



Rep. William Davis

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LRB102 24774 RJF 36921 a

1 AMENDMENT TO HOUSE BILL 5186

2 AMENDMENT NO. _____. Amend House Bill 5186 by replacing
3 everything after the enacting clause with the following:

4 "(20 ILCS 1110/7 rep.)

5 (20 ILCS 1110/8 rep.)

6 (20 ILCS 1110/9 rep.)

7 (20 ILCS 1110/10 rep.)

8 (20 ILCS 1110/11 rep.)

9 (20 ILCS 1110/12 rep.)

10 (20 ILCS 1110/13 rep.)

11 (20 ILCS 1110/14 rep.)

12 (20 ILCS 1110/15 rep.)

13 (20 ILCS 1110/16 rep.)

14 (20 ILCS 1110/17 rep.)

15 Section 5. The Illinois Coal and Energy Development Bond
16 Act is amended by repealing Sections 7, 8, 9, 10, 11, 12, 13,
17 14, 15, 16, and 17.

1 Section 10. The Department of Human Services Act is
2 amended by changing Section 1-17 as follows:

3 (20 ILCS 1305/1-17)

4 Sec. 1-17. Inspector General.

5 (a) Nature and purpose. It is the express intent of the
6 General Assembly to ensure the health, safety, and financial
7 condition of individuals receiving services in this State due
8 to mental illness, developmental disability, or both by
9 protecting those persons from acts of abuse, neglect, or both
10 by service providers. To that end, the Office of the Inspector
11 General for the Department of Human Services is created to
12 investigate and report upon allegations of the abuse, neglect,
13 or financial exploitation of individuals receiving services
14 within mental health facilities, developmental disabilities
15 facilities, and community agencies operated, licensed, funded,
16 or certified by the Department of Human Services, but not
17 licensed or certified by any other State agency.

18 (b) Definitions. The following definitions apply to this
19 Section:

20 ~~"Adult student with a disability" means an adult student,~~
21 ~~age 18 through 21, inclusive, with an Individual Education~~
22 ~~Program, other than a resident of a facility licensed by the~~
23 ~~Department of Children and Family Services in accordance with~~
24 ~~the Child Care Act of 1969. For purposes of this definition,~~

1 ~~"through age 21, inclusive", means through the day before the~~
2 ~~student's 22nd birthday.~~

3 "Agency" or "community agency" means (i) a community
4 agency licensed, funded, or certified by the Department, but
5 not licensed or certified by any other human services agency
6 of the State, to provide mental health service or
7 developmental disabilities service, or (ii) a program
8 licensed, funded, or certified by the Department, but not
9 licensed or certified by any other human services agency of
10 the State, to provide mental health service or developmental
11 disabilities service.

12 "Aggravating circumstance" means a factor that is
13 attendant to a finding and that tends to compound or increase
14 the culpability of the accused.

15 "Allegation" means an assertion, complaint, suspicion, or
16 incident involving any of the following conduct by an
17 employee, facility, or agency against an individual or
18 individuals: mental abuse, physical abuse, sexual abuse,
19 neglect, or financial exploitation.

20 "Day" means working day, unless otherwise specified.

21 "Deflection" means a situation in which an individual is
22 presented for admission to a facility or agency, and the
23 facility staff or agency staff do not admit the individual.
24 "Deflection" includes triage, redirection, and denial of
25 admission.

26 "Department" means the Department of Human Services.

1 "Developmental disability" means "developmental
2 disability" as defined in the Mental Health and Developmental
3 Disabilities Code.

4 "Egregious neglect" means a finding of neglect as
5 determined by the Inspector General that (i) represents a
6 gross failure to adequately provide for, or a callused
7 indifference to, the health, safety, or medical needs of an
8 individual and (ii) results in an individual's death or other
9 serious deterioration of an individual's physical condition or
10 mental condition.

11 "Employee" means any person who provides services at the
12 facility or agency on-site or off-site. The service
13 relationship can be with the individual or with the facility
14 or agency. Also, "employee" includes any employee or
15 contractual agent of the Department of Human Services or the
16 community agency involved in providing or monitoring or
17 administering mental health or developmental disability
18 services. This includes but is not limited to: owners,
19 operators, payroll personnel, contractors, subcontractors, and
20 volunteers.

21 "Facility" or "State-operated facility" means a mental
22 health facility or developmental disabilities facility
23 operated by the Department.

24 "Financial exploitation" means taking unjust advantage of
25 an individual's assets, property, or financial resources
26 through deception, intimidation, or conversion for the

1 employee's, facility's, or agency's own advantage or benefit.

2 "Finding" means the Office of Inspector General's
3 determination regarding whether an allegation is
4 substantiated, unsubstantiated, or unfounded.

5 "Health Care Worker Registry" or "Registry" means the
6 Health Care Worker Registry under the Health Care Worker
7 Background Check Act.

8 "Individual" means any person receiving mental health
9 service, developmental disabilities service, or both from a
10 facility or agency, while either on-site or off-site.

11 "Mental abuse" means the use of demeaning, intimidating,
12 or threatening words, signs, gestures, or other actions by an
13 employee about an individual and in the presence of an
14 individual or individuals that results in emotional distress
15 or maladaptive behavior, or could have resulted in emotional
16 distress or maladaptive behavior, for any individual present.

17 "Mental illness" means "mental illness" as defined in the
18 Mental Health and Developmental Disabilities Code.

19 "Mentally ill" means having a mental illness.

20 "Mitigating circumstance" means a condition that (i) is
21 attendant to a finding, (ii) does not excuse or justify the
22 conduct in question, but (iii) may be considered in evaluating
23 the severity of the conduct, the culpability of the accused,
24 or both the severity of the conduct and the culpability of the
25 accused.

26 "Neglect" means an employee's, agency's, or facility's

1 failure to provide adequate medical care, personal care, or
2 maintenance and that, as a consequence, (i) causes an
3 individual pain, injury, or emotional distress, (ii) results
4 in either an individual's maladaptive behavior or the
5 deterioration of an individual's physical condition or mental
6 condition, or (iii) places the individual's health or safety
7 at substantial risk.

8 "Person with a developmental disability" means a person
9 having a developmental disability.

10 "Physical abuse" means an employee's non-accidental and
11 inappropriate contact with an individual that causes bodily
12 harm. "Physical abuse" includes actions that cause bodily harm
13 as a result of an employee directing an individual or person to
14 physically abuse another individual.

15 "Recommendation" means an admonition, separate from a
16 finding, that requires action by the facility, agency, or
17 Department to correct a systemic issue, problem, or deficiency
18 identified during an investigation.

19 "Required reporter" means any employee who suspects,
20 witnesses, or is informed of an allegation of any one or more
21 of the following: mental abuse, physical abuse, sexual abuse,
22 neglect, or financial exploitation.

23 "Secretary" means the Chief Administrative Officer of the
24 Department.

25 "Sexual abuse" means any sexual contact or intimate
26 physical contact between an employee and an individual,

1 including an employee's coercion or encouragement of an
2 individual to engage in sexual behavior that results in sexual
3 contact, intimate physical contact, sexual behavior, or
4 intimate physical behavior. Sexual abuse also includes (i) an
5 employee's actions that result in the sending or showing of
6 sexually explicit images to an individual via computer,
7 cellular phone, electronic mail, portable electronic device,
8 or other media with or without contact with the individual or
9 (ii) an employee's posting of sexually explicit images of an
10 individual online or elsewhere whether or not there is contact
11 with the individual.

12 "Sexually explicit images" includes, but is not limited
13 to, any material which depicts nudity, sexual conduct, or
14 sado-masochistic abuse, or which contains explicit and
15 detailed verbal descriptions or narrative accounts of sexual
16 excitement, sexual conduct, or sado-masochistic abuse.

17 "Substantiated" means there is a preponderance of the
18 evidence to support the allegation.

19 "Unfounded" means there is no credible evidence to support
20 the allegation.

21 "Unsubstantiated" means there is credible evidence, but
22 less than a preponderance of evidence to support the
23 allegation.

24 (c) Appointment. The Governor shall appoint, and the
25 Senate shall confirm, an Inspector General. The Inspector
26 General shall be appointed for a term of 4 years and shall

1 function within the Department of Human Services and report to
2 the Secretary and the Governor.

3 (d) Operation and appropriation. The Inspector General
4 shall function independently within the Department with
5 respect to the operations of the Office, including the
6 performance of investigations and issuance of findings and
7 recommendations. The appropriation for the Office of Inspector
8 General shall be separate from the overall appropriation for
9 the Department.

10 (e) Powers and duties. The Inspector General shall
11 investigate reports of suspected mental abuse, physical abuse,
12 sexual abuse, neglect, or financial exploitation of
13 individuals in any mental health or developmental disabilities
14 facility or agency and shall have authority to take immediate
15 action to prevent any one or more of the following from
16 happening to individuals under its jurisdiction: mental abuse,
17 physical abuse, sexual abuse, neglect, or financial
18 exploitation. Upon written request of an agency of this State,
19 the Inspector General may assist another agency of the State
20 in investigating reports of the abuse, neglect, or abuse and
21 neglect of persons with mental illness, persons with
22 developmental disabilities, or persons with both. To comply
23 with the requirements of subsection (k) of this Section, the
24 Inspector General shall also review all reportable deaths for
25 which there is no allegation of abuse or neglect. Nothing in
26 this Section shall preempt any duties of the Medical Review

1 Board set forth in the Mental Health and Developmental
2 Disabilities Code. The Inspector General shall have no
3 authority to investigate alleged violations of the State
4 Officials and Employees Ethics Act. Allegations of misconduct
5 under the State Officials and Employees Ethics Act shall be
6 referred to the Office of the Governor's Executive Inspector
7 General for investigation.

8 (f) Limitations. The Inspector General shall not conduct
9 an investigation within an agency or facility if that
10 investigation would be redundant to or interfere with an
11 investigation conducted by another State agency. The Inspector
12 General shall have no supervision over, or involvement in, the
13 routine programmatic, licensing, funding, or certification
14 operations of the Department. Nothing in this subsection
15 limits investigations by the Department that may otherwise be
16 required by law or that may be necessary in the Department's
17 capacity as central administrative authority responsible for
18 the operation of the State's mental health and developmental
19 disabilities facilities.

20 (g) Rulemaking authority. The Inspector General shall
21 promulgate rules establishing minimum requirements for
22 reporting allegations as well as for initiating, conducting,
23 and completing investigations based upon the nature of the
24 allegation or allegations. The rules shall clearly establish
25 that if 2 or more State agencies could investigate an
26 allegation, the Inspector General shall not conduct an

1 investigation that would be redundant to, or interfere with,
2 an investigation conducted by another State agency. The rules
3 shall further clarify the method and circumstances under which
4 the Office of Inspector General may interact with the
5 licensing, funding, or certification units of the Department
6 in preventing further occurrences of mental abuse, physical
7 abuse, sexual abuse, neglect, egregious neglect, and financial
8 exploitation.

9 (h) Training programs. The Inspector General shall (i)
10 establish a comprehensive program to ensure that every person
11 authorized to conduct investigations receives ongoing training
12 relative to investigation techniques, communication skills,
13 and the appropriate means of interacting with persons
14 receiving treatment for mental illness, developmental
15 disability, or both mental illness and developmental
16 disability, and (ii) establish and conduct periodic training
17 programs for facility and agency employees concerning the
18 prevention and reporting of any one or more of the following:
19 mental abuse, physical abuse, sexual abuse, neglect, egregious
20 neglect, or financial exploitation. The Inspector General
21 shall further ensure (i) every person authorized to conduct
22 investigations at community agencies receives ongoing training
23 in Title 59, Parts 115, 116, and 119 of the Illinois
24 Administrative Code, and (ii) every person authorized to
25 conduct investigations shall receive ongoing training in Title
26 59, Part 50 of the Illinois Administrative Code. Nothing in

1 this Section shall be deemed to prevent the Office of
2 Inspector General from conducting any other training as
3 determined by the Inspector General to be necessary or
4 helpful.

5 (i) Duty to cooperate.

6 (1) The Inspector General shall at all times be
7 granted access to any facility or agency for the purpose
8 of investigating any allegation, conducting unannounced
9 site visits, monitoring compliance with a written
10 response, or completing any other statutorily assigned
11 duty. The Inspector General shall conduct unannounced site
12 visits to each facility at least annually for the purpose
13 of reviewing and making recommendations on systemic issues
14 relative to preventing, reporting, investigating, and
15 responding to all of the following: mental abuse, physical
16 abuse, sexual abuse, neglect, egregious neglect, or
17 financial exploitation.

18 (2) Any employee who fails to cooperate with an Office
19 of the Inspector General investigation is in violation of
20 this Act. Failure to cooperate with an investigation
21 includes, but is not limited to, any one or more of the
22 following: (i) creating and transmitting a false report to
23 the Office of the Inspector General hotline, (ii)
24 providing false information to an Office of the Inspector
25 General Investigator during an investigation, (iii)
26 colluding with other employees to cover up evidence, (iv)

1 colluding with other employees to provide false
2 information to an Office of the Inspector General
3 investigator, (v) destroying evidence, (vi) withholding
4 evidence, or (vii) otherwise obstructing an Office of the
5 Inspector General investigation. Additionally, any
6 employee who, during an unannounced site visit or written
7 response compliance check, fails to cooperate with
8 requests from the Office of the Inspector General is in
9 violation of this Act.

10 (j) Subpoena powers. The Inspector General shall have the
11 power to subpoena witnesses and compel the production of all
12 documents and physical evidence relating to his or her
13 investigations and any hearings authorized by this Act. This
14 subpoena power shall not extend to persons or documents of a
15 labor organization or its representatives insofar as the
16 persons are acting in a representative capacity to an employee
17 whose conduct is the subject of an investigation or the
18 documents relate to that representation. Any person who
19 otherwise fails to respond to a subpoena or who knowingly
20 provides false information to the Office of the Inspector
21 General by subpoena during an investigation is guilty of a
22 Class A misdemeanor.

23 (k) Reporting allegations and deaths.

24 (1) Allegations. If an employee witnesses, is told of,
25 or has reason to believe an incident of mental abuse,
26 physical abuse, sexual abuse, neglect, or financial

1 exploitation has occurred, the employee, agency, or
2 facility shall report the allegation by phone to the
3 Office of the Inspector General hotline according to the
4 agency's or facility's procedures, but in no event later
5 than 4 hours after the initial discovery of the incident,
6 allegation, or suspicion of any one or more of the
7 following: mental abuse, physical abuse, sexual abuse,
8 neglect, or financial exploitation. A required reporter as
9 defined in subsection (b) of this Section who knowingly or
10 intentionally fails to comply with these reporting
11 requirements is guilty of a Class A misdemeanor.

12 (2) Deaths. Absent an allegation, a required reporter
13 shall, within 24 hours after initial discovery, report by
14 phone to the Office of the Inspector General hotline each
15 of the following:

16 (i) Any death of an individual occurring within 14
17 calendar days after discharge or transfer of the
18 individual from a residential program or facility.

19 (ii) Any death of an individual occurring within
20 24 hours after deflection from a residential program
21 or facility.

22 (iii) Any other death of an individual occurring
23 at an agency or facility or at any Department-funded
24 site.

25 (3) Retaliation. It is a violation of this Act for any
26 employee or administrator of an agency or facility to take

1 retaliatory action against an employee who acts in good
2 faith in conformance with his or her duties as a required
3 reporter.

4 (1) Reporting to law enforcement. ~~(1)~~ Reporting criminal
5 acts. Within 24 hours after determining that there is credible
6 evidence indicating that a criminal act may have been
7 committed or that special expertise may be required in an
8 investigation, the Inspector General shall notify the Illinois
9 State Police or other appropriate law enforcement authority,
10 or ensure that such notification is made. The Illinois State
11 Police shall investigate any report from a State-operated
12 facility indicating a possible murder, sexual assault, or
13 other felony by an employee. All investigations conducted by
14 the Inspector General shall be conducted in a manner designed
15 to ensure the preservation of evidence for possible use in a
16 criminal prosecution.

17 ~~(2) Reporting allegations of adult students with~~
18 ~~disabilities. Upon receipt of a reportable allegation~~
19 ~~regarding an adult student with a disability, the~~
20 ~~Department's Office of the Inspector General shall~~
21 ~~determine whether the allegation meets the criteria for~~
22 ~~the Domestic Abuse Program under the Abuse of Adults with~~
23 ~~Disabilities Intervention Act. If the allegation is~~
24 ~~reportable to that program, the Office of the Inspector~~
25 ~~General shall initiate an investigation. If the allegation~~
26 ~~is not reportable to the Domestic Abuse Program, the~~

1 ~~Office of the Inspector General shall make an expeditious~~
2 ~~referral to the respective law enforcement entity. If the~~
3 ~~alleged victim is already receiving services from the~~
4 ~~Department, the Office of the Inspector General shall also~~
5 ~~make a referral to the respective Department of Human~~
6 ~~Services' Division or Bureau.~~

7 (m) Investigative reports. Upon completion of an
8 investigation, the Office of Inspector General shall issue an
9 investigative report identifying whether the allegations are
10 substantiated, unsubstantiated, or unfounded. Within 10
11 business days after the transmittal of a completed
12 investigative report substantiating an allegation, finding an
13 allegation is unsubstantiated, or if a recommendation is made,
14 the Inspector General shall provide the investigative report
15 on the case to the Secretary and to the director of the
16 facility or agency where any one or more of the following
17 occurred: mental abuse, physical abuse, sexual abuse, neglect,
18 egregious neglect, or financial exploitation. The director of
19 the facility or agency shall be responsible for maintaining
20 the confidentiality of the investigative report consistent
21 with State and federal law. In a substantiated case, the
22 investigative report shall include any mitigating or
23 aggravating circumstances that were identified during the
24 investigation. If the case involves substantiated neglect, the
25 investigative report shall also state whether egregious
26 neglect was found. An investigative report may also set forth

1 recommendations. All investigative reports prepared by the
2 Office of the Inspector General shall be considered
3 confidential and shall not be released except as provided by
4 the law of this State or as required under applicable federal
5 law. Unsubstantiated and unfounded reports shall not be
6 disclosed except as allowed under Section 6 of the Abused and
7 Neglected Long Term Care Facility Residents Reporting Act. Raw
8 data used to compile the investigative report shall not be
9 subject to release unless required by law or a court order.
10 "Raw data used to compile the investigative report" includes,
11 but is not limited to, any one or more of the following: the
12 initial complaint, witness statements, photographs,
13 investigator's notes, police reports, or incident reports. If
14 the allegations are substantiated, the victim, the victim's
15 guardian, and the accused shall be provided with a redacted
16 copy of the investigative report. Death reports where there
17 was no allegation of abuse or neglect shall only be released
18 pursuant to applicable State or federal law or a valid court
19 order. Unredacted investigative reports, as well as raw data,
20 may be shared with a local law enforcement entity, a State's
21 Attorney's office, or a county coroner's office upon written
22 request.

23 (n) Written responses, clarification requests, and
24 reconsideration requests.

25 (1) Written responses. Within 30 calendar days from
26 receipt of a substantiated investigative report or an

1 investigative report which contains recommendations,
2 absent a reconsideration request, the facility or agency
3 shall file a written response that addresses, in a concise
4 and reasoned manner, the actions taken to: (i) protect the
5 individual; (ii) prevent recurrences; and (iii) eliminate
6 the problems identified. The response shall include the
7 implementation and completion dates of such actions. If
8 the written response is not filed within the allotted 30
9 calendar day period, the Secretary shall determine the
10 appropriate corrective action to be taken.

11 (2) Requests for clarification. The facility, agency,
12 victim or guardian, or the subject employee may request
13 that the Office of Inspector General clarify the finding
14 or findings for which clarification is sought.

15 (3) Requests for reconsideration. The facility,
16 agency, victim or guardian, or the subject employee may
17 request that the Office of the Inspector General
18 reconsider the finding or findings or the recommendations.
19 A request for reconsideration shall be subject to a
20 multi-layer review and shall include at least one reviewer
21 who did not participate in the investigation or approval
22 of the original investigative report. After the
23 multi-layer review process has been completed, the
24 Inspector General shall make the final determination on
25 the reconsideration request. The investigation shall be
26 reopened if the reconsideration determination finds that

1 additional information is needed to complete the
2 investigative record.

3 (o) Disclosure of the finding by the Inspector General.
4 The Inspector General shall disclose the finding of an
5 investigation to the following persons: (i) the Governor, (ii)
6 the Secretary, (iii) the director of the facility or agency,
7 (iv) the alleged victims and their guardians, (v) the
8 complainant, and (vi) the accused. This information shall
9 include whether the allegations were deemed substantiated,
10 unsubstantiated, or unfounded.

11 (p) Secretary review. Upon review of the Inspector
12 General's investigative report and any agency's or facility's
13 written response, the Secretary shall accept or reject the
14 written response and notify the Inspector General of that
15 determination. The Secretary may further direct that other
16 administrative action be taken, including, but not limited to,
17 any one or more of the following: (i) additional site visits,
18 (ii) training, (iii) provision of technical assistance
19 relative to administrative needs, licensure, or certification,
20 or (iv) the imposition of appropriate sanctions.

21 (q) Action by facility or agency. Within 30 days of the
22 date the Secretary approves the written response or directs
23 that further administrative action be taken, the facility or
24 agency shall provide an implementation report to the Inspector
25 General that provides the status of the action taken. The
26 facility or agency shall be allowed an additional 30 days to

1 send notice of completion of the action or to send an updated
2 implementation report. If the action has not been completed
3 within the additional 30-day period, the facility or agency
4 shall send updated implementation reports every 60 days until
5 completion. The Inspector General shall conduct a review of
6 any implementation plan that takes more than 120 days after
7 approval to complete, and shall monitor compliance through a
8 random review of approved written responses, which may
9 include, but are not limited to: (i) site visits, (ii)
10 telephone contact, and (iii) requests for additional
11 documentation evidencing compliance.

12 (r) Sanctions. Sanctions, if imposed by the Secretary
13 under Subdivision (p)(iv) of this Section, shall be designed
14 to prevent further acts of mental abuse, physical abuse,
15 sexual abuse, neglect, egregious neglect, or financial
16 exploitation or some combination of one or more of those acts
17 at a facility or agency, and may include any one or more of the
18 following:

19 (1) Appointment of on-site monitors.

20 (2) Transfer or relocation of an individual or
21 individuals.

22 (3) Closure of units.

23 (4) Termination of any one or more of the following:

24 (i) Department licensing, (ii) funding, or (iii)
25 certification.

26 The Inspector General may seek the assistance of the

1 Illinois Attorney General or the office of any State's
2 Attorney in implementing sanctions.

3 (s) Health Care Worker Registry.

4 (1) Reporting to the Registry. The Inspector General
5 shall report to the Department of Public Health's Health
6 Care Worker Registry, a public registry, the identity and
7 finding of each employee of a facility or agency against
8 whom there is a final investigative report containing a
9 substantiated allegation of physical or sexual abuse,
10 financial exploitation, or egregious neglect of an
11 individual.

12 (2) Notice to employee. Prior to reporting the name of
13 an employee, the employee shall be notified of the
14 Department's obligation to report and shall be granted an
15 opportunity to request an administrative hearing, the sole
16 purpose of which is to determine if the substantiated
17 finding warrants reporting to the Registry. Notice to the
18 employee shall contain a clear and concise statement of
19 the grounds on which the report to the Registry is based,
20 offer the employee an opportunity for a hearing, and
21 identify the process for requesting such a hearing. Notice
22 is sufficient if provided by certified mail to the
23 employee's last known address. If the employee fails to
24 request a hearing within 30 days from the date of the
25 notice, the Inspector General shall report the name of the
26 employee to the Registry. Nothing in this subdivision

1 (s) (2) shall diminish or impair the rights of a person who
2 is a member of a collective bargaining unit under the
3 Illinois Public Labor Relations Act or under any other
4 federal labor statute.

5 (3) Registry hearings. If the employee requests an
6 administrative hearing, the employee shall be granted an
7 opportunity to appear before an administrative law judge
8 to present reasons why the employee's name should not be
9 reported to the Registry. The Department shall bear the
10 burden of presenting evidence that establishes, by a
11 preponderance of the evidence, that the substantiated
12 finding warrants reporting to the Registry. After
13 considering all the evidence presented, the administrative
14 law judge shall make a recommendation to the Secretary as
15 to whether the substantiated finding warrants reporting
16 the name of the employee to the Registry. The Secretary
17 shall render the final decision. The Department and the
18 employee shall have the right to request that the
19 administrative law judge consider a stipulated disposition
20 of these proceedings.

21 (4) Testimony at Registry hearings. A person who makes
22 a report or who investigates a report under this Act shall
23 testify fully in any judicial proceeding resulting from
24 such a report, as to any evidence of abuse or neglect, or
25 the cause thereof. No evidence shall be excluded by reason
26 of any common law or statutory privilege relating to

1 communications between the alleged perpetrator of abuse or
2 neglect, or the individual alleged as the victim in the
3 report, and the person making or investigating the report.
4 Testimony at hearings is exempt from the confidentiality
5 requirements of subsection (f) of Section 10 of the Mental
6 Health and Developmental Disabilities Confidentiality Act.

7 (5) Employee's rights to collateral action. No
8 reporting to the Registry shall occur and no hearing shall
9 be set or proceed if an employee notifies the Inspector
10 General in writing, including any supporting
11 documentation, that he or she is formally contesting an
12 adverse employment action resulting from a substantiated
13 finding by complaint filed with the Illinois Civil Service
14 Commission, or which otherwise seeks to enforce the
15 employee's rights pursuant to any applicable collective
16 bargaining agreement. If an action taken by an employer
17 against an employee as a result of a finding of physical
18 abuse, sexual abuse, or egregious neglect is overturned
19 through an action filed with the Illinois Civil Service
20 Commission or under any applicable collective bargaining
21 agreement and if that employee's name has already been
22 sent to the Registry, the employee's name shall be removed
23 from the Registry.

24 (6) Removal from Registry. At any time after the
25 report to the Registry, but no more than once in any
26 12-month period, an employee may petition the Department

1 in writing to remove his or her name from the Registry.
2 Upon receiving notice of such request, the Inspector
3 General shall conduct an investigation into the petition.
4 Upon receipt of such request, an administrative hearing
5 will be set by the Department. At the hearing, the
6 employee shall bear the burden of presenting evidence that
7 establishes, by a preponderance of the evidence, that
8 removal of the name from the Registry is in the public
9 interest. The parties may jointly request that the
10 administrative law judge consider a stipulated disposition
11 of these proceedings.

12 (t) Review of Administrative Decisions. The Department
13 shall preserve a record of all proceedings at any formal
14 hearing conducted by the Department involving Health Care
15 Worker Registry hearings. Final administrative decisions of
16 the Department are subject to judicial review pursuant to
17 provisions of the Administrative Review Law.

18 (u) Quality Care Board. There is created, within the
19 Office of the Inspector General, a Quality Care Board to be
20 composed of 7 members appointed by the Governor with the
21 advice and consent of the Senate. One of the members shall be
22 designated as chairman by the Governor. Of the initial
23 appointments made by the Governor, 4 Board members shall each
24 be appointed for a term of 4 years and 3 members shall each be
25 appointed for a term of 2 years. Upon the expiration of each
26 member's term, a successor shall be appointed for a term of 4

1 years. In the case of a vacancy in the office of any member,
2 the Governor shall appoint a successor for the remainder of
3 the unexpired term.

4 Members appointed by the Governor shall be qualified by
5 professional knowledge or experience in the area of law,
6 investigatory techniques, or in the area of care of the
7 mentally ill or care of persons with developmental
8 disabilities. Two members appointed by the Governor shall be
9 persons with a disability or parents of persons with a
10 disability. Members shall serve without compensation, but
11 shall be reimbursed for expenses incurred in connection with
12 the performance of their duties as members.

13 The Board shall meet quarterly, and may hold other
14 meetings on the call of the chairman. Four members shall
15 constitute a quorum allowing the Board to conduct its
16 business. The Board may adopt rules and regulations it deems
17 necessary to govern its own procedures.

18 The Board shall monitor and oversee the operations,
19 policies, and procedures of the Inspector General to ensure
20 the prompt and thorough investigation of allegations of
21 neglect and abuse. In fulfilling these responsibilities, the
22 Board may do the following:

23 (1) Provide independent, expert consultation to the
24 Inspector General on policies and protocols for
25 investigations of alleged abuse, neglect, or both abuse
26 and neglect.

1 (2) Review existing regulations relating to the
2 operation of facilities.

3 (3) Advise the Inspector General as to the content of
4 training activities authorized under this Section.

5 (4) Recommend policies concerning methods for
6 improving the intergovernmental relationships between the
7 Office of the Inspector General and other State or federal
8 offices.

9 (v) Annual report. The Inspector General shall provide to
10 the General Assembly and the Governor, no later than January 1
11 of each year, a summary of reports and investigations made
12 under this Act for the prior fiscal year with respect to
13 individuals receiving mental health or developmental
14 disabilities services. The report shall detail the imposition
15 of sanctions, if any, and the final disposition of any
16 corrective or administrative action directed by the Secretary.
17 The summaries shall not contain any confidential or
18 identifying information of any individual, but shall include
19 objective data identifying any trends in the number of
20 reported allegations, the timeliness of the Office of the
21 Inspector General's investigations, and their disposition, for
22 each facility and Department-wide, for the most recent 3-year
23 time period. The report shall also identify, by facility, the
24 staff-to-patient ratios taking account of direct care staff
25 only. The report shall also include detailed recommended
26 administrative actions and matters for consideration by the

1 General Assembly.

2 (w) Program audit. The Auditor General shall conduct a
3 program audit of the Office of the Inspector General on an
4 as-needed basis, as determined by the Auditor General. The
5 audit shall specifically include the Inspector General's
6 compliance with the Act and effectiveness in investigating
7 reports of allegations occurring in any facility or agency.
8 The Auditor General shall conduct the program audit according
9 to the provisions of the Illinois State Auditing Act and shall
10 report its findings to the General Assembly no later than
11 January 1 following the audit period.

12 (x) Nothing in this Section shall be construed to mean
13 that an individual is a victim of abuse or neglect because of
14 health care services appropriately provided or not provided by
15 health care professionals.

16 (y) Nothing in this Section shall require a facility,
17 including its employees, agents, medical staff members, and
18 health care professionals, to provide a service to an
19 individual in contravention of that individual's stated or
20 implied objection to the provision of that service on the
21 ground that that service conflicts with the individual's
22 religious beliefs or practices, nor shall the failure to
23 provide a service to an individual be considered abuse under
24 this Section if the individual has objected to the provision
25 of that service based on his or her religious beliefs or
26 practices.

1 (Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21.)

2 (20 ILCS 2712/Act rep.)

3 Section 15. The Broadband Access on Passenger Rail Law is
4 repealed.

5 (20 ILCS 3930/7.6 rep.)

6 Section 20. The Illinois Criminal Justice Information Act
7 is amended by repealing Section 7.6.

8 (20 ILCS 5035/Act rep.)

9 Section 25. The Illinois Human Services Commission Act is
10 repealed.

11 (30 ILCS 105/5h rep.)

12 Section 30. The State Finance Act is amended by repealing
13 Section 5h.

14 Section 35. The Illinois Procurement Code is amended by
15 changing Section 25-55 as follows:

16 (30 ILCS 500/25-55)

17 Sec. 25-55. Annual reports. Every printed annual report
18 produced by a State agency shall bear a statement indicating
19 whether it was printed by the State of Illinois or by contract
20 and indicating the printing cost per copy and the number of

1 copies printed. ~~The Department of Central Management Services~~
2 ~~shall prepare and submit to the General Assembly on the fourth~~
3 ~~Wednesday of January in each year a report setting forth with~~
4 ~~respect to each State agency for the calendar year immediately~~
5 ~~preceding the calendar year in which the report is filed the~~
6 ~~total quantity of annual reports printed, the total cost, and~~
7 ~~the cost per copy and the cost per page of the annual report of~~
8 ~~the State agency printed during the calendar year covered by~~
9 ~~the report.~~

10 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

11 (205 ILCS 405/3.2 rep.)

12 Section 40. The Currency Exchange Act is amended by
13 repealing Section 3.2.

14 Section 45. The Grain Code is amended by changing Section
15 30-25 as follows:

16 (240 ILCS 40/30-25)

17 Sec. 30-25. Grain Insurance Reserve Fund. Upon payment in
18 full of all money that has been transferred to the Fund prior
19 to June 30, 2003 from the General Revenue Fund as provided for
20 under subsection (h) of Section 25-20, the State of Illinois
21 shall, subject to appropriation, remit \$2,000,000 to the
22 Corporation to be held in a separate and discrete account to be
23 used to the extent the assets in the Fund are insufficient to

1 satisfy claimants as payment of their claims become due as set
2 forth in subsection (h) of Section 25-20. The remittance of
3 the \$2,000,000 reserve shall be made to the Corporation within
4 60 days of payment in full of all money transferred to the Fund
5 as set forth above in this Section 30-25. All income received
6 by the Reserve Fund shall be deposited in the Fund within 35
7 days of the end of each calendar quarter.

8 (Source: P.A. 93-225, eff. 7-21-03.)

9 Section 50. The Community Services Act is amended by
10 changing Section 4 as follows:

11 (405 ILCS 30/4) (from Ch. 91 1/2, par. 904)

12 Sec. 4. Financing for community services.

13 (a) The Department of Human Services is authorized to
14 provide financial reimbursement to eligible private service
15 providers, corporations, local government entities or
16 voluntary associations for the provision of services to
17 persons with mental illness, persons with a developmental
18 disability, and persons with substance use disorders who are
19 living in the community for the purpose of achieving the goals
20 of this Act.

21 The Department shall utilize the following funding
22 mechanisms for community services:

23 (1) Purchase of Care Contracts: services purchased on
24 a predetermined fee per unit of service basis from private

1 providers or governmental entities. Fee per service rates
2 are set by an established formula which covers some
3 portion of personnel, supplies, and other allowable costs,
4 and which makes some allowance for geographic variations
5 in costs as well as for additional program components.

6 (2) Grants: sums of money which the Department grants
7 to private providers or governmental entities pursuant to
8 the grant recipient's agreement to provide certain
9 services, as defined by departmental grant guidelines, to
10 an approximate number of service recipients. Grant levels
11 are set through consideration of personnel, supply and
12 other allowable costs, as well as other funds available to
13 the program.

14 (3) Other Funding Arrangements: funding mechanisms may
15 be established on a pilot basis in order to examine the
16 feasibility of alternative financing arrangements for the
17 provision of community services.

18 The Department shall establish and maintain an equitable
19 system of payment which allows providers to improve persons
20 with disabilities' capabilities for independence and reduces
21 their reliance on State-operated services.

22 For services classified as entitlement services under
23 federal law or guidelines, caps may not be placed on the total
24 amount of payment a provider may receive in a fiscal year and
25 the Department shall not require that a portion of the
26 payments due be made in a subsequent fiscal year based on a

1 yearly payment cap.

2 (b) (Blank). ~~The Governor shall create a commission by~~
3 ~~September 1, 2009, or as soon thereafter as possible, to~~
4 ~~review funding methodologies, identify gaps in funding,~~
5 ~~identify revenue, and prioritize use of that revenue for~~
6 ~~community developmental disability services, mental health~~
7 ~~services, alcohol and substance abuse services, rehabilitation~~
8 ~~services, and early intervention services. The Office of the~~
9 ~~Governor shall provide staff support for the commission.~~

10 (c) (Blank). ~~The first meeting of the commission shall be~~
11 ~~held within the first month after the creation and appointment~~
12 ~~of the commission, and a final report summarizing the~~
13 ~~commission's recommendations must be issued within 12 months~~
14 ~~after the first meeting, and no later than September 1, 2010,~~
15 ~~to the Governor and the General Assembly.~~

16 (d) (Blank). ~~The commission shall have the following 13~~
17 ~~voting members:~~

18 ~~(A) one member of the House of Representatives,~~
19 ~~appointed by the Speaker of the House of Representatives;~~

20 ~~(B) one member of the House of Representatives,~~
21 ~~appointed by the House Minority Leader;~~

22 ~~(C) one member of the Senate, appointed by the~~
23 ~~President of the Senate;~~

24 ~~(D) one member of the Senate, appointed by the Senate~~
25 ~~Minority Leader;~~

26 ~~(E) one person with a developmental disability, or a~~

1 ~~family member or guardian of such a person, appointed by~~
2 ~~the Governor;~~

3 ~~(F) one person with a mental illness, or a family~~
4 ~~member or guardian of such a person, appointed by the~~
5 ~~Governor;~~

6 ~~(G) two persons from unions that represent employees~~
7 ~~of community providers that serve people with~~
8 ~~developmental disabilities, mental illness, and alcohol~~
9 ~~and substance abuse disorders, appointed by the Governor;~~
10 ~~and~~

11 ~~(H) five persons from statewide associations that~~
12 ~~represent community providers that provide residential,~~
13 ~~day training, and other developmental disability services,~~
14 ~~mental health services, alcohol and substance abuse~~
15 ~~services, rehabilitation services, or early intervention~~
16 ~~services, or any combination of those, appointed by the~~
17 ~~Governor.~~

18 ~~The commission shall also have the following ex officio,~~
19 ~~nonvoting members:~~

20 ~~(I) the Director of the Governor's Office of~~
21 ~~Management and Budget or his or her designee;~~

22 ~~(J) the Chief Financial Officer of the Department of~~
23 ~~Human Services or his or her designee;~~

24 ~~(K) the Administrator of the Department of Healthcare~~
25 ~~and Family Services Division of Finance or his or her~~
26 ~~designee;~~

1 ~~(L) the Director of the Department of Human Services~~
2 ~~Division of Developmental Disabilities or his or her~~
3 ~~designee;~~

4 ~~(M) the Director of the Department of Human Services~~
5 ~~Division of Mental Health or his or her designee; and~~

6 ~~(N) the Director of the Department of Human Services~~
7 ~~Division of Alcoholism and Substance Abuse or his or her~~
8 ~~designee.~~

9 (e) The funding methodologies must reflect economic
10 factors inherent in providing services and supports, recognize
11 individual disability needs, and consider geographic
12 differences, transportation costs, required staffing ratios,
13 and mandates not currently funded.

14 (f) In accepting Department funds, providers shall
15 recognize their responsibility to be accountable to the
16 Department and the State for the delivery of services which
17 are consistent with the philosophies and goals of this Act and
18 the rules and regulations promulgated under it.

19 (Source: P.A. 100-759, eff. 1-1-19.)

20 (730 ILCS 5/3-5-3 rep.)

21 (730 ILCS 5/5-8-1.3 rep.)

22 Section 55. The Unified Code of Corrections is amended by
23 repealing Sections 3-5-3 and 5-8-1.3.

24 Section 60. The Workers' Compensation Act is amended by

1 changing Section 18.1 as follows:

2 (820 ILCS 305/18.1)

3 Sec. 18.1. Claims by former and current employees of the
4 Commission. All claims by current and former employees and
5 appointees of the Commission shall be assigned to a certified
6 independent arbitrator not employed by the Commission
7 designated by the Chairman. In preparing the roster of
8 approved certified independent arbitrators, the Chairman shall
9 seek the advice and recommendation of the Commission or the
10 Workers' Compensation Advisory Board at his or her discretion.
11 ~~The Chairman shall designate an arbitrator from a list of~~
12 ~~approved certified arbitrators provided by the Commission~~
13 ~~Review Board.~~ If the Chairman is the claimant, then the
14 independent arbitrator from the approved list shall be
15 designated by the longest serving Commissioner. The designated
16 independent arbitrator shall have the authority of arbitrators
17 of the Commission regarding settlement and adjudication of the
18 claim of the current and former employees and appointees of
19 the Commission. The decision of the independent arbitrator
20 shall become the decision of the Commission. An appeal of the
21 independent arbitrator's decision shall be subject to judicial
22 review in accordance with subsection (f) of Section 19.

23 (Source: P.A. 97-18, eff. 6-28-11.)

24 (820 ILCS 305/14.1 rep.)

1 Section 65. The Workers' Compensation Act is amended by
2 repealing Section 14.1.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law."