



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2805

Introduced 1/13/2026, by Sen. Celina Villanueva

SYNOPSIS AS INTRODUCED:

New Act

210 ILCS 9/156 new

210 ILCS 45/2-116 new

210 ILCS 55/13.1 new

320 ILCS 20/2

from Ch. 23, par. 6602

Creates the Sexual Orientation, Gender Identity, and Gender Expression in Long-Term Care Bill of Rights Act. Establishes rights for a client who lives in a long-term care facility, or who receives home care services from a home care provider, from discrimination on the basis of actual or perceived sex, actual or perceived sexual orientation, actual or perceived gender identity, actual or perceived gender expression, or actual or perceived HIV status. Provides that an aggrieved person may enforce violations of the Act against a long-term care facility or a home care provider and the staff of the long-term care facility or home care provider through a civil action. Sets forth provisions concerning gender identity in client records; required training for all long-term care facilities and home care providers; arbitration agreements; interpretation of the Act; and enforcement of rights, including civil penalties and other administrative actions. Amends the Assisted Living and Shared Housing Act, the Nursing Home Care Act, and the Home Health, Home Services, and Home Nursing Agency Licensing Act to require compliance with the Sexual orientation, Gender Identity, and Gender Expression in Long-Term Care Bill of Rights Act. Amends the Adult Protective Services Act to include intentional misgendering and unlawful discrimination in the definition of "abuse".

LRB104 17161 BAB 30580 b

1 AN ACT concerning human rights.

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

4 Section 1. Short title. This Act may be cited as the Sexual
5 orientation, Gender Identity, and Gender Expression in
6 Long-Term Care Bill of Rights Act.

7 Section 5. Definitions. In this Act:

8 "Abuse" has the meaning given to that term in Section 20 of
9 the Adult Protective Services Act.

10 "Client" means a resident of a long-term care facility or
11 an individual receiving home health services from a home care
12 provider.

13 "Direct contact" includes, but is not limited to,
14 communications with the client through in-person interactions,
15 phone calls, text messages, emails, virtual messages, and
16 letters.

17 "Direct contact employee or contractor" means any employee
18 or contractor who makes direct contact with the client.

19 "Home care provider" means a home health agency, home
20 services agency, or home nursing agency licensed under the
21 Home Health, Home Services, and Home Nursing Agency Licensing
22 Act.

23 "Long-term care facility" has the meaning given to that

1 term in Section 12-4.42 of the Illinois Public Aid Code.

2 "Non-direct contact employee or contractor" means an
3 employee or contractor who does not make direct contact with
4 the client.

5 Section 10. Sexual Orientation, Gender Identity, and
6 Gender Expression in Long-Term Care Bill of Rights. To protect
7 a client who lives in a long-term care facility, or who
8 receives home care services from a home care provider, from
9 discrimination on the basis of actual or perceived sex, actual
10 or perceived sexual orientation, actual or perceived gender
11 identity, actual or perceived gender expression, or actual or
12 perceived HIV status, the client shall have the right to:

13 (1) Receive oral and written information, in plain
14 language and in a language the client understands, about
15 rights before receiving services, including what to do and
16 whom to contact if rights are violated.

17 (2) Receive a nondiscrimination notice on or prior to
18 the start date of services.

19 (A) The notice shall read "[Name of long-term care
20 facility or home care provider] does not discriminate
21 and does not permit discrimination, including, but not
22 limited to, bullying, abuse, or harassment, on the
23 basis of actual or perceived sex, actual or perceived
24 sexual orientation, actual or perceived gender
25 identity, actual or perceived gender expression, or

1 actual or perceived HIV status or on the basis of
2 association with another individual on account of that
3 individual's actual or perceived sex, actual or
4 perceived sexual orientation, actual or perceived
5 gender identity, actual or perceived gender
6 expression, or actual or perceived HIV status. You may
7 file a complaint with the [appropriate agency]
8 [provide contact information] if you believe that you
9 have experienced this kind of discrimination."

10 (B) The long-term care facility or home care
11 provider shall have each client and the client's
12 representative, if applicable, sign a copy of this
13 notice, and the signed copy shall be included in the
14 client's record, if applicable.

15 (C) Long-term care facilities must also post this
16 nondiscrimination notice in prominent physical
17 locations accessible to individuals who have low
18 vision in font no smaller than 20-point.

19 (3) Receive oral and written information, in plain
20 language and in language the client understands, before
21 receiving services, of the type and disciplines of staff
22 who will be providing the services, and whether they have
23 LGBTQ and HIV cultural competency training as set forth in
24 Section 20.

25 (4) Receive oral and written information, in plain
26 language and in language the client understands, before

1 services are initiated, about what the provider charges
2 for the services; to what extent payment may be expected
3 from health insurance, public programs, or other sources,
4 if known; what charges the client may be responsible for
5 paying; and what charges might be impacted by the client's
6 sexual orientation, gender identity, gender expression, or
7 actual or perceived HIV status.

8 (5) Be served by people who meet applicable standards
9 of care, pursuant to Section 20, and who must be competent
10 in the performance of any applicable duties.

11 (6) Be treated with dignity and respect, including,
12 but not limited to, using the client's chosen name and
13 pronouns, and be free from a willful and repeated failure
14 to use a client's chosen name and pronouns after being
15 clearly informed of the client's preference; this includes
16 using the chosen name, pronouns, and the gender identity
17 last expressed by the client if the client lacks the
18 present ability to communicate.

19 (7) Be free from discrimination based on private and
20 personal items belonging to the client, including, but not
21 limited to, photographs, letters, mail, clothing,
22 toiletries, cosmetics, keepsakes, and decor.

23 (8) Be free to have visitors of the client's choice
24 and to restrict or prohibit individuals from visiting the
25 client. Client's visitors shall also be free from
26 discrimination based on actual or perceived sex, actual or

1 perceived sexual orientation, actual or perceived gender
2 identity, actual or perceived gender expression, or actual
3 or perceived HIV status.

4 (9) Be free to associate with other residents or other
5 visitors, including the client's right to privacy, to
6 consensual sexual relations, or to display physical
7 affection, unless the restriction is uniformly applied to
8 all other clients in a nondiscriminatory manner.

9 (10) Where rooms are assigned by gender, be free to
10 reside in a room that corresponds with the client's gender
11 identity.

12 (11) Where bathrooms are gender-specific, be free to
13 use the bathroom that corresponds with the client's gender
14 identity.

15 (12) Where groups or activities are gender-specific,
16 be free to join the group or activity that corresponds
17 with the client's gender identity, or to not be compelled
18 to attend a group or participate in an activity that is not
19 in alignment with the client's gender identity.

20 (13) Be free to wear, be dressed in, or use clothing,
21 accessories, cosmetics, prosthetics, bindings, or hair
22 pieces and to engage in grooming practices of the client's
23 choosing that are permitted to any other client. This
24 right shall persist in accordance with the gender identity
25 last expressed by the client if the client lacks the
26 present ability to communicate.

1 (14) Be free to access medical or nonmedical care that
2 is appropriate to a client's organs and bodily needs and
3 be provided with medical or nonmedical care that retains
4 the client's dignity and does not cause avoidable
5 discomfort.

6 (15) Be free to access any assessments, therapies,
7 treatments, and support services that are recommended by
8 the client's health care or social services provider,
9 including, but not limited to, transgender-related medical
10 care, hormone therapy, supportive counseling, and support
11 groups.

12 (16) If a home care provider terminates service,
13 receive written notice of the home care provider's reason
14 for termination of services within 10 days after the
15 termination of service. This notice shall include the
16 employer's name, phone number, date that the services were
17 terminated, and a statement that explains why services
18 were terminated.

19 (17) Receive oral and written information, in plain
20 language and in a language the client understands,
21 explaining how to contact an individual associated with
22 the long-term care facility or home care provider who is
23 responsible for addressing any grievance or complaint, and
24 to direct the home care provider or long-term care
25 facility to investigate and attempt, in good faith, to
26 resolve the grievance or complaint. The long-term care

1 facility or home care provider must provide the title,
2 name, and phone number of the employee or contractor of
3 the long-term care facility or home care provider who is
4 authorized to address any grievance or complaint.

5 (18) Receive oral and written information, in plain
6 language and in a language the client understands,
7 providing the name, address, phone number, and email
8 address of the State, county, or city agency to contact
9 for additional information or assistance.

10 (19) Assert these rights personally, or have them
11 asserted by the client's representative or by anyone on
12 behalf of the client, without retaliation.

13 Section 15. Gender identity and chosen name in client
14 records.

15 (a) Long-term care facilities and home care providers
16 shall implement procedures regarding client records generated
17 at the time of admission and during the treatment to ensure
18 that the records include the client's gender identity and the
19 client's chosen name and pronouns, as indicated by the client.

20 (b) Unless required by State or federal law, a long-term
21 care facility shall not disclose any personally identifiable
22 information regarding a client's:

23 (1) sexual orientation;

24 (2) LGBTQ status;

25 (3) sex assigned at birth, if it differs from the

1 client's gender identity;
2 (4) gender transition status;
3 (5) HIV status; or
4 (6) congenital and medically verifiable differences in
5 sex development.

6 (c) A long-term care facility or home care provider shall
7 take appropriate steps to minimize the likelihood of
8 inadvertent or accidental disclosure of the information
9 described in subsection (b).

10 Section 20. Bill of rights training required for all
11 long-term care facilities.

12 (a) Within 6 months after an employee is hired by a
13 long-term care facility or a home care provider, including
14 nonvolunteer providers of home care services and any entity
15 that contracts with a home care provider to provide home care
16 services, the employee shall complete the staff development
17 program training set forth in subsection (b) and shall
18 complete this training every 2 years thereafter. At least once
19 every 2 years, a long-term care facility or home care provider
20 shall ensure that each employee or contractor receives
21 training designed to prevent and eliminate discrimination
22 based on actual or perceived sex, actual or perceived sexual
23 orientation, actual or perceived gender identity, actual or
24 perceived gender expression, or actual or perceived HIV
25 status. A direct contact employee or contractor shall receive

1 4 hours of training every 2 years, while a non-direct contact
2 employee or contractor shall engage in 2 hours of training
3 every 2 years. A person required to receive training under
4 this Section shall receive the training within 6 months after
5 the person's hiring date, unless the person provides proof of
6 having received training within the prior 2 years that is
7 determined to be compliant with this Section by the hiring
8 long-term care facility or home care provider.

9 (b) At a minimum, the training required under this Section
10 shall provide the following:

11 (1) An understanding of the terms and language
12 commonly used by members of the LGBTQ and HIV community,
13 including, but not limited to, sexual orientation,
14 congenital and medically verifiable differences in sex
15 development, gender identity, gender expression, and HIV
16 status.

17 (2) A description of the health and social challenges
18 historically experienced by LGBTQ community members and
19 people living with HIV, including discrimination when
20 seeking or receiving care and the demonstrated physical
21 and mental health effects within the LGBTQ and HIV
22 communities associated with such discrimination.

23 (3) Best practices for communicating with or about the
24 LGBTQ community and people living with HIV, including the
25 use of an individual's chosen name and pronouns.

26 (4) Strategies to create a safe and affirming

1 environment for LGBTQ community members and people living
2 with HIV, including suggested changes to home care
3 policies and procedures, forms, signage, communication
4 between clients and clients' families, activities,
5 in-house services, and staff training.

6 (5) An understanding of why people with a diverse
7 sexual orientation, congenital and medically verifiable
8 differences in sex development, gender identity, gender
9 expression, or HIV status may hide their identities.

10 (6) An overview of the unique needs of people with a
11 diverse sexual orientation, congenital and medically
12 verifiable differences in sex development, gender
13 identity, gender expression, or actual HIV status.

14 (7) An overview of various rights and protections for
15 people with a diverse sexual orientation, congenital and
16 medically verifiable differences in sex development,
17 gender identity, gender expression, or HIV status.

18 (8) How to respectfully respond to questions and
19 concerns that arise in conversations relating to sexual
20 orientation, congenital and medically verifiable
21 differences in sex development, gender identity, gender
22 expression, and HIV status.

23 (9) Practical tips about how to ask questions related
24 to sexual orientation, congenital and medically verifiable
25 differences in sex development, gender identity, gender
26 expression, and HIV status, and an explanation of why

1 these questions are important for all service
2 organizations.

3 (10) Basic HIV information, transmission facts, and
4 the debunking of common myths about HIV.

5 (11) An understanding of post-exposure prophylaxis
6 (PEP), pre-exposure prophylaxis (PrEP), and other HIV
7 prevention methods, including harm reduction, and the
8 understanding that the use of these medications for
9 prevention does not indicate that a client has HIV.

10 (12) An overview of the history of HIV, stigma, and
11 discrimination and the role of that history in creating a
12 respectful and inclusive environment for residents.

13 (13) An overview of the provisions of this Act.

14 (c) The training shall be administered by an entity with
15 expertise in identifying and addressing the legal and social
16 challenges faced by LGBTQ persons and persons living with HIV
17 as they age and those faced by LGBTQ persons and persons living
18 with HIV who receive home care services or live in a long-term
19 care facility.

20 (d) The training must be either an in-person training or
21 Internet-based training.

22 (1) The use of in-person training requires proof of
23 participant attendance in the form of a certificate signed
24 by the participant and the participant's supervisor.

25 (2) The use of Internet-based training requires the
26 following:

1 (A) controls to ensure that the full training is
2 completed;

3 (B) the use of a personal identification number or
4 personal identification information that confirms the
5 identity of the participant; and

6 (C) a final screen displaying a printable
7 statement, to be signed by the participant and the
8 participant's supervisor, certifying that the
9 identified participant completed the identified
10 training.

11 (e) Records of each staff development program shall be
12 maintained. The records shall include the name and title of
13 the presenter, date of presentation, title of subject
14 presented, description of content, and signatures of those
15 attending.

16 Section 25. Interpretation and enforcement of rights.

17 (a) An aggrieved person may enforce violations of this Act
18 against a long-term care facility or a home care provider and
19 the staff of the long-term care facility or home care provider
20 by bringing a civil action. Long-term care facilities and home
21 care providers may not request or require a client to
22 surrender any of these rights as a condition of receiving
23 services.

24 (1) A long-term care facility or home care provider
25 must not require a client or the client's representative

1 to sign an agreement for binding arbitration as a
2 condition of admission to a long-term care facility, to
3 continue to receive care at a long-term care facility, to
4 begin receiving home care services, or to continue
5 receiving home care services.

6 (2) If there is an agreement for binding arbitration,
7 the long-term care facility or home care provider must
8 ensure that:

9 (A) The agreement is explained to the client or
10 the client's representative in a form and manner that
11 the client or the client's representative understands,
12 including in a language the client or the client's
13 representative understands.

14 (B) The client or the client's representative
15 acknowledges that the client or the client's
16 representative understands the agreement.

17 (C) The agreement provides for the selection of a
18 neutral arbitrator agreed upon by both parties.

19 (D) The agreement provides for the selection of a
20 venue that is convenient to both parties.

21 (3) The agreement must explicitly grant the client or
22 the client's representative the right to rescind the
23 agreement within 30 calendar days after signing it.

24 (4) The agreement must explicitly state that neither
25 the client nor the client's representative is required to
26 sign an agreement for binding arbitration as a condition

1 of admission to a long-term care facility, to continue to
2 receive care at a long-term care facility, to begin
3 receiving home care services, or to continue receiving
4 home care services.

5 (5) If the client is the prevailing party in the
6 dispute, the client shall be entitled to collect from the
7 opposing party all costs incurred in the dispute,
8 including reasonable attorneys' fees.

9 (b) If any of the rights in this Act are violated, a client
10 may contact the Illinois Long-Term Care Ombudsman Program or
11 the Illinois Home Care Ombudsman Program. The statement of
12 rights in this Act does not replace or diminish other rights
13 and liberties that may exist relative to clients in a
14 long-term care facility or receiving home care services.

15 (1) A long-term care facility or home care provider
16 that violates this Act, or that employs a staff member who
17 violates the provisions of this Act, shall be subject to
18 civil penalties or other administrative action, including,
19 but not limited to, fines.

20 (2) No long-term care facility or home care provider
21 may require or request a client to waive any of the rights
22 listed in this Act at any time or for any reasons,
23 including as a condition of initiating services or
24 entering into a contract with a long-term care facility or
25 home care provider.

26 (3) All recipients of State funding, including, but

1 not limited to, funding provided by the Department on
2 Aging, the Department of Healthcare and Family Services,
3 an area agency on aging, or any other long-term care
4 facility or home care provider that receives State
5 funding, must comply with this Section.

6 Section 30. The Assisted Living and Shared Housing Act is
7 amended by adding Section 156 as follows:

8 (210 ILCS 9/156 new)

9 Sec. 156. Sexual orientation, Gender Identity, and Gender
10 Expression in Long-Term Care Bill of Rights Act compliance. An
11 establishment licensed under this Act shall comply with the
12 requirements of the Sexual orientation, Gender identity, and
13 Gender Expression Bill of Rights Act.

14 Section 35. The Nursing Home Care Act is amended by adding
15 Section 2-116 as follows:

16 (210 ILCS 45/2-116 new)

17 Sec. 2-116. Sexual orientation, Gender Identity, and
18 Gender Expression in Long-Term Care Bill of Rights Act
19 compliance. A facility shall comply with the requirements of
20 the Sexual orientation, Gender identity, and Gender Expression
21 Bill of Rights Act.

1 Section 40. The Home Health, Home Services, and Home
2 Nursing Agency Licensing Act is amended by adding Section 13.1
3 as follows:

4 (210 ILCS 55/13.1 new)

5 Sec. 13.1. Sexual orientation, Gender Identity, and Gender
6 Expression in Long-Term Care Bill of Rights Act compliance. An
7 agency licensed under this Act shall comply with the
8 requirements of the Sexual orientation, Gender identity, and
9 Gender Expression Bill of Rights Act.

10 Section 45. The Adult Protective Services Act is amended
11 by changing Section 2 as follows:

12 (320 ILCS 20/2) (from Ch. 23, par. 6602)

13 Sec. 2. Definitions. As used in this Act, unless the
14 context requires otherwise:

15 (a) "Abandonment" means the desertion or willful forsaking
16 of an eligible adult by an individual responsible for the care
17 and custody of that eligible adult under circumstances in
18 which a reasonable person would continue to provide care and
19 custody. Nothing in this Act shall be construed to mean that an
20 eligible adult is a victim of abandonment because of health
21 care services provided or not provided by licensed health care
22 professionals.

23 (a-1) "Abuse" means causing any physical, mental, or

1 sexual injury to an eligible adult, including exploitation of
2 such adult's financial resources, ~~and~~ abandonment or
3 subjecting an eligible adult to an environment which creates a
4 likelihood of harm to the eligible adult's health, physical
5 and emotional well-being, or welfare, intentional
6 misgendering, and unlawful discrimination as defined in
7 Section 1-103 of the Illinois Human Rights Act.

8 Nothing in this Act shall be construed to mean that an
9 eligible adult is a victim of abuse, abandonment, neglect, or
10 self-neglect for the sole reason that he or she is being
11 furnished with or relies upon treatment by spiritual means
12 through prayer alone, in accordance with the tenets and
13 practices of a recognized church or religious denomination.

14 Nothing in this Act shall be construed to mean that an
15 eligible adult is a victim of abuse because of health care
16 services provided or not provided by licensed health care
17 professionals.

18 Nothing in this Act shall be construed to mean that an
19 eligible adult is a victim of abuse in cases of criminal
20 activity by strangers, telemarketing scams, consumer fraud,
21 internet fraud, home repair disputes, complaints against a
22 homeowners' association, or complaints between landlords and
23 tenants.

24 (a-5) "Abuser" means a person who is a family member,
25 caregiver, or another person who has a continuing relationship
26 with the eligible adult and abuses, abandons, neglects, or

1 financially exploits an eligible adult.

2 (a-6) "Adult with disabilities" means a person aged 18
3 through 59 who resides in a domestic living situation and
4 whose disability as defined in subsection (c-5) impairs his or
5 her ability to seek or obtain protection from abuse,
6 abandonment, neglect, or exploitation.

7 (a-7) "Caregiver" means a person who either as a result of
8 a family relationship, voluntarily, or in exchange for
9 compensation has assumed responsibility for all or a portion
10 of the care of an eligible adult who needs assistance with
11 activities of daily living or instrumental activities of daily
12 living.

13 (b) "Department" means the Department on Aging of the
14 State of Illinois.

15 (c) "Director" means the Director of the Department.

16 (c-5) "Disability" means a physical or mental disability,
17 including, but not limited to, a developmental disability, an
18 intellectual disability, a mental illness as defined under the
19 Mental Health and Developmental Disabilities Code, or dementia
20 as defined under the Alzheimer's Disease Assistance Act.

21 (d) "Domestic living situation" means a residence where
22 the eligible adult at the time of the report lives alone or
23 with his or her family or a caregiver, or others, or other
24 community-based unlicensed facility, but is not:

25 (1) A licensed facility as defined in Section 1-113 of
26 the Nursing Home Care Act;

1 (1.5) A facility licensed under the ID/DD Community
2 Care Act;

3 (1.6) A facility licensed under the MC/DD Act;

4 (1.7) A facility licensed under the Specialized Mental
5 Health Rehabilitation Act of 2013;

6 (2) A "life care facility" as defined in the Life Care
7 Facilities Act;

8 (3) A home, institution, or other place operated by
9 the federal government or agency thereof or by the State
10 of Illinois;

11 (4) A hospital, sanitarium, or other institution, the
12 principal activity or business of which is the diagnosis,
13 care, and treatment of human illness through the
14 maintenance and operation of organized facilities
15 therefor, which is required to be licensed under the
16 Hospital Licensing Act;

17 (5) A "community living facility" as defined in the
18 Community Living Facilities Licensing Act;

19 (6) (Blank);

20 (7) A "community-integrated living arrangement" as
21 defined in the Community-Integrated Living Arrangements
22 Licensure and Certification Act or a "community
23 residential alternative" as licensed under that Act;

24 (8) An assisted living or shared housing establishment
25 as defined in the Assisted Living and Shared Housing Act;
26 or

1 (9) A supportive living facility as described in
2 Section 5-5.01a of the Illinois Public Aid Code.

3 (e) "Eligible adult" means either an adult with
4 disabilities aged 18 through 59 or a person aged 60 or older
5 who resides in a domestic living situation and is, or is
6 alleged to be, abused, abandoned, neglected, or financially
7 exploited by another individual or who neglects himself or
8 herself. "Eligible adult" also includes an adult who resides
9 in any of the facilities that are excluded from the definition
10 of "domestic living situation" under paragraphs (1) through
11 (9) of subsection (d), if either: (i) the alleged abuse,
12 abandonment, or neglect occurs outside of the facility and not
13 under facility supervision and the alleged abuser is a family
14 member, caregiver, or another person who has a continuing
15 relationship with the adult; or (ii) the alleged financial
16 exploitation is perpetrated by a family member, caregiver, or
17 another person who has a continuing relationship with the
18 adult, but who is not an employee of the facility where the
19 adult resides.

20 (f) "Emergency" means a situation in which an eligible
21 adult is living in conditions presenting a risk of death or
22 physical, mental or sexual injury and the provider agency has
23 reason to believe the eligible adult is unable to consent to
24 services which would alleviate that risk.

25 (f-1) "Financial exploitation" means the use of an
26 eligible adult's resources by another to the disadvantage of

1 that adult or the profit or advantage of a person other than
2 that adult.

3 (f-3) "Investment advisor" means any person required to
4 register as an investment adviser or investment adviser
5 representative under Section 8 of the Illinois Securities Law
6 of 1953, which for purposes of this Act excludes any bank,
7 trust company, savings bank, or credit union, or their
8 respective employees.

9 (f-5) "Mandated reporter" means any of the following
10 persons while engaged in carrying out their professional
11 duties:

12 (1) a professional or professional's delegate while
13 engaged in: (i) social services, (ii) law enforcement,
14 (iii) education, (iv) the care of an eligible adult or
15 eligible adults, or (v) any of the occupations required to
16 be licensed under the Behavior Analyst Licensing Act, the
17 Clinical Psychologist Licensing Act, the Clinical Social
18 Work and Social Work Practice Act, the Illinois Dental
19 Practice Act, the Dietitian Nutritionist Practice Act, the
20 Marriage and Family Therapy Licensing Act, the Medical
21 Practice Act of 1987, the Naprapathic Practice Act, the
22 Nurse Practice Act, the Nursing Home Administrators
23 Licensing and Disciplinary Act, the Illinois Occupational
24 Therapy Practice Act, the Illinois Optometric Practice Act
25 of 1987, the Pharmacy Practice Act, the Illinois Physical
26 Therapy Act, the Physician Assistant Practice Act of 1987,

1 the Podiatric Medical Practice Act of 1987, the
2 Respiratory Care Practice Act, the Professional Counselor
3 and Clinical Professional Counselor Licensing and Practice
4 Act, the Illinois Speech-Language Pathology and Audiology
5 Practice Act, the Veterinary Medicine and Surgery Practice
6 Act of 2004, and the Illinois Public Accounting Act;

7 (1.5) an employee of an entity providing developmental
8 disabilities services or service coordination funded by
9 the Department of Human Services;

10 (2) an employee of a vocational rehabilitation
11 facility prescribed or supervised by the Department of
12 Human Services;

13 (3) an administrator, employee, or person providing
14 services in or through an unlicensed community based
15 facility;

16 (4) any religious practitioner who provides treatment
17 by prayer or spiritual means alone in accordance with the
18 tenets and practices of a recognized church or religious
19 denomination, except as to information received in any
20 confession or sacred communication enjoined by the
21 discipline of the religious denomination to be held
22 confidential;

23 (5) field personnel of the Department of Healthcare
24 and Family Services, Department of Public Health, and
25 Department of Human Services, and any county or municipal
26 health department;

1 (6) personnel of the Department of Human Services, the
2 Guardianship and Advocacy Commission, the State Fire
3 Marshal, local fire departments, the Department on Aging
4 and its subsidiary Area Agencies on Aging and provider
5 agencies, except the State Long Term Care Ombudsman and
6 any of his or her representatives or volunteers where
7 prohibited from making such a report pursuant to 45 CFR
8 1324.11(e)(3)(iv);

9 (7) any employee of the State of Illinois not
10 otherwise specified herein who is involved in providing
11 services to eligible adults, including professionals
12 providing medical or rehabilitation services and all other
13 persons having direct contact with eligible adults;

14 (8) a person who performs the duties of a coroner or
15 medical examiner;

16 (9) a person who performs the duties of a paramedic or
17 an emergency medical technician; or

18 (10) a person who performs the duties of an investment
19 advisor.

20 (g) "Neglect" means another individual's failure to
21 provide an eligible adult with or willful withholding from an
22 eligible adult the necessities of life including, but not
23 limited to, food, clothing, shelter or health care. This
24 subsection does not create any new affirmative duty to provide
25 support to eligible adults. Nothing in this Act shall be
26 construed to mean that an eligible adult is a victim of neglect

1 because of health care services provided or not provided by
2 licensed health care professionals.

3 (h) "Provider agency" means any public or nonprofit agency
4 in a planning and service area that is selected by the
5 Department or appointed by the regional administrative agency
6 with prior approval by the Department on Aging to receive and
7 assess reports of alleged or suspected abuse, abandonment,
8 neglect, or financial exploitation. A provider agency is also
9 referenced as a "designated agency" in this Act.

10 (i) "Regional administrative agency" means any public or
11 nonprofit agency in a planning and service area that provides
12 regional oversight and performs functions as set forth in
13 subsection (b) of Section 3 of this Act. The Department shall
14 designate an Area Agency on Aging as the regional
15 administrative agency or, in the event the Area Agency on
16 Aging in that planning and service area is deemed by the
17 Department to be unwilling or unable to provide those
18 functions, the Department may serve as the regional
19 administrative agency or designate another qualified entity to
20 serve as the regional administrative agency; any such
21 designation shall be subject to terms set forth by the
22 Department.

23 (i-5) "Self-neglect" means a condition that is the result
24 of an eligible adult's inability, due to physical or mental
25 impairments, or both, or a diminished capacity, to perform
26 essential self-care tasks that substantially threaten his or

1 her own health, including: providing essential food, clothing,
2 shelter, and health care; and obtaining goods and services
3 necessary to maintain physical health, mental health,
4 emotional well-being, and general safety. The term includes
5 compulsive hoarding, which is characterized by the acquisition
6 and retention of large quantities of items and materials that
7 produce an extensively cluttered living space, which
8 significantly impairs the performance of essential self-care
9 tasks or otherwise substantially threatens life or safety.

10 (j) "Substantiated case" means a reported case of alleged
11 or suspected abuse, abandonment, neglect, financial
12 exploitation, or self-neglect in which a provider agency,
13 after assessment, determines that there is reason to believe
14 abuse, abandonment, neglect, or financial exploitation has
15 occurred.

16 (k) "Verified" means a determination that there is "clear
17 and convincing evidence" that the specific injury or harm
18 alleged was the result of abuse, abandonment, neglect, or
19 financial exploitation.

20 (Source: P.A. 102-244, eff. 1-1-22; 102-953, eff. 5-27-22;
21 103-329, eff. 1-1-24; 103-626, eff. 1-1-25.)