**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.* (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)

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 shall 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* will *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 300.276 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 ten 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 ten 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 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.

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.

(Source: Amended at 48 Ill. Reg. 3317, effective February 16, 2024)