

3105 COMPLAINT INVESTIGATIONS

- 3105.1 The Director may receive any and all complaints alleging violations of the requirements contained in the Act and the rules, and may conduct unannounced investigations to determine the validity of the complaints.
- 3105.2 The facility shall permit the Director entry to investigate complaints. The Director shall conduct complaint investigations during time periods and staff shifts consistent with the allegations in the complaint when deemed appropriate.
- 3105.3 The Director shall submit a written report to the facility no later than ten (10) days after the conclusion of the investigation.
- 3105.4 The Director may require the facility to respond to the written report of findings with a written plan of correction no later than ten (10) days after the receipt of the report.
- 3105.5 The Director shall communicate the findings of the complaint investigation directly to the facility and complainant if the complaint is received directly by the Department. If the complaint is referred by another governmental agency, the Director shall send its findings to the referring agency. The referring agency shall communicate the findings to the complainant.
- 3105.6 The Director shall investigate complaint allegations of a life threatening nature or those that represent immediate danger within twenty-four hours (24 hrs.) of receipt of the complaint by the Department. All other complaints shall be investigated by the Director no later than thirty (30) days from their receipt or as deemed appropriate.
- 3105.7 The Director shall immediately suspend or revoke, in accordance with the Act and these rules, a provisional or restricted license, if a facility is found to have life threatening deficiencies or deficiencies which seriously endanger the public's health and safety.
- 3105.8 The Director shall require a facility which is found in violation of the Act and the rules, but whose deficiencies are not life threatening or seriously endangering to the public's health, safety and welfare to correct the deficiencies within thirty (30) days from receipt of the complaint investigation report.
- 3105.9 The Director shall issue a provisional or a restricted license, as appropriate, to a facility that has not corrected deficiencies within thirty (30) days.
- 3105.10 Where appropriate, the Director shall issue a restricted license to a facility which is found to have life threatening deficiencies or deficiencies which seriously endanger the public's health and safety. When not appropriate, the Director shall suspend or revoke the facility's license consistent with the Act and this chapter.

SOURCE: Final Rulemaking published at 39 DCR 5098, 5104 (July 10, 1992).