

HB0668



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB0668

Introduced 1/25/2013, 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.

LRB098 03491 KTG 33506 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. The agency designated to receive such reports
20 under this Act or the Department may establish a manner in
21 which a mandated reporter can make the required report through
22 an Internet reporting tool. Information sent and received
23 through the Internet reporting tool is subject to the same

1 rules in this Act as other types of confidential reporting
2 established by the designated agency or the Department.
3 Whenever a mandated reporter is required to report under this
4 Act in his or her capacity as a member of the staff of a medical
5 or other public or private institution, facility, board and
6 care home, or agency, he or she shall make a report to an
7 agency designated to receive such reports under this Act or to
8 the Department in accordance with the provisions of this Act
9 and may also notify the person in charge of the institution,
10 facility, board and care home, or agency or his or her
11 designated agent that the report has been made. Under no
12 circumstances shall any person in charge of such institution,
13 facility, board and care home, or agency, or his or her
14 designated agent to whom the notification has been made,
15 exercise any control, restraint, modification, or other change
16 in the report or the forwarding of the report to an agency
17 designated to receive such reports under this Act or to the
18 Department. The privileged quality of communication between
19 any professional person required to report and his or her
20 patient or client shall not apply to situations involving
21 abused, neglected, or financially exploited eligible adults
22 and shall not constitute grounds for failure to report as
23 required by this Act.

24 (a-7) A person making a report under this Act in the belief
25 that it is in the alleged victim's best interest shall be
26 immune from criminal or civil liability or professional

1 disciplinary action on account of making the report,
2 notwithstanding any requirements concerning the
3 confidentiality of information with respect to such eligible
4 adult which might otherwise be applicable.

5 (a-9) Law enforcement officers shall continue to report
6 incidents of alleged abuse pursuant to the Illinois Domestic
7 Violence Act of 1986, notwithstanding any requirements under
8 this Act.

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

1 faith of any person required to report, permitted to report, or
2 participating in an investigation of a report of alleged or
3 suspected abuse, neglect, financial exploitation, or
4 self-neglect shall be presumed.

5 (c) The identity of a person making a report of alleged or
6 suspected abuse, neglect, financial exploitation, or
7 self-neglect under this Act may be disclosed by the Department
8 or other agency provided for in this Act only with such
9 person's written consent or by court order.

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

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

1 is guilty of a Class A misdemeanor.

2 (Source: P.A. 96-378, eff. 1-1-10; 96-526, eff. 1-1-10;

3 96-1000, eff. 7-2-10; 97-860, eff. 7-30-12.)