



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4572

Introduced 1/21/2022, by Rep. Katie Stuart

SYNOPSIS AS INTRODUCED:

320 ILCS 20/2	from Ch. 23, par. 6602
320 ILCS 20/4	from Ch. 23, par. 6604
320 ILCS 20/4.1	
320 ILCS 20/4.2	
320 ILCS 20/5	from Ch. 23, par. 6605
320 ILCS 20/8	from Ch. 23, par. 6608

Amends the Adult Protective Services Act. Provides that any person may report information about the suspicious death of an eligible adult to an agency designated to receive such reports or to the Department on Aging. Provides that if a mandated reporter has reason to believe that the death of an eligible adult is the result of abuse or neglect, the matter shall be reported to the agency designated to receive such reports or to the Department for subsequent referral to the appropriate law enforcement agency and coroner or medical examiner. Prohibits employers from discriminating against any employee who makes a good faith oral or written report concerning information about the suspicious death of an eligible adult. Contains provisions concerning the required testimony of a mandated reporter at an administrative hearing concerning the suspicious death of an eligible adult; the referral of evidence to the appropriate law enforcement agency; access to records concerning reports of suspicious deaths due to abuse, neglect, financial exploitation, or self-neglect; and other matters. Makes changes to the definitions of "abuse", "abuser", "mandated reporter", and "provider agency". Defines "insurance adjuster" and "insurance advisor". Effective January 1, 2023.

LRB102 23208 KTG 32370 b

1 AN ACT concerning aging.

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

4 Section 5. The Adult Protective Services Act is amended by
5 changing Sections 2, 4, 4.1, 4.2, 5, and 8 as follows:

6 (320 ILCS 20/2) (from Ch. 23, par. 6602)

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

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

17 (a-1) "Abuse" means causing any physical, mental or sexual
18 injury to an eligible adult, including exploitation of such
19 adult's financial resources, and abandonment.

20 Nothing in this Act shall be construed to mean that an
21 eligible adult is a victim of abuse, abandonment, neglect, or
22 self-neglect for the sole reason that he or she is being
23 furnished with or relies upon treatment by spiritual means

1 through prayer alone, in accordance with the tenets and
2 practices of a recognized church or religious denomination.

3 Nothing in this Act shall be construed to mean that an
4 eligible adult is a victim of abuse because of health care
5 services provided or not provided by licensed health care
6 professionals.

7 Nothing in this Act shall be construed to mean that an
8 eligible adult is a victim of abuse in cases of criminal
9 activity by strangers, telemarketing scams, consumer fraud,
10 internet fraud, home repair disputes, complaints against a
11 homeowners' association, or complaints between landlords and
12 tenants.

13 (a-5) "Abuser" means a person who is a family member,
14 caregiver, or another person who has a continuing relationship
15 with the eligible adult and abuses, abandons, neglects, or
16 financially exploits an eligible adult.

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

22 (a-7) "Caregiver" means a person who either as a result of
23 a family relationship, voluntarily, or in exchange for
24 compensation has assumed responsibility for all or a portion
25 of the care of an eligible adult who needs assistance with
26 activities of daily living or instrumental activities of daily

1 living.

2 (b) "Department" means the Department on Aging of the
3 State of Illinois.

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

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

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

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

16 (1.5) A facility licensed under the ID/DD Community
17 Care Act;

18 (1.6) A facility licensed under the MC/DD Act;

19 (1.7) A facility licensed under the Specialized Mental
20 Health Rehabilitation Act of 2013;

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

23 (3) A home, institution, or other place operated by
24 the federal government or agency thereof or by the State
25 of Illinois;

26 (4) A hospital, sanitarium, or other institution, the

1 principal activity or business of which is the diagnosis,
2 care, and treatment of human illness through the
3 maintenance and operation of organized facilities
4 therefor, which is required to be licensed under the
5 Hospital Licensing Act;

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

8 (6) (Blank);

9 (7) A "community-integrated living arrangement" as
10 defined in the Community-Integrated Living Arrangements
11 Licensure and Certification Act or a "community
12 residential alternative" as licensed under that Act;

13 (8) An assisted living or shared housing establishment
14 as defined in the Assisted Living and Shared Housing Act;
15 or

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

18 (e) "Eligible adult" means either an adult with
19 disabilities aged 18 through 59 or a person aged 60 or older
20 who resides in a domestic living situation and is, or is
21 alleged to be, abused, abandoned, neglected, or financially
22 exploited by another individual or who neglects himself or
23 herself. "Eligible adult" also includes an adult who resides
24 in any of the facilities that are excluded from the definition
25 of "domestic living situation" under paragraphs (1) through
26 (9) of subsection (d), if either: (i) the alleged abuse,

1 abandonment, or neglect occurs outside of the facility and not
2 under facility supervision and the alleged abuser is a family
3 member, caregiver, or another person who has a continuing
4 relationship with the adult; or (ii) the alleged financial
5 exploitation is perpetrated by a family member, caregiver, or
6 another person who has a continuing relationship with the
7 adult, but who is not an employee of the facility where the
8 adult resides.

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

14 (f-1) "Financial exploitation" means the use of an
15 eligible adult's resources by another to the disadvantage of
16 that adult or the profit or advantage of a person other than
17 that adult.

18 (f-3) "Insurance adjuster" means any company adjuster,
19 independent adjuster, or public adjuster as defined in
20 paragraph (1) of subsection (f) of Section 1575 of the
21 Illinois Insurance Code.

22 (f-4) "Investment advisor" means any person required to
23 register as an investment adviser or investment adviser
24 representative under Section 8 of the Illinois Securities Law
25 of 1953, which for purposes of this Act excludes any bank,
26 trust company, savings bank, or credit union, or their

1 respective employees.

2 (f-5) "Mandated reporter" means any of the following
3 persons while engaged in carrying out their professional
4 duties:

5 (1) a professional or professional's delegate while
6 engaged in: (i) social services, (ii) law enforcement,
7 (iii) education, (iv) the care of an eligible adult or
8 eligible adults, or (v) any of the occupations required to
9 be licensed under the Clinical Psychologist Licensing Act,
10 the Clinical Social Work and Social Work Practice Act, the
11 Illinois Dental Practice Act, the Dietitian Nutritionist
12 Practice Act, the Marriage and Family Therapy Licensing
13 Act, the Medical Practice Act of 1987, the Naprapathic
14 Practice Act, the Nurse Practice Act, the Nursing Home
15 Administrators Licensing and Disciplinary Act, the
16 Illinois Occupational Therapy Practice Act, the Illinois
17 Optometric Practice Act of 1987, the Pharmacy Practice
18 Act, the Illinois Physical Therapy Act, the Physician
19 Assistant Practice Act of 1987, the Podiatric Medical
20 Practice Act of 1987, the Respiratory Care Practice Act,
21 the Professional Counselor and Clinical Professional
22 Counselor Licensing and Practice Act, the Illinois
23 Speech-Language Pathology and Audiology Practice Act, the
24 Veterinary Medicine and Surgery Practice Act of 2004, and
25 the Illinois Public Accounting Act;

26 (1.5) an employee of an entity providing developmental

1 disabilities services or service coordination funded by
2 the Department of Human Services;

3 (2) an employee of a vocational rehabilitation
4 facility prescribed or supervised by the Department of
5 Human Services;

6 (3) an administrator, employee, or person providing
7 services in or through an unlicensed community based
8 facility;

9 (4) any religious practitioner who provides treatment
10 by prayer or spiritual means alone in accordance with the
11 tenets and practices of a recognized church or religious
12 denomination, except as to information received in any
13 confession or sacred communication enjoined by the
14 discipline of the religious denomination to be held
15 confidential;

16 (5) field personnel of the Department of Healthcare
17 and Family Services, Department of Public Health, and
18 Department of Human Services, and any county or municipal
19 health department;

20 (6) personnel of the Department of Human Services, the
21 Guardianship and Advocacy Commission, the State Fire
22 Marshal, local fire departments, the Department on Aging
23 and its subsidiary Area Agencies on Aging and provider
24 agencies, and the Office of State Long Term Care
25 Ombudsman;

26 (7) any employee of the State of Illinois not

1 otherwise specified herein who is involved in providing
2 services to eligible adults, including professionals
3 providing medical or rehabilitation services and all other
4 persons having direct contact with eligible adults;

5 (8) a person who performs the duties of a coroner or
6 medical examiner; ~~or~~

7 (9) a person who performs the duties of a paramedic or
8 an emergency medical technician; ~~or~~

9 (10) a person who performs the duties of an investment
10 advisor; or

11 (11) a person who performs the duties of an insurance
12 adjuster knowingly inside the home of an eligible adult.

13 Nothing in this Act shall require a mandated reporter to
14 expand or perform his or her services in a different way.

15 Nothing in this Act shall make public records otherwise
16 protected by other laws of this State.

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

26 (h) "Provider agency" means any public or nonprofit agency

1 in a planning and service area that provides training to
2 mandated reporters and is selected by the Department or
3 appointed by the regional administrative agency with prior
4 approval by the Department on Aging to receive and assess
5 reports of alleged or suspected abuse, abandonment, neglect,
6 or financial exploitation. A provider agency is also
7 referenced as a "designated agency" in this Act.

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

21 (i-5) "Self-neglect" means a condition that is the result
22 of an eligible adult's inability, due to physical or mental
23 impairments, or both, or a diminished capacity, to perform
24 essential self-care tasks that substantially threaten his or
25 her own health, including: providing essential food, clothing,
26 shelter, and health care; and obtaining goods and services

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

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

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

18 (Source: P.A. 102-244, eff. 1-1-22.)

19 (320 ILCS 20/4) (from Ch. 23, par. 6604)

20 Sec. 4. Reports of abuse, abandonment, or neglect.

21 (a) Any person who suspects the abuse, abandonment,
22 neglect, financial exploitation, or self-neglect of an
23 eligible adult may report this suspicion or information about
24 the suspicious death of an eligible adult to an agency
25 designated to receive such reports under this Act or to the

1 Department.

2 (a-5) If any mandated reporter has reason to believe that
3 an eligible adult, who because of a disability or other
4 condition or impairment is unable to seek assistance for
5 himself or herself, has, within the previous 12 months, been
6 subjected to abuse, abandonment, neglect, or financial
7 exploitation, the mandated reporter shall, within 24 hours
8 after developing such belief, report this suspicion to an
9 agency designated to receive such reports under this Act or to
10 the Department. The agency designated to receive such reports
11 under this Act or the Department may establish a manner in
12 which a mandated reporter can make the required report through
13 an Internet reporting tool. Information sent and received
14 through the Internet reporting tool is subject to the same
15 rules in this Act as other types of confidential reporting
16 established by the designated agency or the Department.
17 Whenever a mandated reporter is required to report under this
18 Act in his or her capacity as a member of the staff of a
19 medical or other public or private institution, facility, or
20 agency, he or she shall make a report to an agency designated
21 to receive such reports under this Act or to the Department in
22 accordance with the provisions of this Act and may also notify
23 the person in charge of the institution, facility, or agency
24 or his or her designated agent that the report has been made.
25 Under no circumstances shall any person in charge of such
26 institution, facility, or agency, or his or her designated

1 agent to whom the notification has been made, exercise any
2 control, restraint, modification, or other change in the
3 report or the forwarding of the report to an agency designated
4 to receive such reports under this Act or to the Department.
5 The privileged quality of communication between any
6 professional person required to report and his or her patient
7 or client shall not apply to situations involving abused,
8 abandoned, neglected, or financially exploited eligible adults
9 and shall not constitute grounds for failure to report as
10 required by this Act.

11 (a-6) If a mandated reporter has reason to believe that
12 the death of an eligible adult may be the result of abuse or
13 neglect, the matter shall be reported to an agency designated
14 to receive such reports under this Act or to the Department for
15 subsequent referral to the appropriate law enforcement agency
16 and the coroner or medical examiner in accordance with
17 subsection (c-5) of Section 3 of this Act.

18 (a-7) A person making a report under this Act in the belief
19 that it is in the alleged victim's best interest shall be
20 immune from criminal or civil liability or professional
21 disciplinary action on account of making the report,
22 notwithstanding any requirements concerning the
23 confidentiality of information with respect to such eligible
24 adult which might otherwise be applicable.

25 (a-9) Law enforcement officers shall continue to report
26 incidents of alleged abuse pursuant to the Illinois Domestic

1 Violence Act of 1986, notwithstanding any requirements under
2 this Act.

3 (b) Any person, institution or agency participating in the
4 making of a report, providing information or records related
5 to a report, assessment, or services, or participating in the
6 investigation of a report under this Act in good faith, or
7 taking photographs or x-rays as a result of an authorized
8 assessment, shall have immunity from any civil, criminal or
9 other liability in any civil, criminal or other proceeding
10 brought in consequence of making such report or assessment or
11 on account of submitting or otherwise disclosing such
12 photographs or x-rays to any agency designated to receive
13 reports of alleged or suspected abuse, abandonment, or
14 neglect. Any person, institution or agency authorized by the
15 Department to provide assessment, intervention, or
16 administrative services under this Act shall, in the good
17 faith performance of those services, have immunity from any
18 civil, criminal or other liability in any civil, criminal, or
19 other proceeding brought as a consequence of the performance
20 of those services. For the purposes of any civil, criminal, or
21 other proceeding, the good faith of any person required to
22 report, permitted to report, or participating in an
23 investigation of a report of alleged or suspected abuse,
24 abandonment, neglect, financial exploitation, or self-neglect
25 shall be presumed.

26 (c) The identity of a person making a report of alleged or

1 suspected abuse, abandonment, neglect, financial exploitation,
2 or self-neglect or a report concerning information about the
3 suspicious death of an eligible adult under this Act may be
4 disclosed by the Department or other agency provided for in
5 this Act only with such person's written consent or by court
6 order, but is otherwise confidential.

7 (d) The Department shall by rule establish a system for
8 filing and compiling reports made under this Act.

9 (e) Any physician who willfully fails to report as
10 required by this Act shall be referred to the Illinois State
11 Medical Disciplinary Board for action in accordance with
12 subdivision (A) (22) of Section 22 of the Medical Practice Act
13 of 1987. Any dentist or dental hygienist who willfully fails
14 to report as required by this Act shall be referred to the
15 Department of Professional Regulation for action in accordance
16 with paragraph 19 of Section 23 of the Illinois Dental
17 Practice Act. Any optometrist who willfully fails to report as
18 required by this Act shall be referred to the Department of
19 Financial and Professional Regulation for action in accordance
20 with paragraph (15) of subsection (a) of Section 24 of the
21 Illinois Optometric Practice Act of 1987. Any other mandated
22 reporter required by this Act to report suspected abuse,
23 abandonment, neglect, or financial exploitation who willfully
24 fails to report the same is guilty of a Class A misdemeanor.

25 (Source: P.A. 102-244, eff. 1-1-22.)

1 (320 ILCS 20/4.1)

2 Sec. 4.1. Employer discrimination. No employer shall
3 discharge, demote or suspend, or threaten to discharge, demote
4 or suspend, or in any manner discriminate against any
5 employee: (i) who makes any good faith oral or written report
6 of suspected abuse, abandonment, neglect, or financial
7 exploitation; (ii) who makes any good faith oral or written
8 report concerning information about the suspicious death of an
9 eligible adult; or (iii) who is or will be a witness or testify
10 in any investigation or proceeding concerning a report of
11 suspected abuse, abandonment, neglect, or financial
12 exploitation.

13 (Source: P.A. 102-244, eff. 1-1-22.)

14 (320 ILCS 20/4.2)

15 Sec. 4.2. Testimony by mandated reporter and investigator.
16 Any mandated reporter who makes a report or any person who
17 investigates a report under this Act shall testify fully in
18 any judicial proceeding resulting from such report, as to any
19 evidence of abuse, abandonment, neglect, or financial
20 exploitation or the cause thereof. Any mandated reporter who
21 is required to report a suspected case of or a suspicious death
22 due to abuse, abandonment, neglect, or financial exploitation
23 under Section 4 of this Act shall testify fully in any
24 administrative hearing resulting from such report, as to any
25 evidence of abuse, abandonment, neglect, or financial

1 exploitation or the cause thereof. No evidence shall be
2 excluded by reason of any common law or statutory privilege
3 relating to communications between the alleged abuser or the
4 eligible adult subject of the report under this Act and the
5 person making or investigating the report.

6 (Source: P.A. 102-244, eff. 1-1-22.)

7 (320 ILCS 20/5) (from Ch. 23, par. 6605)

8 Sec. 5. Procedure.

9 (a) A provider agency designated to receive reports of
10 alleged or suspected abuse, abandonment, neglect, financial
11 exploitation, or self-neglect under this Act shall, upon
12 receiving such a report, conduct a face-to-face assessment
13 with respect to such report, in accord with established law
14 and Department protocols, procedures, and policies.
15 Face-to-face assessments, casework, and follow-up of reports
16 of self-neglect by the provider agencies designated to receive
17 reports of self-neglect shall be subject to sufficient
18 appropriation for statewide implementation of assessments,
19 casework, and follow-up of reports of self-neglect. In the
20 absence of sufficient appropriation for statewide
21 implementation of assessments, casework, and follow-up of
22 reports of self-neglect, the designated adult protective
23 services provider agency shall refer all reports of
24 self-neglect to the appropriate agency or agencies as
25 designated by the Department for any follow-up. The assessment

1 shall include, but not be limited to, a visit to the residence
2 of the eligible adult who is the subject of the report and
3 shall include interviews or consultations regarding the
4 allegations with service agencies, immediate family members,
5 and individuals who may have knowledge of the eligible adult's
6 circumstances based on the consent of the eligible adult in
7 all instances, except where the provider agency is acting in
8 the best interest of an eligible adult who is unable to seek
9 assistance for himself or herself and where there are
10 allegations against a caregiver who has assumed
11 responsibilities in exchange for compensation. If, after the
12 assessment, the provider agency determines that the case is
13 substantiated it shall develop a service care plan for the
14 eligible adult and may report its findings at any time during
15 the case to the appropriate law enforcement agency in accord
16 with established law and Department protocols, procedures, and
17 policies. In developing a case plan, the provider agency may
18 consult with any other appropriate provider of services, and
19 such providers shall be immune from civil or criminal
20 liability on account of such acts. The plan shall include
21 alternative suggested or recommended services which are
22 appropriate to the needs of the eligible adult and which
23 involve the least restriction of the eligible adult's
24 activities commensurate with his or her needs. Only those
25 services to which consent is provided in accordance with
26 Section 9 of this Act shall be provided, contingent upon the

1 availability of such services.

2 (b) A provider agency shall refer evidence of crimes
3 against an eligible adult to the appropriate law enforcement
4 agency according to Department policies. A referral to law
5 enforcement may be made at intake, at ~~or~~ any time during the
6 case, or after a report of a suspicious death, depending upon
7 the circumstances. Where a provider agency has reason to
8 believe the death of an eligible adult may be the result of
9 abuse, abandonment, or neglect, the agency shall immediately
10 report the matter to the coroner or medical examiner and shall
11 cooperate fully with any subsequent investigation.

12 (c) If any person other than the alleged victim refuses to
13 allow the provider agency to begin an investigation,
14 interferes with the provider agency's ability to conduct an
15 investigation, or refuses to give access to an eligible adult,
16 the appropriate law enforcement agency must be consulted
17 regarding the investigation.

18 (Source: P.A. 101-496, eff. 1-1-20; 102-244, eff. 1-1-22.)

19 (320 ILCS 20/8) (from Ch. 23, par. 6608)

20 Sec. 8. Access to records. All records concerning reports
21 of abuse, abandonment, neglect, financial exploitation, or
22 self-neglect or reports of suspicious deaths due to abuse,
23 neglect, financial exploitation, or self-neglect and all
24 records generated as a result of such reports shall be
25 confidential and shall not be disclosed except as specifically

1 authorized by this Act or other applicable law. In accord with
2 established law and Department protocols, procedures, and
3 policies, access to such records, but not access to the
4 identity of the person or persons making a report of alleged
5 abuse, abandonment, neglect, financial exploitation, or
6 self-neglect as contained in such records, shall be provided,
7 upon request, to the following persons and for the following
8 persons:

9 (1) Department staff, provider agency staff, other
10 aging network staff, and regional administrative agency
11 staff, including staff of the Chicago Department on Aging
12 while that agency is designated as a regional
13 administrative agency, in the furtherance of their
14 responsibilities under this Act;

15 (1.5) A representative of the public guardian acting
16 in the course of investigating the appropriateness of
17 guardianship for the eligible adult or while pursuing a
18 petition for guardianship of the eligible adult pursuant
19 to the Probate Act of 1975;

20 (2) A law enforcement agency or State's Attorney's
21 office investigating known or suspected abuse,
22 abandonment, neglect, financial exploitation, or
23 self-neglect. Where a provider agency has reason to
24 believe that the death of an eligible adult may be the
25 result of abuse, abandonment, or neglect, including any
26 reports made after death, the agency shall immediately

1 provide the appropriate law enforcement agency with all
2 records pertaining to the eligible adult;

3 (2.5) A law enforcement agency, fire department
4 agency, or fire protection district having proper
5 jurisdiction pursuant to a written agreement between a
6 provider agency and the law enforcement agency, fire
7 department agency, or fire protection district under which
8 the provider agency may furnish to the law enforcement
9 agency, fire department agency, or fire protection
10 district a list of all eligible adults who may be at
11 imminent risk of abuse, abandonment, neglect, financial
12 exploitation, or self-neglect;

13 (3) A physician who has before him or her or who is
14 involved in the treatment of an eligible adult whom he or
15 she reasonably suspects may be abused, abandoned,
16 neglected, financially exploited, or self-neglected or who
17 has been referred to the Adult Protective Services
18 Program;

19 (4) An eligible adult reported to be abused,
20 abandoned, neglected, financially exploited, or
21 self-neglected, or such adult's authorized guardian or
22 agent, unless such guardian or agent is the abuser or the
23 alleged abuser;

24 (4.5) An executor or administrator of the estate of an
25 eligible adult who is deceased;

26 (5) In cases regarding abuse, abandonment, neglect, or

1 financial exploitation, a court or a guardian ad litem,
2 upon its or his or her finding that access to such records
3 may be necessary for the determination of an issue before
4 the court. However, such access shall be limited to an in
5 camera inspection of the records, unless the court
6 determines that disclosure of the information contained
7 therein is necessary for the resolution of an issue then
8 pending before it;

9 (5.5) In cases regarding self-neglect, a guardian ad
10 litem;

11 (6) A grand jury, upon its determination that access
12 to such records is necessary in the conduct of its
13 official business;

14 (7) Any person authorized by the Director, in writing,
15 for audit or bona fide research purposes;

16 (8) A coroner or medical examiner who has reason to
17 believe that an eligible adult has died as the result of
18 abuse, abandonment, neglect, financial exploitation, or
19 self-neglect. The provider agency shall immediately
20 provide the coroner or medical examiner with all records
21 pertaining to the eligible adult;

22 (8.5) A coroner or medical examiner having proper
23 jurisdiction, pursuant to a written agreement between a
24 provider agency and the coroner or medical examiner, under
25 which the provider agency may furnish to the office of the
26 coroner or medical examiner a list of all eligible adults

1 who may be at imminent risk of death as a result of abuse,
2 abandonment, neglect, financial exploitation, or
3 self-neglect;

4 (9) Department of Financial and Professional
5 Regulation staff and members of the Illinois Medical
6 Disciplinary Board or the Social Work Examining and
7 Disciplinary Board in the course of investigating alleged
8 violations of the Clinical Social Work and Social Work
9 Practice Act by provider agency staff or other licensing
10 bodies at the discretion of the Director of the Department
11 on Aging;

12 (9-a) Department of Healthcare and Family Services
13 staff and provider agency staff when that Department is
14 funding services to the eligible adult, including access
15 to the identity of the eligible adult;

16 (9-b) Department of Human Services staff and provider
17 agency staff when that Department is funding services to
18 the eligible adult or is providing reimbursement for
19 services provided by the abuser or alleged abuser,
20 including access to the identity of the eligible adult;

21 (10) Hearing officers in the course of conducting an
22 administrative hearing under this Act; parties to such
23 hearing shall be entitled to discovery as established by
24 rule;

25 (11) A caregiver who challenges placement on the
26 Registry shall be given the statement of allegations in

1 the abuse report and the substantiation decision in the
2 final investigative report; and

3 (12) The Illinois Guardianship and Advocacy Commission
4 and the agency designated by the Governor under Section 1
5 of the Protection and Advocacy for Persons with
6 Developmental Disabilities Act shall have access, through
7 the Department, to records, including the findings,
8 pertaining to a completed or closed investigation of a
9 report of suspected abuse, abandonment, neglect, financial
10 exploitation, or self-neglect of an eligible adult.

11 (Source: P.A. 102-244, eff. 1-1-22.)

12 Section 99. Effective date. This Act takes effect January
13 1, 2023.