

HB3718



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3718

Introduced 2/18/2025, by Rep. Tracy Katz Muhl

SYNOPSIS AS INTRODUCED:

405 ILCS 5/3-210

from Ch. 91 1/2, par. 3-210

Amends the Mental Health and Developmental Disabilities Code. Makes changes to a provision concerning initial Department of Human Services investigations of a facility employee's alleged abuse, neglect, or financial exploitation of a recipient of mental health or developmental disability services. Expands the provision to include allegations of material obstruction of an investigation, physical abuse, sexual abuse, non-de minimis financial exploitation (such as financial exploitation totaling a cumulative value equal to or greater than \$100), or egregious neglect. Adds provisions concerning Department investigations where a facility employee is the perpetrator of, at most, neglect, de minimis financial exploitation (such as financial exploitation totaling a cumulative value of less than \$100), or mental abuse.

LRB104 10513 KTG 20588 b

A BILL FOR

1 AN ACT concerning mental health.

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

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

7 (405 ILCS 5/3-210) (from Ch. 91 1/2, par. 3-210)

8 Sec. 3-210. Employee as perpetrator of abuse. When, based
9 upon credible evidence, an initial investigation of a reported
10 allegation of material obstruction of an investigation or of
11 abuse, neglect, or financial exploitation of a recipient of
12 services indicates that it is reasonable to believe, based
13 upon credible evidence, that an employee at of a mental health
14 or developmental disability facility may be ~~is~~ the perpetrator
15 of physical abuse, sexual abuse, non-de minimis financial
16 exploitation (such as financial exploitation totaling a
17 cumulative value equal to or greater than \$100), egregious
18 neglect, or material obstruction of an investigation, the
19 abuse, that employee shall immediately be barred from any
20 further contact with recipients of services of the facility.
21 An employee barred from contact with recipients of services
22 shall remain barred:

23 (1) pending the outcome of any further investigation,

1 prosecution, or disciplinary action against the employee;

2 or

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

10 When, based upon credible evidence, an initial
11 investigation of a reported allegation of abuse or neglect of
12 a recipient of services indicates that it is reasonable to
13 believe that an employee at a mental health or developmental
14 disability facility is the perpetrator of, at most, neglect,
15 de minimis financial exploitation (such as financial
16 exploitation totaling a cumulative value of less than \$100),
17 or mental abuse, the Department shall determine what
18 appropriate steps should be taken as to the employee while the
19 investigation of the Department of Human Services Office of
20 Inspector General is pending. These steps by the Department
21 may include, but not be limited to: training, re-assignment
22 away from and a bar from contact with the alleged victim, being
23 barred from any further contact with recipients of services of
24 the facility, or pursuing discipline for known conduct. If
25 further investigation reveals that the conduct rose to the
26 level of sexual abuse, non-de minimis financial exploitation,

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

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

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