

# HB0774



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB0774**

Introduced 01/31/11, by Rep. Michael J. Madigan

#### SYNOPSIS AS INTRODUCED:

320 ILCS 20/4

from Ch. 23, par. 6604

Amends the Elder Abuse and Neglect Act. Makes a technical change in a Section concerning reports of abuse or neglect.

LRB097 03602 KTG 43639 b

A BILL FOR

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 Elder Abuse and Neglect Act is amended by  
5 changing Section 4 as follows:

6 (320 ILCS 20/4) (from Ch. 23, par. 6604)

7 Sec. 4. Reports of abuse or neglect.

8 (a) Any person who suspects the ~~the~~ abuse, neglect,  
9 financial exploitation, or self-neglect of an eligible adult  
10 may report this suspicion to an agency designated to receive  
11 such reports under this Act or to the Department.

12 (a-5) If any mandated reporter has reason to believe that  
13 an eligible adult, who because of dysfunction is unable to seek  
14 assistance for himself or herself, has, within the previous 12  
15 months, been subjected to abuse, neglect, or financial  
16 exploitation, the mandated reporter shall, within 24 hours  
17 after developing such belief, report this suspicion to an  
18 agency designated to receive such reports under this Act or to  
19 the Department. Whenever a mandated reporter is required to  
20 report under this Act in his or her capacity as a member of the  
21 staff of a medical or other public or private institution,  
22 facility, board and care home, or agency, he or she shall make  
23 a report to an agency designated to receive such reports under

1 this Act or to the Department in accordance with the provisions  
2 of this Act and may also notify the person in charge of the  
3 institution, facility, board and care home, or agency or his or  
4 her designated agent that the report has been made. Under no  
5 circumstances shall any person in charge of such institution,  
6 facility, board and care home, or agency, or his or her  
7 designated agent to whom the notification has been made,  
8 exercise any control, restraint, modification, or other change  
9 in the report or the forwarding of the report to an agency  
10 designated to receive such reports under this Act or to the  
11 Department. The privileged quality of communication between  
12 any professional person required to report and his or her  
13 patient or client shall not apply to situations involving  
14 abused, neglected, or financially exploited eligible adults  
15 and shall not constitute grounds for failure to report as  
16 required by this Act.

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

24 (a-9) Law enforcement officers shall continue to report  
25 incidents of alleged abuse pursuant to the Illinois Domestic  
26 Violence Act of 1986, notwithstanding any requirements under

1 this Act.

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

24 (c) The identity of a person making a report of alleged or  
25 suspected abuse, neglect, financial exploitation, or  
26 self-neglect under this Act may be disclosed by the Department

1 or other agency provided for in this Act only with such  
2 person's written consent or by court order.

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

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

21 (Source: P.A. 96-378, eff. 1-1-10; 96-526, eff. 1-1-10;  
22 96-1000, eff. 7-2-10.)