

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 request  
16 information identifying the complainant, including the name,  
17 address and telephone number, to help enable appropriate  
18 follow-up. The Department shall act on such complaints via  
19 on-site visits or other methods deemed appropriate to handle  
20 the complaints with or without such identifying information, as  
21 otherwise provided under this Section. The complainant shall be  
22 informed that compliance with such request is not required to  
23 satisfy the procedures for filing a complaint under this Act.

1 The Department must notify complainants that complaints with  
2 less information provided are far more difficult to respond to  
3 and investigate.

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

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

17 (d) Upon receipt of a complaint, the Department shall  
18 determine whether this Act or a rule promulgated under this Act  
19 has been or is being violated. The Department shall investigate  
20 all complaints alleging abuse or neglect within 7 days after  
21 the receipt of the complaint except that complaints of abuse or  
22 neglect which indicate that a resident's life or safety is in  
23 imminent danger shall be investigated within 24 hours after  
24 receipt of the complaint. All other complaints shall be  
25 investigated within 30 days after the receipt of the complaint.  
26 The Department employees investigating a complaint shall

1 conduct a brief, informal exit conference with the facility to  
2 alert its administration of any suspected serious deficiency  
3 that poses a direct threat to the health, safety or welfare of  
4 a resident to enable an immediate correction for the  
5 alleviation or elimination of such threat. Such information and  
6 findings discussed in the brief exit conference shall become a  
7 part of the investigating record but shall not in any way  
8 constitute an official or final notice of violation as provided  
9 under Section 3-301. All complaints shall be classified as "an  
10 invalid report", "a valid report", or "an undetermined report".  
11 For any complaint classified as "a valid report", the  
12 Department must determine within 30 working days if any rule or  
13 provision of this Act has been or is being violated.

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

17 (e) In all cases, the Department shall inform the  
18 complainant of its findings within 10 days of its determination  
19 unless otherwise indicated by the complainant, and the  
20 complainant may direct the Department to send a copy of such  
21 findings to another person. The Department's findings may  
22 include comments or documentation provided by either the  
23 complainant or the licensee pertaining to the complaint. The  
24 Department shall also notify the facility of such findings  
25 within 10 days of the determination, but the name of the  
26 complainant or residents shall not be disclosed in this notice

1 to the facility. The notice of such findings shall include a  
2 copy of the written determination; the correction order, if  
3 any; the warning notice, if any; the inspection report; or the  
4 State licensure form on which the violation is listed.

5 (f) A written determination, correction order, or warning  
6 notice concerning a complaint, together with the facility's  
7 response, shall be available for public inspection, but the  
8 name of the complainant or resident shall not be disclosed  
9 without his consent.

10 (g) A complainant who is dissatisfied with the  
11 determination or investigation by the Department may request a  
12 hearing under Section 3-703. The facility shall be given notice  
13 of any such hearing and may participate in the hearing as a  
14 party. If a facility requests a hearing under Section 3-703  
15 which concerns a matter covered by a complaint, the complainant  
16 shall be given notice and may participate in the hearing as a  
17 party. A request for a hearing by either a complainant or a  
18 facility shall be submitted in writing to the Department within  
19 30 days after the mailing of the Department's findings as  
20 described in subsection (e) of this Section. Upon receipt of  
21 the request the Department shall conduct a hearing as provided  
22 under Section 3-703.

23 (g-5) The Department shall conduct an annual review and  
24 make a report concerning the complaint process that includes  
25 the number of complaints received, the breakdown of anonymous  
26 and non-anonymous complaints and whether the complaints were

1 substantiated or not, the total number of substantiated  
2 complaints, and any other complaint information requested by  
3 the Long-Term Care Facility Advisory Board created under  
4 Section 2-204 of this Act or the Illinois Long-Term Care  
5 Council created under Section 4.04a of the Illinois Act on the  
6 Aging. This report shall be provided to the Long-Term Care  
7 Facility Advisory Board and the Illinois Long-Term Care  
8 Council. The Long-Term Care Advisory Board and the Illinois  
9 Long-Term Care Council shall review the report and suggest any  
10 changes deemed necessary to the Department for review and  
11 action, including how to investigate and substantiate  
12 anonymous complaints.

13 (h) Any person who knowingly transmits a false report to  
14 the Department commits the offense of disorderly conduct under  
15 subsection (a) (8) of Section 26-1 of the Criminal Code of 2012.

16 (Source: P.A. 97-1150, eff. 1-25-13.)

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

19 (210 ILCS 47/3-702)

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

21 (a) A person who believes that this Act or a rule  
22 promulgated under this Act may have been violated may request  
23 an investigation. The request may be submitted to the  
24 Department in writing, by telephone, by electronic means, or by

1 personal visit. An oral complaint shall be reduced to writing  
2 by the Department. The Department shall make available, through  
3 its website and upon request, information regarding the oral  
4 and phone intake processes and the list of questions that will  
5 be asked of the complainant. The Department shall request  
6 information identifying the complainant, including the name,  
7 address and telephone number, to help enable appropriate follow  
8 up. The Department shall act on such complaints via on-site  
9 visits or other methods deemed appropriate to handle the  
10 complaints with or without such identifying information, as  
11 otherwise provided under this Section. The complainant shall be  
12 informed that compliance with such request is not required to  
13 satisfy the procedures for filing a complaint under this Act.  
14 The Department must notify complainants that complaints with  
15 less information provided are far more difficult to respond to  
16 and investigate.

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

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

1 of the complainant, the Department may permit the complainant  
2 or a representative of the complainant to accompany the person  
3 making the on-site inspection of the facility.

4 (d) Upon receipt of a complaint, the Department shall  
5 determine whether this Act or a rule promulgated under this Act  
6 has been or is being violated. The Department shall investigate  
7 all complaints alleging abuse or neglect within 7 days after  
8 the receipt of the complaint except that complaints of abuse or  
9 neglect which indicate that a resident's life or safety is in  
10 imminent danger shall be investigated within 24 hours after  
11 receipt of the complaint. All other complaints shall be  
12 investigated within 30 days after the receipt of the complaint.  
13 The Department employees investigating a complaint shall  
14 conduct a brief, informal exit conference with the facility to  
15 alert its administration of any suspected serious deficiency  
16 that poses a direct threat to the health, safety or welfare of  
17 a resident to enable an immediate correction for the  
18 alleviation or elimination of such threat. Such information and  
19 findings discussed in the brief exit conference shall become a  
20 part of the investigating record but shall not in any way  
21 constitute an official or final notice of violation as provided  
22 under Section 3-301. All complaints shall be classified as "an  
23 invalid report", "a valid report", or "an undetermined report".  
24 For any complaint classified as "a valid report", the  
25 Department must determine within 30 working days if any rule or  
26 provision of this Act has been or is being 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  
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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 commits the offense of disorderly conduct under  
23 subsection (a) (8) of Section 26-1 of the Criminal Code of 2012.  
24 (Source: P.A. 96-339, eff. 7-1-10; 97-1150, eff. 1-25-13.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.