



Sen. Laura M. Murphy

Filed: 4/20/2018

10000SB3179sam002

LRB100 18946 RLC 38983 a

1 AMENDMENT TO SENATE BILL 3179

2 AMENDMENT NO. _____. Amend Senate Bill 3179, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Department of Human Services Act is amended
6 by changing Section 1-17 as follows:

7 (20 ILCS 1305/1-17)

8 Sec. 1-17. Inspector General.

9 (a) Nature and purpose. It is the express intent of the
10 General Assembly to ensure the health, safety, and financial
11 condition of individuals receiving services in this State due
12 to mental illness, developmental disability, or both by
13 protecting those persons from acts of abuse, neglect, or both
14 by service providers. To that end, the Office of the Inspector
15 General for the Department of Human Services is created to
16 investigate and report upon allegations of the abuse, neglect,

1 or financial exploitation of individuals receiving services
2 within mental health facilities, developmental disabilities
3 facilities, and community agencies operated, licensed, funded
4 or certified by the Department of Human Services, but not
5 licensed or certified by any other State agency.

6 (b) Definitions. The following definitions apply to this
7 Section:

8 "Adult student with a disability" means an adult student,
9 age 18 through 21, inclusive, with an Individual Education
10 Program, other than a resident of a facility licensed by the
11 Department of Children and Family Services in accordance with
12 the Child Care Act of 1969. For purposes of this definition,
13 "through age 21, inclusive", means through the day before the
14 student's 22nd birthday.

15 "Agency" or "community agency" means (i) a community agency
16 licensed, funded, or certified by the Department, but not
17 licensed or certified by any other human services agency of the
18 State, to provide mental health service or developmental
19 disabilities service, or (ii) a program licensed, funded, or
20 certified by the Department, but not licensed or certified by
21 any other human services agency of the State, to provide mental
22 health service or developmental disabilities service.

23 "Aggravating circumstance" means a factor that is
24 attendant to a finding and that tends to compound or increase
25 the culpability of the accused.

26 "Allegation" means an assertion, complaint, suspicion, or

1 incident involving any of the following conduct by an employee,
2 facility, or agency against an individual or individuals:
3 mental abuse, physical abuse, sexual abuse, neglect, or
4 financial exploitation.

5 "Day" means working day, unless otherwise specified.

6 "Deflection" means a situation in which an individual is
7 presented for admission to a facility or agency, and the
8 facility staff or agency staff do not admit the individual.
9 "Deflection" includes triage, redirection, and denial of
10 admission.

11 "Department" means the Department of Human Services.

12 "Developmental disability" means "developmental
13 disability" as defined in the Mental Health and Developmental
14 Disabilities Code.

15 "Egregious neglect" means a finding of neglect as
16 determined by the Inspector General that (i) represents a gross
17 failure to adequately provide for, or a callused indifference
18 to, the health, safety, or medical needs of an individual and
19 (ii) results in an individual's death or other serious
20 deterioration of an individual's physical condition or mental
21 condition.

22 "Employee" means any person who provides services at the
23 facility or agency on-site or off-site. The service
24 relationship can be with the individual or with the facility or
25 agency. Also, "employee" includes any employee or contractual
26 agent of the Department of Human Services or the community

1 agency involved in providing or monitoring or administering
2 mental health or developmental disability services. This
3 includes but is not limited to: owners, operators, payroll
4 personnel, contractors, subcontractors, and volunteers.

5 "Facility" or "State-operated facility" means a mental
6 health facility or developmental disabilities facility
7 operated by the Department.

8 "Financial exploitation" means taking unjust advantage of
9 an individual's assets, property, or financial resources
10 through deception, intimidation, or conversion for the
11 employee's, facility's, or agency's own advantage or benefit.

12 "Finding" means the Office of Inspector General's
13 determination regarding whether an allegation is
14 substantiated, unsubstantiated, or unfounded.

15 "Health Care Worker Registry" or "Registry" means the
16 Health Care Worker Registry under the Health Care Worker
17 Background Check Act.

18 "Individual" means any person receiving mental health
19 service, developmental disabilities service, or both from a
20 facility or agency, while either on-site or off-site.

21 "Mental abuse" means the use of demeaning, intimidating, or
22 threatening words, signs, gestures, or other actions by an
23 employee about an individual and in the presence of an
24 individual or individuals that results in emotional distress or
25 maladaptive behavior, or could have resulted in emotional
26 distress or maladaptive behavior, for any individual present.

1 "Mental illness" means "mental illness" as defined in the
2 Mental Health and Developmental Disabilities Code.

3 "Mentally ill" means having a mental illness.

4 "Mitigating circumstance" means a condition that (i) is
5 attendant to a finding, (ii) does not excuse or justify the
6 conduct in question, but (iii) may be considered in evaluating
7 the severity of the conduct, the culpability of the accused, or
8 both the severity of the conduct and the culpability of the
9 accused.

10 "Neglect" means an employee's, agency's, or facility's
11 failure to provide adequate medical care, personal care, or
12 maintenance and that, as a consequence, (i) causes an
13 individual pain, injury, or emotional distress, (ii) results in
14 either an individual's maladaptive behavior or the
15 deterioration of an individual's physical condition or mental
16 condition, or (iii) places the individual's health or safety at
17 substantial risk.

18 "Person with a developmental disability" means a person
19 having a developmental disability.

20 "Physical abuse" means an employee's non-accidental and
21 inappropriate contact with an individual that causes bodily
22 harm. "Physical abuse" includes actions that cause bodily harm
23 as a result of an employee directing an individual or person to
24 physically abuse another individual.

25 "Recommendation" means an admonition, separate from a
26 finding, that requires action by the facility, agency, or

1 Department to correct a systemic issue, problem, or deficiency
2 identified during an investigation.

3 "Required reporter" means any employee who suspects,
4 witnesses, or is informed of an allegation of any one or more
5 of the following: mental abuse, physical abuse, sexual abuse,
6 neglect, or financial exploitation.

7 "Secretary" means the Chief Administrative Officer of the
8 Department.

9 "Sexual abuse" means any sexual contact or intimate
10 physical contact between an employee and an individual,
11 including an employee's coercion or encouragement of an
12 individual to engage in sexual behavior that results in sexual
13 contact, intimate physical contact, sexual behavior, or
14 intimate physical behavior. Sexual abuse also includes (i) an
15 employee's actions that result in the sending or showing of
16 sexually explicit images to an individual via computer,
17 cellular phone, electronic mail, portable electronic device,
18 or other media with or without contact with the individual or
19 (ii) an employee's posting of sexually explicit images of an
20 individual online or elsewhere whether or not there is contact
21 with the individual.

22 "Sexually explicit images" includes, but is not limited to,
23 any material which depicts nudity, sexual conduct, or
24 sado-masochistic abuse, or which contains explicit and
25 detailed verbal descriptions or narrative accounts of sexual
26 excitement, sexual conduct, or sado-masochistic abuse.

1 "Substantiated" means there is a preponderance of the
2 evidence to support the allegation.

3 "Unfounded" means there is no credible evidence to support
4 the allegation.

5 "Unsubstantiated" means there is credible evidence, but
6 less than a preponderance of evidence to support the
7 allegation.

8 (c) Appointment. The Governor shall appoint, and the Senate
9 shall confirm, an Inspector General. The Inspector General
10 shall be appointed for a term of 4 years and shall function
11 within the Department of Human Services and report to the
12 Secretary and the Governor.

13 (d) Operation and appropriation. The Inspector General
14 shall function independently within the Department with
15 respect to the operations of the Office, including the
16 performance of investigations and issuance of findings and
17 recommendations. The appropriation for the Office of Inspector
18 General shall be separate from the overall appropriation for
19 the Department.

20 (e) Powers and duties. The Inspector General shall
21 investigate reports of suspected mental abuse, physical abuse,
22 sexual abuse, neglect, or financial exploitation of
23 individuals in any mental health or developmental disabilities
24 facility or agency and shall have authority to take immediate
25 action to prevent any one or more of the following from
26 happening to individuals under its jurisdiction: mental abuse,

1 physical abuse, sexual abuse, neglect, or financial
2 exploitation. Upon written request of an agency of this State,
3 the Inspector General may assist another agency of the State in
4 investigating reports of the abuse, neglect, or abuse and
5 neglect of persons with mental illness, persons with
6 developmental disabilities, or persons with both. To comply
7 with the requirements of subsection (k) of this Section, the
8 Inspector General shall also review all reportable deaths for
9 which there is no allegation of abuse or neglect. Nothing in
10 this Section shall preempt any duties of the Medical Review
11 Board set forth in the Mental Health and Developmental
12 Disabilities Code. The Inspector General shall have no
13 authority to investigate alleged violations of the State
14 Officials and Employees Ethics Act. Allegations of misconduct
15 under the State Officials and Employees Ethics Act shall be
16 referred to the Office of the Governor's Executive Inspector
17 General for investigation.

18 (f) Limitations. The Inspector General shall not conduct an
19 investigation within an agency or facility if that
20 investigation would be redundant to or interfere with an
21 investigation conducted by another State agency. The Inspector
22 General shall have no supervision over, or involvement in, the
23 routine programmatic, licensing, funding, or certification
24 operations of the Department. Nothing in this subsection limits
25 investigations by the Department that may otherwise be required
26 by law or that may be necessary in the Department's capacity as

1 central administrative authority responsible for the operation
2 of the State's mental health and developmental disabilities
3 facilities.

4 (g) Rulemaking authority. The Inspector General shall
5 promulgate rules establishing minimum requirements for
6 reporting allegations as well as for initiating, conducting,
7 and completing investigations based upon the nature of the
8 allegation or allegations. The rules shall clearly establish
9 that if 2 or more State agencies could investigate an
10 allegation, the Inspector General shall not conduct an
11 investigation that would be redundant to, or interfere with, an
12 investigation conducted by another State agency. The rules
13 shall further clarify the method and circumstances under which
14 the Office of Inspector General may interact with the
15 licensing, funding, or certification units of the Department in
16 preventing further occurrences of mental abuse, physical
17 abuse, sexual abuse, neglect, egregious neglect, and financial
18 exploitation.

19 (h) Training programs. The Inspector General shall (i)
20 establish a comprehensive program to ensure that every person
21 authorized to conduct investigations receives ongoing training
22 relative to investigation techniques, communication skills,
23 and the appropriate means of interacting with persons receiving
24 treatment for mental illness, developmental disability, or
25 both mental illness and developmental disability, and (ii)
26 establish and conduct periodic training programs for facility

1 and agency employees concerning the prevention and reporting of
2 any one or more of the following: mental abuse, physical abuse,
3 sexual abuse, neglect, egregious neglect, or financial
4 exploitation. The Inspector General shall further ensure (i)
5 every person authorized to conduct investigations at community
6 agencies receives ongoing training in Title 59, Parts 115, 116,
7 and 119, and (ii) every person authorized to conduct
8 investigations shall receive ongoing training in Title 59, Part
9 50. Nothing in this Section shall be deemed to prevent the
10 Office of Inspector General from conducting any other training
11 as determined by the Inspector General to be necessary or
12 helpful.

13 (i) Duty to cooperate.

14 (1) The Inspector General shall at all times be granted
15 access to any facility or agency for the purpose of
16 investigating any allegation, conducting unannounced site
17 visits, monitoring compliance with a written response, or
18 completing any other statutorily assigned duty. The
19 Inspector General shall conduct unannounced site visits to
20 each facility at least annually for the purpose of
21 reviewing and making recommendations on systemic issues
22 relative to preventing, reporting, investigating, and
23 responding to all of the following: mental abuse, physical
24 abuse, sexual abuse, neglect, egregious neglect, or
25 financial exploitation.

26 (2) Any employee who fails to cooperate with an Office

1 of the Inspector General investigation is in violation of
2 this Act. Failure to cooperate with an investigation
3 includes, but is not limited to, any one or more of the
4 following: (i) creating and transmitting a false report to
5 the Office of the Inspector General hotline, (ii) providing
6 false information to an Office of the Inspector General
7 Investigator during an investigation, (iii) colluding with
8 other employees to cover up evidence, (iv) colluding with
9 other employees to provide false information to an Office
10 of the Inspector General investigator, (v) destroying
11 evidence, (vi) withholding evidence, or (vii) otherwise
12 obstructing an Office of the Inspector General
13 investigation. Additionally, any employee who, during an
14 unannounced site visit or written response compliance
15 check, fails to cooperate with requests from the Office of
16 the Inspector General is in violation of this Act.

17 (j) Subpoena powers. The Inspector General shall have the
18 power to subpoena witnesses and compel the production of all
19 documents and physical evidence relating to his or her
20 investigations and any hearings authorized by this Act. This
21 subpoena power shall not extend to persons or documents of a
22 labor organization or its representatives insofar as the
23 persons are acting in a representative capacity to an employee
24 whose conduct is the subject of an investigation or the
25 documents relate to that representation. Any person who
26 otherwise fails to respond to a subpoena or who knowingly

1 provides false information to the Office of the Inspector
2 General by subpoena during an investigation is guilty of a
3 Class A misdemeanor.

4 (k) Reporting allegations and deaths.

5 (1) Allegations. If an employee witnesses, is told of,
6 or has reason to believe an incident of mental abuse,
7 physical abuse, sexual abuse, neglect, or financial
8 exploitation has occurred, the employee, agency, or
9 facility shall report the allegation by phone to the Office
10 of the Inspector General hotline according to the agency's
11 or facility's procedures, but in no event later than 4
12 hours after the initial discovery of the incident,
13 allegation, or suspicion of any one or more of the
14 following: mental abuse, physical abuse, sexual abuse,
15 neglect, or financial exploitation. A required reporter as
16 defined in subsection (b) of this Section who knowingly or
17 intentionally fails to comply with these reporting
18 requirements is guilty of a Class A misdemeanor.

19 (2) Deaths. Absent an allegation, a required reporter
20 shall, within 24 hours after initial discovery, report by
21 phone to the Office of the Inspector General hotline each
22 of the following:

23 (i) Any death of an individual occurring within 14
24 calendar days after discharge or transfer of the
25 individual from a residential program or facility.

26 (ii) Any death of an individual occurring within 24

1 hours after deflection from a residential program or
2 facility.

3 (iii) Any other death of an individual occurring at
4 an agency or facility or at any Department-funded site.

5 (3) Retaliation. It is a violation of this Act for any
6 employee or administrator of an agency or facility to take
7 retaliatory action against an employee who acts in good
8 faith in conformance with his or her duties as a required
9 reporter.

10 (1) Reporting to law enforcement.

11 (1) Reporting criminal acts. Within 24 hours after
12 determining that there is credible evidence indicating
13 that a criminal act may have been committed or that special
14 expertise may be required in an investigation, the
15 Inspector General shall notify the Department of State
16 Police or other appropriate law enforcement authority, or
17 ensure that such notification is made. The Department of
18 State Police shall investigate any report from a
19 State-operated facility indicating a possible murder,
20 sexual assault, or other felony by an employee. All
21 investigations conducted by the Inspector General shall be
22 conducted in a manner designed to ensure the preservation
23 of evidence for possible use in a criminal prosecution.

24 (2) Reporting allegations of adult students with
25 disabilities. Upon receipt of a reportable allegation
26 regarding an adult student with a disability, the

1 Department's Office of the Inspector General shall
2 determine whether the allegation meets the criteria for the
3 Domestic Abuse Program under the Abuse of Adults with
4 Disabilities Intervention Act. If the allegation is
5 reportable to that program, the Office of the Inspector
6 General shall initiate an investigation. If the allegation
7 is not reportable to the Domestic Abuse Program, the Office
8 of the Inspector General shall make an expeditious referral
9 to the respective law enforcement entity. If the alleged
10 victim is already receiving services from the Department,
11 the Office of the Inspector General shall also make a
12 referral to the respective Department of Human Services'
13 Division or Bureau.

14 (m) Investigative reports. Upon completion of an
15 investigation, the Office of Inspector General shall issue an
16 investigative report identifying whether the allegations are
17 substantiated, unsubstantiated, or unfounded. Within 10
18 business days after the transmittal of a completed
19 investigative report substantiating an allegation, finding an
20 allegation is unsubstantiated, or if a recommendation is made,
21 the Inspector General shall provide the investigative report on
22 the case to the Secretary and to the director of the facility
23 or agency where any one or more of the following occurred:
24 mental abuse, physical abuse, sexual abuse, neglect, egregious
25 neglect, or financial exploitation. The director of the
26 facility or agency shall be responsible for maintaining the

1 confidentiality of the investigative report consistent with
2 State and federal law. In a substantiated case, the
3 investigative report shall include any mitigating or
4 aggravating circumstances that were identified during the
5 investigation. If the case involves substantiated neglect, the
6 investigative report shall also state whether egregious
7 neglect was found. An investigative report may also set forth
8 recommendations. All investigative reports prepared by the
9 Office of the Inspector General shall be considered
10 confidential and shall not be released except as provided by
11 the law of this State or as required under applicable federal
12 law. Unsubstantiated and unfounded reports shall not be
13 disclosed except as allowed under Section 6 of the Abused and
14 Neglected Long Term Care Facility Residents Reporting Act. Raw
15 data used to compile the investigative report shall not be
16 subject to release unless required by law or a court order.
17 "Raw data used to compile the investigative report" includes,
18 but is not limited to, any one or more of the following: the
19 initial complaint, witness statements, photographs,
20 investigator's notes, police reports, or incident reports. If
21 the allegations are substantiated, the accused shall be
22 provided with a redacted copy of the investigative report.
23 Death reports where there was no allegation of abuse or neglect
24 shall only be released pursuant to applicable State or federal
25 law or a valid court order.

26 (n) Written responses and reconsideration requests.

1 (1) Written responses. Within 30 calendar days from
2 receipt of a substantiated investigative report or an
3 investigative report which contains recommendations,
4 absent a reconsideration request, the facility or agency
5 shall file a written response that addresses, in a concise
6 and reasoned manner, the actions taken to: (i) protect the
7 individual; (ii) prevent recurrences; and (iii) eliminate
8 the problems identified. The response shall include the
9 implementation and completion dates of such actions. If the
10 written response is not filed within the allotted 30
11 calendar day period, the Secretary shall determine the
12 appropriate corrective action to be taken.

13 (2) Reconsideration requests. The facility, agency,
14 victim or guardian, or the subject employee may request
15 that the Office of Inspector General reconsider or clarify
16 its finding based upon additional information.

17 (o) Disclosure of the finding by the Inspector General. The
18 Inspector General shall disclose the finding of an
19 investigation to the following persons: (i) the Governor, (ii)
20 the Secretary, (iii) the director of the facility or agency,
21 (iv) the alleged victims and their guardians, (v) the
22 complainant, and (vi) the accused. This information shall
23 include whether the allegations were deemed substantiated,
24 unsubstantiated, or unfounded.

25 (p) Secretary review. Upon review of the Inspector
26 General's investigative report and any agency's or facility's

1 written response, the Secretary shall accept or reject the
2 written response and notify the Inspector General of that
3 determination. The Secretary may further direct that other
4 administrative action be taken, including, but not limited to,
5 any one or more of the following: (i) additional site visits,
6 (ii) training, (iii) provision of technical assistance
7 relative to administrative needs, licensure or certification,
8 or (iv) the imposition of appropriate sanctions.

9 (q) Action by facility or agency. Within 30 days of the
10 date the Secretary approves the written response or directs
11 that further administrative action be taken, the facility or
12 agency shall provide an implementation report to the Inspector
13 General that provides the status of the action taken. The
14 facility or agency shall be allowed an additional 30 days to
15 send notice of completion of the action or to send an updated
16 implementation report. If the action has not been completed
17 within the additional 30-day ~~30-day~~ period, the facility or
18 agency shall send updated implementation reports every 60 days
19 until completion. The Inspector General shall conduct a review
20 of any implementation plan that takes more than 120 days after
21 approval to complete, and shall monitor compliance through a
22 random review of approved written responses, which may include,
23 but are not limited to: (i) site visits, (ii) telephone
24 contact, and (iii) requests for additional documentation
25 evidencing compliance.

26 (r) Sanctions. Sanctions, if imposed by the Secretary under

1 Subdivision (p)(iv) of this Section, shall be designed to
2 prevent further acts of mental abuse, physical abuse, sexual
3 abuse, neglect, egregious neglect, or financial exploitation
4 or some combination of one or more of those acts at a facility
5 or agency, and may include any one or more of the following:

6 (1) Appointment of on-site monitors.

7 (2) Transfer or relocation of an individual or
8 individuals.

9 (3) Closure of units.

10 (4) Termination of any one or more of the following:

11 (i) Department licensing, (ii) funding, or (iii)
12 certification.

13 The Inspector General may seek the assistance of the
14 Illinois Attorney General or the office of any State's Attorney
15 in implementing sanctions.

16 (s) Health Care Worker Registry.

17 (1) Reporting to the Registry. The Inspector General
18 shall report to the Department of Public Health's Health
19 Care Worker Registry, a public registry, the identity and
20 finding of each employee of a facility or agency against
21 whom there is a final investigative report containing a
22 substantiated allegation of physical or sexual abuse,
23 financial exploitation, or egregious neglect of an
24 individual.

25 (2) Notice to employee. Prior to reporting the name of
26 an employee, the employee shall be notified of the

1 Department's obligation to report and shall be granted an
2 opportunity to request an administrative hearing, the sole
3 purpose of which is to determine if the substantiated
4 finding warrants reporting to the Registry. Notice to the
5 employee shall contain a clear and concise statement of the
6 grounds on which the report to the Registry is based, offer
7 the employee an opportunity for a hearing, and identify the
8 process for requesting such a hearing. Notice is sufficient
9 if provided by certified mail to the employee's last known
10 address. If the employee fails to request a hearing within
11 30 days from the date of the notice, the Inspector General
12 shall report the name of the employee to the Registry.
13 Nothing in this subdivision (s) (2) shall diminish or impair
14 the rights of a person who is a member of a collective
15 bargaining unit under the Illinois Public Labor Relations
16 Act or under any other federal labor statute.

17 (3) Registry hearings. If the employee requests an
18 administrative hearing, the employee shall be granted an
19 opportunity to appear before an administrative law judge to
20 present reasons why the employee's name should not be
21 reported to the Registry. The Department shall bear the
22 burden of presenting evidence that establishes, by a
23 preponderance of the evidence, that the substantiated
24 finding warrants reporting to the Registry. After
25 considering all the evidence presented, the administrative
26 law judge shall make a recommendation to the Secretary as

1 to whether the substantiated finding warrants reporting
2 the name of the employee to the Registry. The Secretary
3 shall render the final decision. The Department and the
4 employee shall have the right to request that the
5 administrative law judge consider a stipulated disposition
6 of these proceedings.

7 (4) Testimony at Registry hearings. A person who makes
8 a report or who investigates a report under this Act shall
9 testify fully in any judicial proceeding resulting from
10 such a report, as to any evidence of abuse or neglect, or
11 the cause thereof. No evidence shall be excluded by reason
12 of any common law or statutory privilege relating to
13 communications between the alleged perpetrator of abuse or
14 neglect, or the individual alleged as the victim in the
15 report, and the person making or investigating the report.
16 Testimony at hearings is exempt from the confidentiality
17 requirements of subsection (f) of Section 10 of the Mental
18 Health and Developmental Disabilities Confidentiality Act.

19 (5) Employee's rights to collateral action. No
20 reporting to the Registry shall occur and no hearing shall
21 be set or proceed if an employee notifies the Inspector
22 General in writing, including any supporting
23 documentation, that he or she is formally contesting an
24 adverse employment action resulting from a substantiated
25 finding by complaint filed with the Illinois Civil Service
26 Commission, or which otherwise seeks to enforce the

1 employee's rights pursuant to any applicable collective
2 bargaining agreement. If an action taken by an employer
3 against an employee as a result of a finding of physical
4 abuse, sexual abuse, or egregious neglect is overturned
5 through an action filed with the Illinois Civil Service
6 Commission or under any applicable collective bargaining
7 agreement and if that employee's name has already been sent
8 to the Registry, the employee's name shall be removed from
9 the Registry.

10 (6) Removal from Registry. At any time after the report
11 to the Registry, but no more than once in any 12-month
12 period, an employee may petition the Department in writing
13 to remove his or her name from the Registry. Upon receiving
14 notice of such request, the Inspector General shall conduct
15 an investigation into the petition. Upon receipt of such
16 request, an administrative hearing will be set by the
17 Department. At the hearing, the employee shall bear the
18 burden of presenting evidence that establishes, by a
19 preponderance of the evidence, that removal of the name
20 from the Registry is in the public interest. The parties
21 may jointly request that the administrative law judge
22 consider a stipulated disposition of these proceedings.

23 (t) Review of Administrative Decisions. The Department
24 shall preserve a record of all proceedings at any formal
25 hearing conducted by the Department involving Health Care
26 Worker Registry hearings. Final administrative decisions of

1 the Department are subject to judicial review pursuant to
2 provisions of the Administrative Review Law.

3 (u) Quality Care Board. There is created, within the Office
4 of the Inspector General, a Quality Care Board to be composed
5 of 7 members appointed by the Governor with the advice and
6 consent of the Senate. One of the members shall be designated
7 as chairman by the Governor. Of the initial appointments made
8 by the Governor, 4 Board members shall each be appointed for a
9 term of 4 years and 3 members shall each be appointed for a
10 term of 2 years. Upon the expiration of each member's term, a
11 successor shall be appointed for a term of 4 years. In the case
12 of a vacancy in the office of any member, the Governor shall
13 appoint a successor for the remainder of the unexpired term.

14 Members appointed by the Governor shall be qualified by
15 professional knowledge or experience in the area of law,
16 investigatory techniques, or in the area of care of the
17 mentally ill or care of persons with developmental
18 disabilities. Two members appointed by the Governor shall be
19 persons with a disability or a parent of a person with a
20 disability. Members shall serve without compensation, but
21 shall be reimbursed for expenses incurred in connection with
22 the performance of their duties as members.

23 The Board shall meet quarterly, and may hold other meetings
24 on the call of the chairman. Four members shall constitute a
25 quorum allowing the Board to conduct its business. The Board
26 may adopt rules and regulations it deems necessary to govern

1 its own procedures.

2 The Board shall monitor and oversee the operations,
3 policies, and procedures of the Inspector General to ensure the
4 prompt and thorough investigation of allegations of neglect and
5 abuse. In fulfilling these responsibilities, the Board may do
6 the following:

7 (1) Provide independent, expert consultation to the
8 Inspector General on policies and protocols for
9 investigations of alleged abuse, neglect, or both abuse and
10 neglect.

11 (2) Review existing regulations relating to the
12 operation of facilities.

13 (3) Advise the Inspector General as to the content of
14 training activities authorized under this Section.

15 (4) Recommend policies concerning methods for
16 improving the intergovernmental relationships between the
17 Office of the Inspector General and other State or federal
18 offices.

19 (v) Annual report. The Inspector General shall provide to
20 the General Assembly and the Governor, no later than January 1
21 of each year, a summary of reports and investigations made
22 under this Act for the prior fiscal year with respect to
23 individuals receiving mental health or developmental
24 disabilities services. The report shall detail the imposition
25 of sanctions, if any, and the final disposition of any
26 corrective or administrative action directed by the Secretary.

1 The summaries shall not contain any confidential or identifying
2 information of any individual, but shall include objective data
3 identifying any trends in the number of reported allegations,
4 the timeliness of the Office of the Inspector General's
5 investigations, and their disposition, for each facility and
6 Department-wide, for the most recent 3-year time period. The
7 report shall also identify, by facility, the staff-to-patient
8 ratios taking account of direct care staff only. The report
9 shall also include detailed recommended administrative actions
10 and matters for consideration by the General Assembly.

11 (w) Program audit. The Auditor General shall conduct a
12 program audit of the Office of the Inspector General on an
13 as-needed basis, as determined by the Auditor General. The
14 audit shall specifically include the Inspector General's
15 compliance with the Act and effectiveness in investigating
16 reports of allegations occurring in any facility or agency. The
17 Auditor General shall conduct the program audit according to
18 the provisions of the Illinois State Auditing Act and shall
19 report its findings to the General Assembly no later than
20 January 1 following the audit period.

21 (x) Nothing in this Section shall be construed to mean that
22 an individual is a victim of abuse or neglect because of health
23 care services appropriately provided or not provided by health
24 care professionals.

25 (y) Nothing in this Section shall require a facility,
26 including its employees, agents, medical staff members, and

1 health care professionals, to provide a service to an
2 individual in contravention of that individual's stated or
3 implied objection to the provision of that service on the
4 ground that that service conflicts with the individual's
5 religious beliefs or practices, nor shall the failure to
6 provide a service to an individual be considered abuse under
7 this Section if the individual has objected to the provision of
8 that service based on his or her religious beliefs or
9 practices.

10 (Source: P.A. 99-143, eff. 7-27-15; 99-323, eff. 8-7-15;
11 99-642, eff. 7-28-16; 100-313, eff. 8-24-17; 100-432, eff.
12 8-25-17; revised 9-27-17.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.".