

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Nursing Home Care Act is amended by changing
5 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 require
16 ~~request~~ information identifying the complainant, including the
17 name, address and telephone number, to help enable appropriate
18 follow-up. This identifying information is to be kept strictly
19 confidential within the Department and the complainant shall be
20 made aware of this confidentiality provision. The Department
21 shall act on such complaints via on-site visits or other
22 methods deemed appropriate to handle the complaints with ~~or~~
23 ~~without~~ such identifying information, as otherwise provided

1 under this Section. ~~The complainant shall be informed that~~
2 ~~compliance with such request is not required to satisfy the~~
3 ~~procedures for filing a complaint under this Act. The~~
4 Department must notify complainants that complaints with less
5 information provided are far more difficult to respond to and
6 investigate. The complainant shall be informed of possible
7 sanctions for knowingly and willfully transmitting a false
8 report to the Department. If the Department has a good faith
9 belief, based on information that comes to its attention, that
10 a complaint is false, intended to harass, or intended to
11 defraud the Department, the Department shall keep an internal
12 list of violators for the purpose of allowing the Department to
13 take action against persons who knowingly transmit a false
14 report pursuant to subsection (h) of this Section.

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

19 (c) The Department shall not disclose the name of the
20 complainant unless the complainant consents in writing to the
21 disclosure or the investigation results in a judicial
22 proceeding, or unless disclosure is essential to the
23 investigation. The complainant shall be given the opportunity
24 to withdraw the complaint before disclosure. Upon the request
25 of the complainant, the Department may permit the complainant
26 or a representative of the complainant to accompany the person

1 making the on-site inspection of the facility.

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

26 (d-1) The Department shall, whenever possible, combine an

1 on-site investigation of a complaint in a facility with other
2 inspections in order to avoid duplication of inspections.

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

17 (f) A written determination, correction order, or warning
18 notice concerning a complaint, together with the facility's
19 response, shall be available for public inspection, but the
20 name of the complainant or resident shall not be disclosed
21 without his consent.

22 (g) A complainant who is dissatisfied with the
23 determination or investigation by the Department may request a
24 hearing under Section 3-703. The facility shall be given notice
25 of any such hearing and may participate in the hearing as a
26 party. If a facility requests a hearing under Section 3-703

1 which concerns a matter covered by a complaint, the complainant
2 shall be given notice and may participate in the hearing as a
3 party. A request for a hearing by either a complainant or a
4 facility shall be submitted in writing to the Department within
5 30 days after the mailing of the Department's findings as
6 described in subsection (e) of this Section. Upon receipt of
7 the request the Department shall conduct a hearing as provided
8 under Section 3-703.

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

25 (h) Any person who knowingly transmits a false report to
26 the Department pursuant to subsection (a) of this Section also

1 commits the offense of disorderly conduct under subsection
2 (a) (8) of Section 26-1 of the Criminal Code of 2012.

3 (Source: P.A. 97-1150, eff. 1-25-13; 98-988, eff. 8-18-14;
4 revised 10-9-15.)

5 Section 10. The MC/DD Act is amended by changing Section
6 3-702 as follows:

7 (210 ILCS 46/3-702)

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

9 (a) A person who believes that this Act or a rule
10 promulgated under this Act may have been violated may request
11 an investigation. The request may be submitted to the
12 Department in writing, by telephone, by electronic means, or by
13 personal visit. An oral complaint shall be reduced to writing
14 by the Department. The Department shall make available, through
15 its website and upon request, information regarding the oral
16 and phone intake processes and the list of questions that will
17 be asked of the complainant. The Department shall require
18 ~~request~~ information identifying the complainant, including the
19 name, address and telephone number, to help enable appropriate
20 follow up. This identifying information is to be kept strictly
21 confidential within the Department and the complainant shall be
22 made aware of this confidentiality provision. The Department
23 shall act on such complaints via on-site visits or other
24 methods deemed appropriate to handle the complaints with ~~or~~

1 ~~without~~ such identifying information, as otherwise provided
2 under this Section. ~~The complainant shall be informed that~~
3 ~~compliance with such request is not required to satisfy the~~
4 ~~procedures for filing a complaint under this Act.~~ The
5 Department must notify complainants that complaints with less
6 information provided are far more difficult to respond to and
7 investigate. The complainant shall be informed of possible
8 sanctions for knowingly and willfully transmitting a false
9 report to the Department. If the Department has a good faith
10 belief, based on information that comes to its attention, that
11 a complaint is false, intended to harass, or intended to
12 defraud the Department, the Department shall keep an internal
13 list of violators for the purpose of allowing the Department to
14 take action against persons who knowingly transmit a false
15 report pursuant to subsection (h) of this Section.

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

20 (c) The Department shall not disclose the name of the
21 complainant unless the complainant consents in writing to the
22 disclosure or the investigation results in a judicial
23 proceeding, or unless disclosure is essential to the
24 investigation. The complainant shall be given the opportunity
25 to withdraw the complaint before disclosure. Upon the request
26 of the complainant, the Department may permit the complainant

1 or a representative of the complainant to accompany the person
2 making the on-site inspection of the facility.

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

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

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

18 (f) A written determination, correction order, or warning
19 notice concerning a complaint, together with the facility's
20 response, shall be available for public inspection, but the
21 name of the complainant or resident shall not be disclosed
22 without his or her consent.

23 (g) A complainant who is dissatisfied with the
24 determination or investigation by the Department may request a
25 hearing under Section 3-703. The facility shall be given notice
26 of any such hearing and may participate in the hearing as a

1 party. If a facility requests a hearing under Section 3-703
2 which concerns a matter covered by a complaint, the complainant
3 shall be given notice and may participate in the hearing as a
4 party. A request for a hearing by either a complainant or a
5 facility shall be submitted in writing to the Department within
6 30 days after the mailing of the Department's findings as
7 described in subsection (e) of this Section. Upon receipt of
8 the request the Department shall conduct a hearing as provided
9 under Section 3-703.

10 (g-5) The Department shall conduct an annual review and
11 make a report concerning the complaint process that includes
12 the number of complaints received, the breakdown of anonymous
13 and non-anonymous complaints and whether the complaints were
14 substantiated or not, the total number of substantiated
15 complaints, and any other complaint information requested by
16 the DD Facility Advisory Board. This report shall be provided
17 to the DD Facility Advisory Board. The DD Facility Advisory
18 Board shall review the report and suggest any changes deemed
19 necessary to the Department for review and action, including
20 how to investigate and substantiate anonymous complaints.

21 (h) Any person who knowingly transmits a false report to
22 the Department pursuant to subsection (a) of this Section also
23 commits the offense of disorderly conduct under subsection
24 (a) (8) of Section 26-1 of the Criminal Code of 2012.

25 (Source: P.A. 99-180, eff. 7-29-15.)

1 Section 15. The ID/DD Community Care Act is amended by
2 changing Section 3-702 as follows:

3 (210 ILCS 47/3-702)

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

5 (a) A person who believes that this Act or a rule
6 promulgated under this Act may have been violated may request
7 an investigation. The request may be submitted to the
8 Department in writing, by telephone, by electronic means, or by
9 personal visit. An oral complaint shall be reduced to writing
10 by the Department. The Department shall make available, through
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25 Department must notify complainants that complaints with less

1 information provided are far more difficult to respond to and
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24 (d) Upon receipt of a complaint, the Department shall
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26 has been or is being violated. The Department shall investigate

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5 complainant or the licensee pertaining to the complaint. The
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13 Board shall review the report and suggest any changes deemed
14 necessary to the Department for review and action, including
15 how to investigate and substantiate anonymous complaints.

16 (h) Any person who knowingly transmits a false report to
17 the Department pursuant to subsection (a) of this Section also
18 commits the offense of disorderly conduct under subsection
19 (a) (8) of Section 26-1 of the Criminal Code of 2012.

20 (Source: P.A. 97-1150, eff. 1-25-13; 98-988, eff. 8-18-14.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.