

AN ACT concerning mental health.

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

Section 5. The Mental Health and Developmental Disabilities Code is amended by changing Section 3-210 as follows:

(405 ILCS 5/3-210) (from Ch. 91 1/2, par. 3-210)

Sec. 3-210. Employee as perpetrator of abuse. When, based upon credible evidence, an initial investigation of a reported allegation of material obstruction of an investigation or of abuse, neglect, or financial exploitation of a recipient of services indicates that it is reasonable to believe ~~, based upon credible evidence,~~ that an employee at ~~of~~ a mental health or developmental disability facility is the perpetrator of physical abuse, sexual abuse, non-de minimis financial exploitation (such as financial exploitation totaling a cumulative value equal to or greater than \$20), egregious neglect, or material obstruction of an investigation, ~~the abuse,~~ that employee shall immediately be barred from any further contact with recipients of services of the facility. An employee barred from contact with recipients of services shall remain barred:

(1) pending the outcome of any further investigation,

prosecution, or disciplinary action against the employee;
or

(2) until the Department of Human Services Office of Inspector General independently determines that the physical abuse, sexual abuse, non-de minimis financial exploitation, egregious neglect, or material obstruction of an investigation allegation or allegations against the employee will be unsubstantiated or unfounded in the Office of Inspector General's final investigative report.

When, based upon credible evidence, an initial investigation of a reported allegation of abuse or neglect of a recipient of services indicates that it is reasonable to believe that an employee at a mental health or developmental disability facility is the perpetrator of, at most, neglect, de minimis financial exploitation (such as financial exploitation totaling a cumulative value of less than \$20), or mental abuse, the Department shall determine what appropriate steps should be taken as to the employee while the investigation of the Department of Human Services Office of Inspector General is pending. These steps by the Department may include, but not be limited to: training, re-assignment away from and a bar from contact with the alleged victim, being barred from any further contact with recipients of services of the facility, or pursuing discipline for known conduct. If further investigation reveals that the conduct rose to the level of physical abuse, sexual abuse, non-de minimis

financial exploitation, egregious neglect, or material obstruction of an investigation, then the employee shall be barred from contact with recipients of services and shall remain barred, subject to the conditions detailed in this paragraph.

For the purposes of this Section, "credible evidence" is any evidence that relates to the allegation or incident and that is considered believable and reliable.

Nothing in this Section is intended to include an employee of a hospital licensed under the Hospital Licensing Act or operated under the University of Illinois Hospital Act or a hospital affiliate.

(Source: P.A. 102-501, eff. 1-1-22.)