



Rep. Dennis M. Reboletti

**Filed: 3/19/2014**

09800HB5703ham001

LRB098 17565 RPS 57093 a

1 AMENDMENT TO HOUSE BILL 5703

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5703 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Nursing Home Care Act is amended by  
5 changing Section 3-702 as follows:

6 (210 ILCS 45/3-702) (from Ch. 111 1/2, par. 4153-702)

7 Sec. 3-702. (a) A person who believes that this Act or a  
8 rule promulgated under this Act may have been violated may  
9 request an investigation. The request may be submitted to the  
10 Department in writing, by telephone, by electronic means, or by  
11 personal visit. An oral complaint shall be reduced to writing  
12 by the Department. The Department shall make available, through  
13 its website and upon request, information regarding the oral  
14 and phone intake processes and the list of questions that will  
15 be asked of the complainant. The Department shall request  
16 information identifying the complainant, including the name,

1 address and telephone number, to help enable appropriate  
2 follow-up. The Department shall act on such complaints via  
3 on-site visits or other methods deemed appropriate to handle  
4 the complaints with or without such identifying information, as  
5 otherwise provided under this Section. The complainant shall be  
6 informed that compliance with such request is not required to  
7 satisfy the procedures for filing a complaint under this Act.  
8 The Department must notify complainants that complaints with  
9 less information provided are far more difficult to respond to  
10 and investigate.

11 (b) The substance of the complaint shall be provided in  
12 writing to the licensee, owner or administrator no earlier than  
13 at the commencement of an on-site inspection of the facility  
14 which takes place pursuant to the complaint.

15 (c) The Department shall not disclose the name of the  
16 complainant unless the complainant consents in writing to the  
17 disclosure or the investigation results in a judicial  
18 proceeding, or unless disclosure is essential to the  
19 investigation. The complainant shall be given the opportunity  
20 to withdraw the complaint before disclosure. Upon the request  
21 of the complainant, the Department may permit the complainant  
22 or a representative of the complainant to accompany the person  
23 making the on-site inspection of the facility.

24 (d) Upon receipt of a complaint, the Department shall  
25 determine whether this Act or a rule promulgated under this Act  
26 has been or is being violated. The Department shall investigate

1 all complaints alleging abuse or neglect within 7 days after  
2 the receipt of the complaint except that complaints of abuse or  
3 neglect which indicate that a resident's life or safety is in  
4 imminent danger shall be investigated within 24 hours after  
5 receipt of the complaint. All other complaints shall be  
6 investigated within 30 days after the receipt of the complaint.  
7 The Department employees investigating a complaint shall  
8 conduct a brief, informal exit conference with the facility to  
9 alert its administration of any suspected serious deficiency  
10 that poses a direct threat to the health, safety or welfare of  
11 a resident to enable an immediate correction for the  
12 alleviation or elimination of such threat. Such information and  
13 findings discussed in the brief exit conference shall become a  
14 part of the investigating record but shall not in any way  
15 constitute an official or final notice of violation as provided  
16 under Section 3-301. All complaints shall be classified as "an  
17 invalid report", "a valid report", or "an undetermined report".  
18 For any complaint classified as "a valid report", the  
19 Department must determine within 30 working days if any rule or  
20 provision of this Act has been or is being violated.

21 (d-1) The Department shall, whenever possible, combine an  
22 on-site investigation of a complaint in a facility with other  
23 inspections in order to avoid duplication of inspections.

24 (e) In all cases, the Department shall inform the  
25 complainant of its findings within 10 days of its determination  
26 unless otherwise indicated by the complainant, and the

1 complainant may direct the Department to send a copy of such  
2 findings to another person. The Department's findings may  
3 include comments or documentation provided by either the  
4 complainant or the licensee pertaining to the complaint. The  
5 Department shall also notify the facility of such findings  
6 within 10 days of the determination, but the name of the  
7 complainant or residents shall not be disclosed in this notice  
8 to the facility. The notice of such findings shall include a  
9 copy of the written determination; the correction order, if  
10 any; the warning notice, if any; the inspection report; or the  
11 State licensure form on which the violation is listed.

12 (f) A written determination, correction order, or warning  
13 notice concerning a complaint, together with the facility's  
14 response, shall be available for public inspection, but the  
15 name of the complainant or resident shall not be disclosed  
16 without his consent.

17 (g) A complainant who is dissatisfied with the  
18 determination or investigation by the Department may request a  
19 hearing under Section 3-703. The facility shall be given notice  
20 of any such hearing and may participate in the hearing as a  
21 party. If a facility requests a hearing under Section 3-703  
22 which concerns a matter covered by a complaint, the complainant  
23 shall be given notice and may participate in the hearing as a  
24 party. A request for a hearing by either a complainant or a  
25 facility shall be submitted in writing to the Department within  
26 30 days after the mailing of the Department's findings as

1 described in subsection (e) of this Section. Upon receipt of  
2 the request the Department shall conduct a hearing as provided  
3 under Section 3-703.

4 (g-5) The Department shall conduct an annual review and  
5 make a report concerning the complaint process that includes  
6 the number of complaints received, the breakdown of anonymous  
7 and non-anonymous complaints and whether the complaints were  
8 substantiated or not, the total number of substantiated  
9 complaints, and any other complaint information requested by  
10 the Long-Term Care Facility Advisory Board created under  
11 Section 2-204 of this Act or the Illinois Long-Term Care  
12 Council created under Section 4.04a of the Illinois Act on the  
13 Aging. This report shall be provided to the Long-Term Care  
14 Facility Advisory Board and the Illinois Long-Term Care  
15 Council. The Long-Term Care Advisory Board and the Illinois  
16 Long-Term Care Council shall review the report and suggest any  
17 changes deemed necessary to the Department for review and  
18 action, including how to investigate and substantiate  
19 anonymous complaints.

20 (h) Any person who knowingly transmits a false report to  
21 the Department commits the offense of disorderly conduct under  
22 subsection (a) (8) of Section 26-1 of the Criminal Code of 2012.  
23 (Source: P.A. 97-1150, eff. 1-25-13.)

24 Section 10. The ID/DD Community Care Act is amended by  
25 changing Section 3-702 as follows:

1 (210 ILCS 47/3-702)

2 Sec. 3-702. Request for investigation of violation.

3 (a) A person who believes that this Act or a rule  
4 promulgated under this Act may have been violated may request  
5 an investigation. The request may be submitted to the  
6 Department in writing, by telephone, by electronic means, or by  
7 personal visit. An oral complaint shall be reduced to writing  
8 by the Department. The Department shall make available, through  
9 its website and upon request, information regarding the oral  
10 and phone intake processes and the list of questions that will  
11 be asked of the complainant. The Department shall request  
12 information identifying the complainant, including the name,  
13 address and telephone number, to help enable appropriate follow  
14 up. The Department shall act on such complaints via on-site  
15 visits or other methods deemed appropriate to handle the  
16 complaints with or without such identifying information, as  
17 otherwise provided under this Section. The complainant shall be  
18 informed that compliance with such request is not required to  
19 satisfy the procedures for filing a complaint under this Act.  
20 The Department must notify complainants that complaints with  
21 less information provided are far more difficult to respond to  
22 and investigate.

23 (b) The substance of the complaint shall be provided in  
24 writing to the licensee, owner or administrator no earlier than  
25 at the commencement of an on-site inspection of the facility

1 which takes place pursuant to the complaint.

2 (c) The Department shall not disclose the name of the  
3 complainant unless the complainant consents in writing to the  
4 disclosure or the investigation results in a judicial  
5 proceeding, or unless disclosure is essential to the  
6 investigation. The complainant shall be given the opportunity  
7 to withdraw the complaint before disclosure. Upon the request  
8 of the complainant, the Department may permit the complainant  
9 or a representative of the complainant to accompany the person  
10 making the on-site inspection of the facility.

11 (d) Upon receipt of a complaint, the Department shall  
12 determine whether this Act or a rule promulgated under this Act  
13 has been or is being violated. The Department shall investigate  
14 all complaints alleging abuse or neglect within 7 days after  
15 the receipt of the complaint except that complaints of abuse or  
16 neglect which indicate that a resident's life or safety is in  
17 imminent danger shall be investigated within 24 hours after  
18 receipt of the complaint. All other complaints shall be  
19 investigated within 30 days after the receipt of the complaint.  
20 The Department employees investigating a complaint shall  
21 conduct a brief, informal exit conference with the facility to  
22 alert its administration of any suspected serious deficiency  
23 that poses a direct threat to the health, safety or welfare of  
24 a resident to enable an immediate correction for the  
25 alleviation or elimination of such threat. Such information and  
26 findings discussed in the brief exit conference shall become a

1 part of the investigating record but shall not in any way  
2 constitute an official or final notice of violation as provided  
3 under Section 3-301. All complaints shall be classified as "an  
4 invalid report", "a valid report", or "an undetermined report".  
5 For any complaint classified as "a valid report", the  
6 Department must determine within 30 working days if any rule or  
7 provision of this Act has been or is being violated.

8 (d-1) The Department shall, whenever possible, combine an  
9 on site investigation of a complaint in a facility with other  
10 inspections in order to avoid duplication of inspections.

11 (e) In all cases, the Department shall inform the  
12 complainant of its findings within 10 days of its determination  
13 unless otherwise indicated by the complainant, and the  
14 complainant may direct the Department to send a copy of such  
15 findings to another person. The Department's findings may  
16 include comments or documentation provided by either the  
17 complainant or the licensee pertaining to the complaint. The  
18 Department shall also notify the facility of such findings  
19 within 10 days of the determination, but the name of the  
20 complainant or residents shall not be disclosed in this notice  
21 to the facility. The notice of such findings shall include a  
22 copy of the written determination; the correction order, if  
23 any; the warning notice, if any; the inspection report; or the  
24 State licensure form on which the violation is listed.

25 (f) A written determination, correction order, or warning  
26 notice concerning a complaint, together with the facility's



1 response, shall be available for public inspection, but the  
2 name of the complainant or resident shall not be disclosed  
3 without his or her consent.

4 (g) A complainant who is dissatisfied with the  
5 determination or investigation by the Department may request a  
6 hearing under Section 3-703. The facility shall be given notice  
7 of any such hearing and may participate in the hearing as a  
8 party. If a facility requests a hearing under Section 3-703  
9 which concerns a matter covered by a complaint, the complainant  
10 shall be given notice and may participate in the hearing as a  
11 party. A request for a hearing by either a complainant or a  
12 facility shall be submitted in writing to the Department within  
13 30 days after the mailing of the Department's findings as  
14 described in subsection (e) of this Section. Upon receipt of  
15 the request the Department shall conduct a hearing as provided  
16 under Section 3-703.

17 (g-5) The Department shall conduct an annual review and  
18 make a report concerning the complaint process that includes  
19 the number of complaints received, the breakdown of anonymous  
20 and non-anonymous complaints and whether the complaints were  
21 substantiated or not, the total number of substantiated  
22 complaints, and any other complaint information requested by  
23 the DD Facility Advisory Board. This report shall be provided  
24 to the DD Facility Advisory Board. The DD Facility Advisory  
25 Board shall review the report and suggest any changes deemed  
26 necessary to the Department for review and action, including

1 how to investigate and substantiate anonymous complaints.

2 (h) Any person who knowingly transmits a false report to  
3 the Department commits the offense of disorderly conduct under  
4 subsection (a) (8) of Section 26-1 of the Criminal Code of 2012.  
5 (Source: P.A. 96-339, eff. 7-1-10; 97-1150, eff. 1-25-13.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law."