**Section 270.152 Complaint Investigations**

a) Policies and procedures of the State Ombudsman provide standards to assure a prompt response to complaints and the prioritization of complaints.

b) Complaints may be initiated by anyone who has personal knowledge of an action, inaction or decisions that may adversely affect the health, safety, welfare or rights of one or more residents or participants.

c) The Ombudsman may identify, investigate and attempt to resolve a complaint impacting an individual resident or participant or multiple residents or participants.

d) Regardless of the source of the complaint (i.e., the complainant), including when the source is the Ombudsman, the Ombudsman shall support and maximize resident or participant participation in the process of resolving the complaint in accordance with 45 CFR 1324.19(b) (2016). These processes include, but are not limited to, the following:

1) The Ombudsman shall offer privacy to the resident or participant for the purpose of confidentiality.

2) The Ombudsman shall personally discuss the complaint with the resident or participant and, if the resident or participant is unable to communicate informed consent, his or her representative. The Ombudsman shall:

A) Determine the perspective of the resident or participant;

B) Obtain informed consent to investigate the complaint;

C) Determine the wishes of the resident or participant with respect to the resolution of the complaint, including whether the allegations are to be reported and, if so, whether the Ombudsman may disclose resident or participant identifying information or other relevant information to the facility or appropriate agencies or both;

D) Advise the resident or participant of his or her rights;

E) Work with the resident or participant to develop a plan of action for resolution of the complaint;

F) Investigate the complaint to determine whether the complaint can be verified; and

G) Determine whether the complaint is resolved to the satisfaction of the resident or participant.

e) To determine the degree of reliance of the resident or participant on the representative, the Ombudsman shall consider the extent of the authority that has been granted to the representative under court order (in the case of a guardian or conservator), by power of attorney or other document by which the resident or participant has granted authority to the representative to communicate or make determinations on behalf of the resident or participant related to complaint processing.

f) The Ombudsman may provide information regarding the complaint to another agency so that agency can substantiate the facts for regulatory, protective services, law enforcement, or other purposes. The Ombudsman shall adhere to the disclosure requirements of section 712(d) of the Older Americans Act, 45 CFR 1324.11(e)(2) (2016), and this Section.

(Source: Added at 43 Ill. Reg. 980, effective January 1, 2019)