

CHAPTER 300: DESIGNATION AND CERTIFICATION

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301: Designation of Regional Programs

- A. The State Ombudsman shall designate Provider Agencies to provide Ombudsman services throughout Illinois for a period of time not to exceed six (6) years. Provider Agencies are eligible to reapply for designation status.

- B. The Provider Agency must:
 - 1. be a public or not for profit entity;
 - 2. have the capability to carry out the responsibilities of the Regional Ombudsman Program;
 - 3. have a clearly definable unit to function as the Regional Ombudsman Program;
 - 4. have sufficient staff to perform all duties and responsibilities as outlined in Chapter 400 of this Manual which shall include a designated individual known as the Regional Ombudsman. At a minimum, the Regional Program shall have one (1) paid full-time equivalent for every 2,000 beds or units in licensed long-term care facilities in the service area;
 - 5. be open for business at least seven (7) hours each business day and shall not be closed for more than four (4) consecutive days;
 - 6. be open for business not less than 245 business days per calendar year; and
 - 7. meet all grant and contractual requirements and all policies and procedures set forth in this Manual.

- C. In order to be eligible for designation by the Office as a Provider Agency, an entity must not have a conflict of interest per Chapter 900 of this Manual.

- D. The AAA shall conduct the proposal process for recommending the qualified entities for designation as Regional Long-Term Care Ombudsman Programs. The Department is responsible for establishing the proposal process.
 - 1. First, the AAA shall publicly advertise for letters of intent. The advertisement must be included on the AAA's website and should be provided via email to any current providers and any known interested entities.
 - 2. When an entity expresses interest in a contract or grant to be a Provider Agency, the AAA shall issue a proposal packet developed by the Office.

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3. If there is no entity that expresses interest by submitting a letter of intent, then the AAA shall directly solicit potential providers to be considered for designation by the State Ombudsman.
 4. After direct solicitation, if there is no entity interested in providing Ombudsman Program services, the State Ombudsman shall designate the AAA to serve as the Regional Long-Term Care Ombudsman Program temporarily, until another entity is approved for designation.
- E. The AAA shall require that applicants complete the proposal packet, including such information as:
1. the goals and objectives of such entity in providing Program services;
 2. a description of how each Program Service Component in Chapter 400 of this Manual shall be met by such applying entity including its staffing plan for the Regional Program;
 3. a description of the number of anticipated volunteers to be recruited and the process in which volunteers will be recruited, trained, supervised and retained;
 4. a description of the resources of the entity which will be provided to assist in the operation of the Regional Program; and
 5. a description of proposed remedies to any conflicts identified in the organizational conflicts of interest form.
- F. The AAA shall recommend a Provider Agency to the Office for designation after at least two (2) AAA staff have reviewed and scored the proposal packets. The AAA shall provide the Office with copies of the completed proposal packets of all responding entities and information supporting its recommendation.
- G. The State Ombudsman shall review and consider all proposal packets submitted to the AAA and the recommendation of the AAA.
1. If the State Ombudsman concurs with the AAA recommendation, the State Ombudsman shall notify the AAA of its designation determination within thirty (30) calendar days of receiving the AAA's recommendation. The State Ombudsman shall notify the Director of all designation decisions.

2. The AAA shall notify the responding entities of the State Ombudsman’s designation decision within ten (10) days of receiving such notification. The AAA notification shall include notice of the right of every entity not chosen to appeal the State Ombudsman’s determination pursuant to the Department’s procedures.
 3. If the State Ombudsman does not concur with the AAA recommendation, the State Ombudsman and representatives of the Department will meet with the AAA to discuss the decision and attempt to reach an agreement.
 4. If an agreement is reached, the State Ombudsman shall notify the AAA of its designation determination and the AAA shall notify the responding entities of the State Ombudsman’s decision.
 5. In the event an agreement cannot be reached, the State Ombudsman will render a final designation decision. The AAA shall notify the responding entities of the State Ombudsman’s decision. The AAA notification shall include notice of the right to appeal the designation decision pursuant to the Department’s procedures.
- H. Upon designation of a Provider Agency by the State Ombudsman, the AAA shall enter into a grant or contract with the Provider Agency for the provision of Ombudsman services in the relevant service area. Such grant or contract must:
1. specify the service area;
 2. require the Provider Agency to adhere to all applicable federal and state laws, regulations, and this Manual;
 3. provide that designation by the State Ombudsman continues for the duration of the grant or contract and the subsequently renewed grants or contracts unless the Provider Agency designation is withdrawn by the State Ombudsman, upon which the AAA will terminate its contract in accordance with Section 302 of this Manual; and
 4. require the Provider Agency to give a sixty (60) day notice of voluntary contract termination.
- I. The AAA shall offer a grant or contract for a one-year period with the option to extend for a maximum of five (5) additional one-year periods for a total of six (6) years.

- J. Should the grant or contract between the Provider Agency and the AAA not be renewed or be terminated for any reason, the AAA shall:
 - 1. immediately notify the Office;
 - 2. follow the steps in Section 301 of this Manual to designate a new Provider Agency as soon as practicably possible; and
 - 3. follow the steps in Section 205 of this Manual to provide continuation of LTCOP services upon temporary designation by the State Ombudsman.

- K. Where the AAA seeks to serve as the Provider Agency, the designation shall occur under a proposal process as follows:
 - 1. The AAA shall publicly advertise for letters of intent and notify the Office of the AAA's intent to seek designation. The advertisement must be included on the AAA's website and should be provided via email to any current providers and any known interested entities.
 - a) The Office shall issue a proposal packet to entities submitting a letter of intent to provide Program services within the applicable service area.
 - b) The proposal packet shall identify the criteria for designation as a Provider Agency in keeping with this Manual, and shall request submission of documents supporting the entity's claim to meet these criteria.
 - 2. The Office shall require that all applying entities complete the proposal packet setting forth the same criteria from Section 301(E) of this Manual.
 - 3. The State Ombudsman shall consider all proposal packets submitted to determine the entity most appropriate after at least two (2) Office staff have reviewed and scored the proposal packets, in keeping with this Manual, to be designated as the Provider Agency for the service area.
 - 4. The State Ombudsman shall notify all the applying entities of the State Ombudsman's decision within thirty (30) calendar days. The notification shall include notice of the right of every entity not chosen to appeal the State Ombudsman's determination pursuant to the Department's procedures.

5. Upon designation by the State Ombudsman, the Department or the AAA may enter into a grant or contract with the selected Provider Agency or AAA for the provision of Program services in the relevant service area.
 6. The effective date of the Provider Agency's grant or contract with the Department shall constitute the effective date of the designation of the entity as a Provider Agency.
 7. Should the grant or contract between the AAA and the Department to provide Program services not be renewed, or be terminated for any reason, the process in Section 302 of this Manual shall be followed.
- L. Where any grant or contract for Program services is not with or through the AAA due to a conflict of interest, the designation of a new Provider Agency may occur through another AAA (requested by the Office) under the same process set forth in Section 301 (B-K) of this Manual.

302: Refusal to Designate and De-designation of Regional Programs

- A. The State Ombudsman has the authority to refuse to designate or de-designate an entity as a Provider Agency for failure to meet the requirements of this Manual, including, but not limited to, the following:
1. failure of the entity to continue to meet the criteria for designation;
 2. failure of the entity to disclose, remove, seek to remedy, or actually remedy a conflict of interest;
 3. violation of Program confidentiality requirements by a person acting as an agent of the entity;
 4. failure of the entity to provide mandated Program services, including, but not limited to, failure to perform enumerated responsibilities, failure to fill a vacant Ombudsman position within a reasonable time, or failure to submit a Regional Program Annual Services Plan for approval by the State Ombudsman;
 5. failure to use funds as appropriated for Ombudsman Services;
 6. failure of the entity to comply with the provisions of the grant or contract; or
 7. failure of the entity to comply with applicable federal and state laws, rules and regulations, and this Manual.
- B. Provider Agency policies, procedures, or practices which the State Ombudsman determines to be in conflict with the laws, policies, or procedures governing the Ombudsman program shall be sufficient grounds for refusal, suspension, or removal of designation of the Regional Ombudsman Programs unless approved per Section 205(F) of this Manual.
- C. When the State Ombudsman refuses to designate an entity that has applied for consideration as a Provider Agency, the entity may submit a request for reconsideration of the State Ombudsman's decision to refuse designation.
1. To request a reconsideration of the decision, the entity must, within ten (10) business days after receiving the notification of the decision to refuse designation, submit a written request for reconsideration and additional information supporting the request to the State Ombudsman.
 2. The State Ombudsman will respond to the request for reconsideration within ten (10) business days upon receipt of the supporting information from the entity.
 3. The State Ombudsman shall make the final determination to refuse designation of a Provider Agency

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- D. When the State Ombudsman determines the designated Provider Agency shall no longer be awarded a grant or contract, the Provider Agency shall be de-designated by the State Ombudsman. The process to de-designate the Provider Agency shall be as follows:
1. when the State Ombudsman determines to de-designate, the State Ombudsman shall notify the Area Agency on Aging and the Provider Agency. The notice shall include the grounds for de-designation, the effective date, and the opportunity for reconsideration of the State Ombudsman's decision;
 2. the State Ombudsman may immediately suspend the designation and request that the Area Agency on Aging suspend the grant or contract, pending the reconsideration process;
 3. the State Ombudsman, in consultation with the Area Agency on Aging, shall ensure the continuity of Ombudsman services during the de-designation process; and
 4. the Area Agency on Aging shall terminate its grant or contract for Program services with the Provider Agency upon notice from the State Ombudsman of the final decision to de-designate the Provider Agency.
- E. Where an Area Agency on Aging contracts with a Provider Agency and recommends de-designation, the process to de-designate the Provider Agency shall be as follows:
1. the Area Agency on Aging shall recommend a Provider Agency for de-designation to the State Ombudsman based on one or more of the grounds listed in Section 302(A) of this Manual;
 2. the State Ombudsman shall review recommendations of the Area Agency on Aging;
 3. when the State Ombudsman determines to de-designate, the State Ombudsman shall notify the Area Agency on Aging and the Provider Agency. The notice shall include the grounds for de-designation, the effective date, and the opportunity for reconsideration of the State Ombudsman's decision;
 4. the State Ombudsman may immediately suspend the designation and request that the Area Agency on Aging to suspend the grant or contract, pending the reconsideration process;
 5. the State Ombudsman, in consultation with the Area Agency on Aging, shall ensure the continuity of Ombudsman services during the de-designation process, in accordance with Sections (C)(3) and (I) of this Chapter; and

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6. the Area Agency on Aging shall terminate its grant or contract for Program services with the Provider Agency upon notice from the State Ombudsman of the final decision to de-designate the Provider Agency.
- F. Where an AAA serves as a Provider Agency, the process to de-designate the Provider Agency shall be as follows:
1. the State Ombudsman shall send notice of the intent to de-designate at a specified date to the AAA. The notice shall include the reasons for de-designation and the opportunity for reconsideration of the State Ombudsman's decision;
 2. the State Ombudsman shall ensure the continuation of Ombudsman services during the de-designation process; and
 2. the Department shall terminate the portion of the grant or contract between the AAA and the Department which provides for Ombudsman services upon notice from the State Ombudsman of the final decision to de-designate the Provider Agency.
- G. Where a Provider Agency contracts directly with the Department, the process to de-designate the Provider Agency shall be as follows:
1. the State Ombudsman shall send notice of the intent to de-designate at a specified date to the Provider Agency and the relevant AAA. The notice shall include the reasons for de-designation and the opportunity for reconsideration of the State Ombudsman's decision;
 2. the State Ombudsman shall ensure the continuation of Ombudsman services during the de-designation process; and
 3. the Department shall terminate its contract for Program services with the Provider Agency upon notice from the State Ombudsman of the final decision to de-designate the Provider Agency.
- H. A Provider Agency may voluntarily relinquish its designation by providing notice to the State Ombudsman and to the AAA in the relevant service area. Such notice shall be provided sixty (60) days in advance of the date of the relinquishment of designation.
- I. A Provider Agency shall notify the State Ombudsman and the AAA in the relevant service area if it chooses not to participate in the next proposal process for Ombudsman services at the end of the grant or contract cycle. Such notice shall be provided, at a minimum, sixty (60) days in advance of the end of the grant or contract cycle.

- J. A Provider Agency may submit a request for reconsideration of the State Ombudsman's decision to remove designation.
1. To request a reconsideration of the decision, the Provider Agency must, within ten (10) business days after receiving the notification of removal of the designation, submit a written request for reconsideration and additional information supporting the request to the State Ombudsman.
 2. The State Ombudsman will respond to the request for reconsideration within ten (10) business days upon receipt of the supporting information from the Provider Agency.
 3. The State Ombudsman shall make the final determination to remove or retain designation of a Provider Agency.
- K. When a Provider Agency has been de-designated, is in the reconsideration process, or has relinquished designation:
1. the AAA, with approval of the State Ombudsman, shall arrange for the provision of Ombudsman services until a new Provider Agency is designated unless there is an irremediable conflict of interest with the AAA;
 2. in accordance with this Manual, Chapter 800, and State Ombudsman instructions, the Provider Agency shall surrender intact to the State Ombudsman or the State Ombudsman designee all Program case records, documentation of all Program activities and complaint processing as required by the Ombudsman reporting system, and identification badges of all Ombudsmen associated with the Provider Agency.

303: Certification of an Ombudsman

- A. The State Ombudsman certifies individuals as Ombudsmen.
- B. In order to be recommended for certification, an Ombudsman must complete the minimum 36 hour initial certification training in accordance with part D of this Section.
- C. The Regional Ombudsman, or when there is a vacancy in the Regional Ombudsman position, the Provider Agency shall submit names of persons to be certified as Ombudsmen using the form prescribed by the Office. To be eligible for consideration as an Ombudsman, an applicant must:
 - 1. be at least 18 years of age;
 - 2. submit to a criminal background check pursuant to the Health Care Worker Background Check Act [225 ILCS 46/] and must not have a disqualifying criminal conviction;
 - 3. be able to carry out the responsibilities of an Ombudsman;
 - 4. have no unremedied conflicts of interest as listed in Section 902(C) of this Manual.
 - 5. In addition, paid Ombudsmen shall:
 - a) at a minimum, have attained a Bachelor's degree; and
 - b) have experience in advocacy, aging, social services, health care or related field.
- D. Training requirements for Ombudsman certification:
 - 1. Ombudsmen must complete 36 hours of initial certification training which includes:
 - a) 16-20 hours of classroom style training that will cover the Ombudsman Program's role, responsibility and authority per state and federal laws and regulations; the resident and the resident experience; an overview of long-term care settings; access to residents, facilities, & records; disclosure; the role of the representative; complaint investigation; common resources and agencies; documentation; and communication;
 - b) additional training includes:
 - i. policies and procedures training;
 - ii. training on using the statewide data tracking system, which is only required for paid staff; and
 - c) a minimum of ten (10) hours of mentoring.

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2. Upon completion of at least 36 hours of certification training that includes: Level I training and mentoring, documentation training and policies and procedures training, the Ombudsman may be placed on the Representative Registry as a Certified Ombudsman only after meeting all other certification criteria and with the approval of the State Ombudsman.
 3. Minimum annual in-service training requirements:

All Ombudsmen are required to complete eighteen (18) hours of in-service training each federal fiscal year. Required in-service hours shall be reduced proportionately to reflect the portion of a federal fiscal year a new Ombudsman participates in the Program. Acceptable training methods include:

 - a) Classroom, either in-person or remote classroom formats (e.g., live webinars);
 - b) In-facility training (e.g., shadowing an experienced Ombudsman in a facility);
 - c) Web-based and self-learning techniques, including training offered by other entities, (e.g., the National Ombudsman Resource Center or the National Center for Law and Elder Abuse).
 4. Failure to meet the training requirements:
 - a) If an Ombudsman, paid or volunteer, fails to complete the training requirements, the individual may be de-certified and may not function as an Ombudsman until they begin the process again, completing the necessary steps in the required time frames.
 - b) If an Ombudsman takes a leave of absence for more than one (1) year, they must repeat Certification Training before resuming their role as an Ombudsman.

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- E. No individual shall independently investigate any complaint filed with the Regional Program unless he or she has been certified as an Ombudsman by the State Ombudsman.
 - F. A certified Ombudsman is authorized to provide services anywhere in the State only with the consent of the State Ombudsman or the Regional Ombudsman in the respective area.
 - G. The Provider Agency shall retain on file for a period of five (5) years copies of criminal records requests for all Ombudsmen pursuant to Section 50 of Illinois Health Care Worker Background Check Act [225 ILCS 46/50].
 - H. Regional Ombudsman designation:
 - 1. In order to qualify as a Regional Ombudsman, an individual must:
 - a) be a certified Ombudsman;
 - b) have attained a Bachelor's degree;
 - c) have a minimum of three (3) years of work experience in advocacy, aging, social services, health care or related fields; and
 - d) work full-time as the Regional Ombudsman.
 - 2. The designated Provider Agency must submit a written request to the State Ombudsman to certify the recommended candidate as a Regional Ombudsman. The résumé of the candidate must be submitted with the request letter.
 - I. Requests for substitutions, waivers or variances related to minimum requirements must be made in writing and approved, pursuant to Section 105 of this Manual, prior to the hiring or promotion of the employee in question.
 - J. The Office shall:
 - 1. complete the certification of the Ombudsman by recording the certification and the effective date in the Ombudsman Registry.
 - 2. send written notification of an individual's certification as an Ombudsman to the individual being certified and to the Regional Ombudsman within thirty (30) calendar days of the determination; and
 - 3. provide the Ombudsman with an identification card.
 - K. Certification continues until the individual is removed from the Ombudsman Registry by the State Ombudsman.

304: Suspension and De-certification of an Ombudsman

- A. The State Ombudsman has the authority to de-certify an Ombudsman. The State Ombudsman may consider remedial actions which could be taken to avoid the de-certification of an Ombudsman, such as suspension of duties. Such remedial actions, if any, are completely within the discretion of the State Ombudsman. The State Ombudsman shall consider the written recommendation of the Regional Ombudsman, the Deputy State Home Care Ombudsman, the Provider Agency, or the AAA.
- B. The State Ombudsman may suspend or de-certify an Ombudsman for one or more of the following reasons:
1. failure of the Ombudsman to meet and/or maintain the criteria for certification;
 2. existence of a conflict of interest that has not been remedied;
 3. deliberate failure of the Ombudsman to disclose all conflicts of interest;
 4. violation of confidentiality requirements of this Manual;
 5. failure to provide adequate and appropriate services to residents or participants;
 6. falsifying Program records or providing false information;
 7. failure, refusal, or inability to follow the direction of the Regional Ombudsman, Deputy State Home Care Ombudsman, or State Ombudsman in carrying out the duties of the Program;
 8. a change in circumstances that creates a conflict in accordance with Section 902 of this Manual;
 9. discontinuation of involvement with the Program, including, but not limited to:
 - a) employment;
 - b) an excused absence of six (6) months that is not otherwise provided for in law;
 - c) cessation of the Provider Agency's contract for the provision of Program services;
 10. divulging Department of Public Health survey dates for long-term care facilities; or
 11. failure to act in accordance with applicable federal and state laws, regulations, and this Manual.

- C. An individual may submit a request for reconsideration of the State Ombudsman’s decision to refuse, suspend or remove certification.
 - 1. To request a reconsideration of the decision, the individual must, within ten (10) days after receiving the notification to refuse, suspend or remove designation, submit a written request for reconsideration and additional information supporting the request to the State Ombudsman.
 - 2. The State Ombudsman will respond to the request for reconsideration within ten (10) business days upon receipt of the supporting information from the individual.
 - 3. The State Ombudsman shall make the final determination to suspend, remove or retain designation of a Provider Agency
- D. Once de-certified, the former Long-Term Care Ombudsman must return his or her identification badge to the Regional Ombudsman Program. The Regional Ombudsman Program shall ensure the badge is destroyed. The Office will remove the individual from the registry. The Regional Ombudsman or the Provider Agency, as appropriate, in consultation with the State Ombudsman, shall make a reasonable effort to notify, in writing, the facilities known to be frequented by the former Ombudsman. The State Ombudsman shall receive a copy of the notification.
- E. If the refusal to certify an individual as an Ombudsman, or the de-certification of an Ombudsman, results in the absence of Ombudsman services in the relevant service area, the Provider Agency and the AAA, with the approval of the State Ombudsman, shall arrange for the provision of Ombudsman services until an Ombudsman is certified.
- F. The Regional Ombudsman or Provider Agency in the event the individual needing de-certified is the Regional Ombudsman, shall submit the Request for De-Certification Form to the Office to notify the State Ombudsman of the recommendation to de-certify the individual. The State Ombudsman shall notify the requestor of the decision to de-certify.

305: Grievances Against an Ombudsman Related to the Performance of Duties

- A. All grievances shall be documented and an outcome and any relevant action shall be identified. Grievances shall be promptly resolved at the lowest possible level.

- B. Paid or Volunteer Ombudsmen
 - 1. Complaints about a paid or volunteer Ombudsman shall be in writing and directed to the Regional Ombudsman.
 - 2. The nature of the complaint and the investigation shall be promptly documented.
 - 3. The Regional Ombudsman shall inform the State Ombudsman of any grievances filed against an Ombudsman.
 - 4. The Regional Ombudsman shall investigate the complaint and provide a response back to the complainant at the conclusion of the investigation. The investigation shall be initiated within seven (7) business days from receipt of the written complaint. The response to the complainant shall be sent within thirty (30) calendar days of receipt of the complaint when practicable.
 - 5. The response to the complainant shall include the phone number of the State Ombudsman's office, along with instructions on sending the matter to the next level, in the event the complainant is not satisfied with the outcome of the investigation.
 - 6. An individual who filed a grievance and is dissatisfied with the decision of the Regional Ombudsman may file a written request for review with the State Ombudsman within thirty (30) calendar days of the decision. The State Ombudsman shall respond to the written request for review within forty-five (45) calendar days of receipt of the request when practicable.
 - 7. The decision of the State Ombudsman is final and cannot be appealed.

- C. Regional Ombudsman
 - 1. Complaints about the Regional Ombudsman shall be in writing and directed to the State Ombudsman. Complaints received by the AAA or the Provider Agency shall be forwarded on to the State Ombudsman.
 - 2. The nature of the complaint and the investigation shall be promptly documented.

3. The State Ombudsman shall inform the Provider Agency of any grievances filed against a Regional Ombudsman.
4. The Office shall investigate the complaint and respond back to the complainant. The investigation shall be initiated within seven (7) business days from receipt of the written complaint. The response to the complainant shall be sent within thirty (30) calendar days of receipt of the complaint when practicable.
5. The decision of the State Ombudsman is final and cannot be appealed.

D. Home Care Ombudsmen

1. Complaints about a Home Care Ombudsman shall be in writing and directed to the Deputy State Home Care Ombudsman.
2. The nature of the complaint and the investigation shall be promptly documented.
3. The Deputy State Home Care Ombudsman shall inform the State Ombudsman of any grievances filed against an Ombudsman.
4. The Deputy State Home Care Ombudsman shall investigate the complaint and provide a response back to the complainant after the investigation. The investigation shall be initiated within seven (7) business days from receipt of the written complaint. The response to the complainant shall be sent within thirty (30) calendar days of receipt of the complaint when practicable.
5. The response to the complainant shall include the phone number of the State Ombudsman's office, along with instructions on sending the matter to the next level, in the event the complainant is not satisfied with the outcome of the investigation.
6. An individual who filed a grievance and is dissatisfied with the decision of the Deputy State Home Care Ombudsman may file a written request for review with the State Ombudsman within thirty (30) calendar days of the decision. The State Ombudsman shall respond to the written request for review within forty-five (45) calendar days of receipt of the request when practicable.
7. The decision of the State Ombudsman is final and cannot be appealed.

- E. State Ombudsman Staff
 - 1. A complaint about the State Ombudsman staff shall be in writing and directed to the State Ombudsman.
 - 2. The nature of the complaint and the investigation shall be promptly documented.
 - 3. The State Ombudsman shall begin the investigation within seven (7) business days from receipt of the written complaint. The response to the complainant shall be sent within thirty (30) calendar days of receipt of the complaint when practicable.
 - 4. An individual who filed a grievance and is dissatisfied with the decision of the State Ombudsman may file a written request for review with the Director. The Director shall respond to the written request for review within sixty (60) calendar days of receipt of the request when practicable.

- F. Complaints against the State Ombudsman:
 - 1. A complaint about the State Ombudsman shall be in writing and directed to the Director of the Department.
 - 2. The nature of the complaint and the investigation shall be promptly documented.
 - 3. The Director shall begin the investigation within seven (7) business days from receipt of the written complaint when feasible. The response to the complainant shall be sent within thirty (30) calendar days of receipt of the complaint when practicable.
 - 4. The decision of the Director is final and cannot be appealed.