Reg. 5213, effective March 2,
 417 2006; amended at 31 Ill. Reg. 6044, effective April 3, 2007; amended at 31 Ill. Reg. 8813,
 418 effective June 6, 2007; amended at 33 Ill. Reg. 9356, effective June 17, 2009; amended at 34 Ill.
 419 Reg. 19182, effective November 23, 2010; amended at 35 Ill. Reg. 3378, effective February 14,
 420 2011; amended at 35 Ill. Reg. 11419, effective June 29, 2011; expedited correction at 35 Ill. Reg.
 421 17468, effective June 29, 2011; amended at 36 Ill. Reg. 14090, effective August 30, 2012;
 422 amended at 37 Ill. Reg. 2298, effective February 4, 2013; amended at 37 Ill. Reg. 4954, effective
 423 March 29, 2013; amended at 38 Ill. Reg. 22851, effective November 21, 2014; amended at 39 Ill.
 424 Reg. 5456, effective March 25, 2015; amended at 41 Ill. Reg. 14811, effective November 15,
 425 2017; amended at 43 Ill. Reg. 3536, effective February 28, 2019; emergency amendment at 44
 426 Ill. Reg. 8521, effective May 5, 2020, for a maximum of 150 days; emergency amendment to
 427 emergency rule at 44 Ill. Reg. 16264, effective September 15, 2020, for the remainder of the 150
 428 days; emergency rule as amended expired October 1, 2020; emergency amendment at 44 Ill.
 429 Reg. 10217, effective May 28, 2020, for a maximum of 150 days; amended by emergency
 430 amendment to emergency rule at 44 Ill. Reg. 12931, effective July 14, 2020, for the remainder of

431 the 150 days; emergency rule as amended repealed at 44 Ill. Reg. 17790, effective October 23,
 432 2020; emergency amendment at 44 Ill. Reg. 16894, effective October 2, 2020, for a maximum of
 433 150 days; emergency rule expired February 28, 2021; emergency amendment at 44 Ill. Reg.
 434 18462, effective October 23, 2020, for a maximum of 150 days; emergency rule expired March
 435 21, 2021; emergency amendment at 44 Ill. Reg. 19551, effective December 2, 2020, for a
 436 maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 393, effective
 437 December 18, 2020, for the remainder of the 150 days; emergency rule as amended expired April
 438 30, 2021; amended at 45 Ill. Reg. 1134, effective January 8, 2021; emergency amendment at 45
 439 Ill. Reg. 3046, effective March 1, 2021, for a maximum of 150 days; emergency amendment
 440 repealed by emergency rulemaking at 45 Ill. Reg. 10087, effective July 25, 2021; emergency
 441 amendment at 45 Ill. Reg. 4285, effective March 22, 2021, for a maximum of 150 days;
 442 emergency expired August 18, 2021; emergency amendment at 45 Ill. Reg. 6354, effective May
 443 1, 2021, for a maximum of 150 days; emergency expired September 27, 2021; emergency
 444 amendment at 45 Ill. Reg. 9498, effective July 8, 2021, for a maximum of 150 days; emergency
 445 amendment at 45 Ill. Reg. 10847, effective August 19, 2021, for a maximum of 150 days;
 446 emergency amendment to emergency rule at 45 Ill. Reg. 12889, effective September 21, 2021,
 447 for the remainder of the 150 days; emergency amendment to emergency rule at 45 Ill. Reg.
 448 15127, effective November 9, 2021, for the remainder of the 150 days; emergency rule as
 449 amended expired January 15, 2022; amended at 45 Ill. Reg. 11096, effective August 27, 2021;
 450 emergency amendment at 45 Ill. Reg. 11941, effective September 17, 2021, for a maximum of
 451 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 14550, effective November 5,
 452 2021, for the remainder of the 150 days; emergency expired February 13, 2022; emergency
 453 amendment at 45 Ill. Reg. 13108, effective September 28, 2021, for a maximum of 150 days;
 454 emergency expired February 24, 2022; emergency amendment at 45 Ill. Reg. 14003, effective
 455 October 22, 2021, for a maximum of 150 days; emergency expired March 20, 2022; amended at
 456 45 Ill. Reg. 13953, effective October 25, 2021; expedited correction at 46 Ill. Reg. 4157,
 457 effective October 25, 2021; emergency amendment at 46 Ill. Reg. 1928, effective January 16,
 458 2022, for a maximum of 150 days; emergency amendment at 46 Ill. Reg. 3243, effective
 459 February 14, 2022, for a maximum of 150 days; emergency expired July 13, 2022; emergency
 460 amendment at 46 Ill. Reg. 4136, effective February 25, 2022, for a maximum of 150 days;
 461 emergency expired July 24, 2022; emergency amendment at 46 Ill. Reg. 5554, effective March
 462 21, 2022, for a maximum of 150 days; amended at 46 Ill. Reg. 6033, effective April 1, 2022;
 463 amended at 46 Ill. Reg. 10460, effective May 31, 2022; emergency amendment at 46 Ill. Reg.
 464 13378, effective July 14, 2022, for a maximum of 150 days; emergency amendment to
 465 emergency rule at 46 Ill. Reg. 16428, effective September 19, 2022, for the remainder of the 150
 466 days; emergency amendment to emergency rule at 46 Ill. Reg. 18219, effective October 31,
 467 2022, for the remainder of the 150 days; emergency expired December 10, 2022; amended at 46
 468 Ill. Reg. 14237, effective July 27, 2022; amended at 46 Ill. Reg. 16829, effective September 26,
 469 2022; emergency amendment at 46 Ill. Reg. 20243, effective December 11, 2022, for a
 470 maximum of 150 days; emergency expired May 9, 2023; amended at 47 Ill. Reg. 7717, effective
 471 May 17, 2023; amended at 48 Ill. Reg. 3317, effective February 16, 2024; amended at 48 Ill.
 472 Reg. 9947, effective June 21, 2024; amended at 48 Ill. Reg. 13796, effective August 28, 2024;
 473 amended at 48 Ill. Reg. _____, effective _____.

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SUBPART A: GENERAL PROVISIONS

Section 300.230 Information to Be Made Available to the Public by the Licensee

- a) *Every facility shall conspicuously post for display in an area of its offices accessible to residents, employees, and visitors the following:*
 - 1) *Its current license;*
 - 2) *A description, provided by the Department of complaint procedures established under the Act and the name, address, and telephone number of a person authorized by the Department to receive complaints;*
 - 3) *A copy of any order pertaining to the facility issued by the Department or a court; ~~and~~*
 - 4) *A list of the material available for public inspection under subsection (b) and Section 3-210 of the Act; ~~(Section 3-209 of the Act)~~*
 - 5) *Phone numbers and websites for rights protection services must be posted in common areas and at the main entrance and provided upon entry and at the request of resident's representatives; and*
 - 6) *The statement "The Illinois Long-Term Care Ombudsman Program is a free resident advocacy service available to the public."*
- b) *The administrator shall post for all residents and at the main entrance 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 as well as addresses and phone numbers for the Office of Health Care Regulation and the Long-Term Care Ombudsman Program and website showing the information of a facility's ownership. The facility shall include a link to the Long-Term Care Ombudsman Program's website on the home page of the facility's website. (Section 3-209(a) of the Act) If a facility does not have a facility-specific website, the link to the Long-Term Care Ombudsman Program's website shall be included on the facility's parent company website.*
- c) *A facility shall retain the following for public inspection:*
 - 1) *A complete copy of every inspection report of the facility received from the Department during the past five years;*

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- 2) *A copy of every order pertaining to the facility issued by the Department or a court during the past five years;*
- 3) *A description of the services provided by the facility and the rates charged for those services and items for which a resident may be separately charged;*
- 4) *A copy of the statement of ownership required by Section 3-207 of the Act;*
- 5) *A record of personnel employed or retained by the facility who are licensed, certified or registered by the Department of Financial and Professional Regulation;*
- 6) *A complete copy of the most recent inspection report of the facility received from the Department; and*
- 7) *A copy of the current Consumer Choice Information Report required by Section 2-214 of the Act. (Section 3-210 of the Act)*

de) *A facility that has received a notice of violation for a violation of the minimum staffing requirements under Section 3-202.05 of the Act and Section 300.1230 of this Part shall display, during the period of time the facility is out of compliance, a notice stating in Calibri (body) font and 26-point type in black letters on an 8.5 by 11 inch white paper the following:*

*"Notice Dated:
This facility does not currently meet the minimum staffing ratios required by law. Posted at the direction of the Illinois Department of Public Health."*

- 1) *The notice shall be posted, at a minimum, at all publicly used exterior entryways into the facility, inside the main entrance lobby, and next to any registration desk for easily accessible viewing. The notice shall also be posted on the main page of the facility's website.*
- 2) *Pursuant to Section 300.1234(a)(5), the Department shall have the discretion to determine the gravity of any violation and, taking into account mitigating and aggravating circumstances and facts, may reduce the requirement of, and amount of time for, posting the notice. (Section 3-209 of the Act)*

ed) *All Cook County facilities with Colbert Class Members shall conspicuously display, in a public and accessible location, a Department-provided poster*

560 informing residents of their right to explore or decline community transition, and
561 their right to be free from retaliation, regardless of their decision on transition.
562 This poster shall include a telephone number for reporting retaliation to the
563 Department and shall include the steps a resident should take if retaliation does
564 occur. The display of the poster will be included as a compliance measure in the
565 Department's survey process.

566
567 (Source: Amended at 48 Ill. Reg. _____, effective _____)
568

569 **SUBPART P: RESIDENT'S RIGHTS**

570
571 **Section 300.3210 General**

572
573 a) *No resident shall be deprived of any rights, benefits, or privileges guaranteed by*
574 *State or federal law, the Constitution of the State of Illinois, or the Constitution of*
575 *the United States solely on account of their~~his or her~~ status as a resident of a*
576 *facility.*

577
578 1) *Residents shall have the right to be treated with courtesy and respect by*
579 *employees or persons providing medical services or care and shall have*
580 *their human and civil rights maintained in all aspects of medical care as*
581 *defined in the State Operations Manual for Long-Term Care Facilities.*

582
583 2) *Residents shall have their basic human needs, including but not limited to*
584 *water, food, medication, toileting, and personal hygiene, accommodated*
585 *in a timely manner, as defined by the person and agreed upon by the*
586 *interdisciplinary team.*

587
588 A) *A facility shall treat each resident with respect and dignity and care*
589 *for each resident in a manner and in an environment that promotes*
590 *maintenance or enhancement of the resident's quality of life,*
591 *recognizing each resident's individuality.*

592
593 B) *A facility shall protect and promote the rights of the resident.*

594
595 C) *Residents have the right to reside in and receive services in the*
596 *facility with reasonable accommodation of their needs and*
597 *preferences except when to do so would endanger the health or*
598 *safety of the resident or other residents.*

599
600 3) *Residents have the right to maintain their autonomy as much as possible.*
601 *(Section 2-101 of the Act)*
602

- 603 b) *A resident shall be permitted to retain and use or wear his or her personal*
604 *property in his or her immediate living quarters, unless deemed medically*
605 *inappropriate by a physician and so documented in the resident's clinical record.*
606 (Section 2-103 of the Act)
607
- 608 c) *If clothing is provided to the resident by the facility, it shall be of a proper fit.*
609 (Section 2-103 of the Act)
610
- 611 d) *The facility shall provide adequate storage space for the personal property of the*
612 *resident. (Section 2-103 of the Act)*
613
- 614 e) *The facility shall provide a means of safeguarding small items of value for its*
615 *residents in their rooms or in any other part of the facility so long as the residents*
616 *have daily access to their valuables. (Section 2-103 of the Act)*
617
- 618 f) *The facility shall make reasonable efforts to prevent loss and theft of residents'*
619 *property. Those efforts shall be appropriate to the particular facility and may*
620 *include, but are not limited to, staff training and monitoring, labeling property,*
621 *and frequent property inventories. (Section 2-103 of the Act)*
622
- 623 g) *The facility shall develop procedures for investigating complaints concerning*
624 *theft of residents' property and shall promptly investigate all complaints. (Section*
625 *2-103 of the Act)*
626
- 627 h) *The facility administrator shall ensure that married residents residing in the same*
628 *facility be allowed to reside in the same room within the facility unless there is no*
629 *room available in the facility or it is deemed medically inadvisable by the*
630 *residents' attending physician and so documented in the residents' medical*
631 *records. (Section 2-108(e) of the Act)*
632
- 633 i) There shall be no traffic through a resident's room to reach any other area of the
634 building.
635
- 636 j) Children under 16 years of age who are related to employees or owners of a
637 facility, and who are not themselves employees of the facility, shall be restricted
638 to quarters reserved for family or employee use except during times when such
639 children are part of a group visiting the facility as part of a planned program, or
640 similar activity.
641
- 642 k) *A resident may refuse to perform labor for a facility. Residents shall not perform*
643 *labor or services for the facility unless consistent with the requirements in*
644 *subsections (k)(1) through (k)(3).*
645

- 646 1) The activities must be included for therapeutic purposes and be
647 appropriately goal related to the individual's care plan. If a resident
648 chooses to perform labor or services, the resident must be compensated at
649 or above the prevailing wage rate. (Section 2-113 of the Act)
650
651 2) The resident has a right to choose or refuse to perform services for the
652 facility and the facility shall not require a resident to perform services for
653 the facility.
654
655 3) The resident may perform services for the facility if he or she chooses
656 when:
657
658 A) The facility has documented the resident's need or desire for work
659 in the plan of care;
660
661 B) The plan specifies the nature of the services performed and
662 whether the services are voluntary or paid;
663
664 C) Compensation for paid services is at or above prevailing rates; and
665
666 D) The resident agrees to the work arrangement described in the plan
667 of care.
668
669 l) *A resident shall be permitted the free exercise of religion. Upon a resident's*
670 *request, and if necessary at his or her expense, the facility administrator shall*
671 *make arrangements for a resident's attendance at religious services of the*
672 *resident's choice. However, no religious beliefs or practices, or attendance at*
673 *religious services, may be imposed upon any resident.* (Section 2-109 of the Act)
674
675 m) All facilities shall comply with the Election Code as it pertains to absentee voting
676 for residents of licensed long-term care facilities.
677
678 n) *The facility shall immediately notify the resident's next of kin, representative and*
679 *physician of the resident's death or when the resident's death appears to be*
680 *imminent.* (Section 2-208 of the Act)
681
682 o) The facility shall also immediately notify the resident's family, guardian,
683 representative, conservator, and any private or public agency financially
684 responsible for the resident's care whenever unusual circumstances such as
685 accidents, sudden illness, disease, unexplained absences, extraordinary resident
686 charges, billings, or related administrative matters arise.
687
688 p) *Where a resident, a resident's representative or a resident's next of kin believes*

689 *that an emergency exists each of them, collectively or separately, may file a*
690 *verified petition to the circuit court for the county in which the facility is located*
691 *for an order placing the facility under the control of a receiver. (Section 3-503 of*
692 *the Act) As used in Section 3-503 of the Act, "emergency" means a threat to the*
693 *health, safety or welfare of a resident that the facility is unwilling or unable to*
694 *correct. (Section 3-501 of the Act)*
695

696 q) *An identification wristlet may be employed for any resident upon a physician's*
697 *order, which shall document the need for the identification wristlet in the*
698 *resident's clinical record. Nothing in this Section prohibits a facility from*
699 *allowing any resident who requests an identification wristlet from having one. A*
700 *facility may provide an identification wristlet to any resident if requested by the*
701 *resident.*
702

703 r) *A facility may require a resident residing in an Alzheimer's disease unit, as*
704 *defined in Subpart U, with a history of wandering to wear an identification*
705 *wristlet, unless the resident's guardian or power of attorney directs that the*
706 *wristlet be removed.*
707

708 s) *All identification wristlets shall include, at a minimum, the resident's name and*
709 *the name, telephone number, and address of the facility issuing the identification*
710 *wristlet. (Section 2-106a of the Act)*
711

712 t) *The facility shall ensure that residents are not subjected to physical, verbal, sexual*
713 *or psychological abuse, neglect, exploitation, or misappropriation of property.*
714

715 u) *Cook County facilities with Colbert Class Members shall provide residents access*
716 *to the supports and services they need in the most integrated settings appropriate*
717 *to their needs, including community-based settings, to promote and maximize*
718 *their independence, choice, and opportunities to develop and use independent*
719 *living skills. For the purposes of this subsection (u), "community-based setting"*
720 *means the most integrated setting appropriate to promote the resident's*
721 *independence in daily living and ability to interact with persons without*
722 *disabilities to the fullest extent possible.*
723

724 v) *All Cook County facilities with Colbert Class Members shall provide educational*
725 *materials and information to all newly admitted Colbert Class Members within*
726 *one to three days of admission, informing them of their rights and services under*
727 *the Colbert Consent Decree, as prescribed by the Colbert Lead Defendant*
728 *Agency. All Cook County facilities shall provide verification that the educational*
729 *materials and information were given to the Colbert Class Members, as requested*
730 *by a Colbert Defendant Agency.*
731

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 300.3310 Complaint Procedures

a) *A resident shall be permitted to present grievances on behalf of himself or herself and 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 3 years and provide the information to the Department upon request. (Section 2-112 of the Act)

b) *The ~~facility~~ 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 that must include notice of the grievance procedure of the facility or program and addresses and phone numbers for the Department's 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

775 agency, adult protective services where state law provides for jurisdiction
776 in long-term care facilities, the local contact agency for information about
777 returning to the community, and the Medicaid Fraud Control Unit; and
778

779 2) Post a statement that the resident may file a complaint with the
780 Department of Public Health concerning any suspected violation of State
781 or federal nursing facility regulations, including but not limited to resident
782 abuse, neglect, exploitation, misappropriation of resident property in the
783 facility, non-compliance with the advance directives requirements and
784 requests for information regarding returning to the community.
785

786 3) Information provided to residents shall be in a format and a language
787 (including Braille) that is clear and understandable to the resident or their
788 representative.
789

790 c) *A person who believes that the Act or this Part may have been violated may*
791 *request an investigation. The request may be submitted to the Department in*
792 *writing, by telephone, by electronic means, or by personal visit. An oral*
793 *complaint shall be reduced to writing by the Department. (Section 3-702(a) of*
794 *the Act)*
795

796 d) *The substance of the complaint will be provided in writing to the licensee, owner*
797 *or administrator no earlier than at the commencement of the on-site inspection of*
798 *the facility that takes place pursuant to the complaint. (Section 3-702(b) of the*
799 *Act)*
800

801 e) *The Department will not disclose the name of the complainant unless the*
802 *complainant consents in writing to the disclosure or the investigation results in a*
803 *judicial proceeding, or unless disclosure is essential to the investigation. The*
804 *complainant will be given the opportunity to withdraw the complaint before*
805 *disclosure. Upon the request of the complainant, the Department will permit the*
806 *complainant or a representative of the complainant to accompany the person*
807 *making the on-site inspection of the facility. (Section 3-702(c) of the Act)*
808

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

- 818 *extent feasible. (Section 3-702(d) of the Act)*
 819
 820 g) *The Department employees investigating a complaint will conduct a brief,*
 821 *informal exit conference with the facility to alert its administration of any*
 822 *suspected serious deficiency that poses a direct threat to the health, safety, or*
 823 *welfare of a resident to enable an immediate correction for the alleviation or*
 824 *elimination of the threat. Information and findings discussed in the brief exit*
 825 *conference will become a part of the investigating record but will not in any way*
 826 *constitute an official or final notice of violation as provided under Section 3-301*
 827 *of the Act and Section 300.276 of this Part. All complaints will be classified as*
 828 *"an invalid report," "a valid report," or "an undetermined report." For any*
 829 *complaint classified as "a valid report," the Department will determine within 30*
 830 *working days after any Department employee enters a facility to begin an on-site*
 831 *inspection if this Part or provision of the Act has been or is being violated.*
 832 *(Section 3-702(d) of the Act)*
 833
 834 h) *In all cases, the Department will inform the complainant of its findings within ten*
 835 *days after its determination unless otherwise indicated by the complainant, and*
 836 *the complainant may direct the Department to send a copy of the findings to*
 837 *another person. The Department's findings may include comments or*
 838 *documentation provided by either the complainant or the licensee pertaining to*
 839 *the complaint. The Department will also notify the facility of these findings*
 840 *within ten days after the determination, but the name of the complainant or*
 841 *residents will not be disclosed in this notice to the facility. The notice of findings*
 842 *will include a copy of the written determination; the correction order, if any; the*
 843 *warning notice, if any; the inspection report; or the State licensure form on which*
 844 *the violation is listed. (Section 3-702(e) of the Act)*
 845
 846 i) *A written determination, correction order, or warning notice concerning a*
 847 *complaint, together with the facility's response, will be available for public*
 848 *inspection, but the name of the complainant or resident will not be disclosed*
 849 *without their consent. (Section 3-702(f) of the Act)*
 850
 851 j) *A complainant who is dissatisfied with the determination or investigation by the*
 852 *Department may request a hearing under subsection (k) of this Section. The*
 853 *facility will be given notice of the hearing and may participate in the hearing as a*
 854 *party. If a facility requests a hearing under subsection (k) of this Section that*
 855 *concerns a matter covered by a complaint, the complainant will be given written*
 856 *notice and may participate in the hearing as a party. A request for a hearing by*
 857 *either a complainant or a facility shall be submitted in writing to the Department*
 858 *within 30 days after the mailing of the Department's findings as described in*
 859 *subsection (h) of this Section. Upon receipt of the request the Department will*
 860 *conduct a hearing as provided under subsection (k) of this Section. (Section 3-*

861 702(g) of the Act)

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k) Any person aggrieved by a decision of the Department rendered in a particular case that affects the legal rights, duties or privileges created under the Act may have the decision reviewed in accordance with Sections 3-703 through 3-712 of the Act.

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l) When the Department finds that a provision of Article II of the Act regarding residents' rights 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.

873

(Source: Amended at 48 Ill. Reg. _____, effective _____)