**Section 245.250 Abuse, Neglect and Financial Exploitation Prevention and Reporting**

a) When an agency has reasonable suspicion that a client has been the victim of abuse, neglect or financial exploitation, the agency shall do the following:

1) In the case of an individual who is 60 years of age or older, an individual who has been found to be disabled or one who otherwise qualifies as an "eligible adult" under the Adult Protective Services Act [320 ILCS 20], the agency shall notify the elder abuse provider agency designated by the Department on Aging or an Area Agency on Aging for the area in which the client resides. The agency shall document this report and maintain documentation on the premises for 12 months after the date of the report.

2) In the case of an alleged victim under the age of 18, the agency shall notify the Department of Children and Family Services through the Child Abuse Hotline. The agency shall document this report and maintain documentation on the premises for 12 months after the date of the report.

3) If the abuse or neglect is alleged to be a result of actions by an employee of the agency providing in-home, home health, or home nursing services, the agency shall immediately remove the alleged perpetrator from direct contact with clients and investigate the allegation.

4) If the client contacts the home services placement agency regarding an allegation of abuse or neglect by the placed worker, the agency shall comply with the home services agency reporting requirements in Section 6.3 of the Act. If the client contacts the home nursing placement agency regarding an allegation of abuse or neglect by the placed worker, the agency shall comply with the home nursing agency reporting requirements in Section 6.7 of the Act.

b) In cases of allegations of abuse or neglect by an employee, the agency shall conduct an investigation and develop a written report of the findings of the investigation within 14 days after the initial report. The agency shall send the written report of the investigation to the Department within 24 hours after completion of the investigation and shall maintain a copy of the report on the agency premises for 12 months after the date of the report.

c) A placement agency shall provide the client, at the time of the placement of the worker, and the placed worker with contact information for the Department on Aging and the Department of Children and Family Services to report abuse, neglect or financial exploitation and a list of situations for which the client or placed worker shall contact local law enforcement.

d) The written report of the investigation conducted pursuant to this Section shall contain at least the following:

1) Dates, times and description of alleged abuse, neglect or financial exploitation;

2) Description of injury or abuse to client;

3) Any actions taken by the licensee;

4) A list of individuals and agencies interviewed or notified by the licensee;

5) A description of the action to be taken by the licensee to prevent the abuse, neglect or financial exploitation from occurring in the future; and

6) Statements of any witnesses.

e) Agency employees and volunteers shall report abuse, neglect or financial exploitation of a client to the agency management and to the appropriate elder abuse provider agency or the Department on Aging.

f) The agency shall immediately contact local law enforcement authorities (e.g., telephoning 911 where available) in the following situations:

1) Physical abuse involving physical injury inflicted on a patient or client by a staff member;

2) Sexual abuse of a patient or client by a staff member;

3) When a crime has been committed in the patient's or client's home by a person other than the patient or client;

4) When a patient's or client's death has occurred other than by disease processes; or

5) When an allegation of physical abuse, sexual abuse or crime has been reported, or when death (other than by disease or natural causes) has occurred to a patient or client.

g) The agency shall develop and implement a policy concerning local law enforcement notification, including:

1) Ensuring the safety of patients or clients in situations requiring local law enforcement notification;

2) Contacting local law enforcement in situations involving physical abuse of a patient or client by another person;

3) Contacting police, fire, ambulance and rescue services; and

4) Seeking advice concerning preservation of a potential crime scene.

h) Nothing in this Section relieves a mandated reporter from the responsibility of making a report to an agency designated to receive reports under the Adult Protective Services Act [320 ILCS 20] or to the Department.

(Source: Amended at 39 Ill. Reg. 16406, effective December 10, 2015)