

1 AN ACT concerning adult protective services.

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

4 Section 1. Short title. This Act may be cited as the
5 Statewide Centralized Abuse, Neglect, Financial Exploitation,
6 and Self-Neglect Hotline Act.

7 Section 1.5. Legislative findings. The General Assembly
8 finds all of the following:

9 (a) Illinois' current investigatory system is
10 decentralized, being comprised of different State agencies
11 responsible for investigating abuse, neglect, financial
12 exploitation, or self-neglect of different populations
13 depending upon the age of the individual and the setting in
14 which he or she resides.

15 (b) Each of the investigatory agencies has its own hotline
16 to receive reports of abuse, neglect, financial exploitation,
17 or self-neglect of the individuals and settings over which they
18 have investigative authority.

19 (c) To ensure the safety and well-being of the individuals
20 the investigatory system was designed to protect, it is a goal
21 to develop a statewide centralized hotline to receive reports
22 of abuse, neglect, financial exploitation, or self-neglect of
23 adults with disabilities and older adults.

1 Section 1.10. Exploratory committee for the Statewide
2 Centralized Hotline. The Department on Aging (Department)
3 shall, upon the effective date of this Act, act as the lead
4 agency in convening an exploratory committee with the
5 Department of Human Services and the Department of Public
6 Health to determine how a centralized hotline will function and
7 what types of funding, staffing, and training are required to
8 support its operation. The Committee shall be composed of
9 stakeholder representatives of all programs under
10 consideration for inclusion in the Statewide Centralized
11 Hotline, as well as representatives from each of the named
12 agencies.

13 Section 1.15. Committee responsibilities. The committee
14 shall carry out the following responsibilities:

15 (1) analyze the laws and regulations that establish the
16 respective agency hotlines;

17 (2) evaluate the respective agency phone systems to
18 determine necessary technology changes for a centralized
19 hotline;

20 (3) gather information on the volume of calls received by
21 each agency;

22 (4) determine the exact process by which a call is screened
23 to ascertain where it should be directed; and

24 (5) establish the manner in which the confidentiality of

1 all complainant identities will be protected for purposes of
2 any dissemination of records or other information outside
3 agency personnel.

4 Section 1.20. Committee report. The Committee shall issue a
5 report with its findings and recommendations together with a
6 budget proposal within 6 months after the effective date of
7 this Act.

8 Section 2. The Open Meetings Act is amended by changing
9 Section 2 as follows:

10 (5 ILCS 120/2) (from Ch. 102, par. 42)

11 Sec. 2. Open meetings.

12 (a) Openness required. All meetings of public bodies shall
13 be open to the public unless excepted in subsection (c) and
14 closed in accordance with Section 2a.

15 (b) Construction of exceptions. The exceptions contained
16 in subsection (c) are in derogation of the requirement that
17 public bodies meet in the open, and therefore, the exceptions
18 are to be strictly construed, extending only to subjects
19 clearly within their scope. The exceptions authorize but do not
20 require the holding of a closed meeting to discuss a subject
21 included within an enumerated exception.

22 (c) Exceptions. A public body may hold closed meetings to
23 consider the following subjects:

1 (1) The appointment, employment, compensation,
2 discipline, performance, or dismissal of specific
3 employees of the public body or legal counsel for the
4 public body, including hearing testimony on a complaint
5 lodged against an employee of the public body or against
6 legal counsel for the public body to determine its
7 validity.

8 (2) Collective negotiating matters between the public
9 body and its employees or their representatives, or
10 deliberations concerning salary schedules for one or more
11 classes of employees.

12 (3) The selection of a person to fill a public office,
13 as defined in this Act, including a vacancy in a public
14 office, when the public body is given power to appoint
15 under law or ordinance, or the discipline, performance or
16 removal of the occupant of a public office, when the public
17 body is given power to remove the occupant under law or
18 ordinance.

19 (4) Evidence or testimony presented in open hearing, or
20 in closed hearing where specifically authorized by law, to
21 a quasi-adjudicative body, as defined in this Act, provided
22 that the body prepares and makes available for public
23 inspection a written decision setting forth its
24 determinative reasoning.

25 (5) The purchase or lease of real property for the use
26 of the public body, including meetings held for the purpose

1 of discussing whether a particular parcel should be
2 acquired.

3 (6) The setting of a price for sale or lease of
4 property owned by the public body.

5 (7) The sale or purchase of securities, investments, or
6 investment contracts. This exception shall not apply to the
7 investment of assets or income of funds deposited into the
8 Illinois Prepaid Tuition Trust Fund.

9 (8) Security procedures and the use of personnel and
10 equipment to respond to an actual, a threatened, or a
11 reasonably potential danger to the safety of employees,
12 students, staff, the public, or public property.

13 (9) Student disciplinary cases.

14 (10) The placement of individual students in special
15 education programs and other matters relating to
16 individual students.

17 (11) Litigation, when an action against, affecting or
18 on behalf of the particular public body has been filed and
19 is pending before a court or administrative tribunal, or
20 when the public body finds that an action is probable or
21 imminent, in which case the basis for the finding shall be
22 recorded and entered into the minutes of the closed
23 meeting.

24 (12) The establishment of reserves or settlement of
25 claims as provided in the Local Governmental and
26 Governmental Employees Tort Immunity Act, if otherwise the

1 disposition of a claim or potential claim might be
2 prejudiced, or the review or discussion of claims, loss or
3 risk management information, records, data, advice or
4 communications from or with respect to any insurer of the
5 public body or any intergovernmental risk management
6 association or self insurance pool of which the public body
7 is a member.

8 (13) Conciliation of complaints of discrimination in
9 the sale or rental of housing, when closed meetings are
10 authorized by the law or ordinance prescribing fair housing
11 practices and creating a commission or administrative
12 agency for their enforcement.

13 (14) Informant sources, the hiring or assignment of
14 undercover personnel or equipment, or ongoing, prior or
15 future criminal investigations, when discussed by a public
16 body with criminal investigatory responsibilities.

17 (15) Professional ethics or performance when
18 considered by an advisory body appointed to advise a
19 licensing or regulatory agency on matters germane to the
20 advisory body's field of competence.

21 (16) Self evaluation, practices and procedures or
22 professional ethics, when meeting with a representative of
23 a statewide association of which the public body is a
24 member.

25 (17) The recruitment, credentialing, discipline or
26 formal peer review of physicians or other health care

1 professionals for a hospital, or other institution
2 providing medical care, that is operated by the public
3 body.

4 (18) Deliberations for decisions of the Prisoner
5 Review Board.

6 (19) Review or discussion of applications received
7 under the Experimental Organ Transplantation Procedures
8 Act.

9 (20) The classification and discussion of matters
10 classified as confidential or continued confidential by
11 the State Government Suggestion Award Board.

12 (21) Discussion of minutes of meetings lawfully closed
13 under this Act, whether for purposes of approval by the
14 body of the minutes or semi-annual review of the minutes as
15 mandated by Section 2.06.

16 (22) Deliberations for decisions of the State
17 Emergency Medical Services Disciplinary Review Board.

18 (23) The operation by a municipality of a municipal
19 utility or the operation of a municipal power agency or
20 municipal natural gas agency when the discussion involves
21 (i) contracts relating to the purchase, sale, or delivery
22 of electricity or natural gas or (ii) the results or
23 conclusions of load forecast studies.

24 (24) Meetings of a residential health care facility
25 resident sexual assault and death review team or the
26 Executive Council under the Abuse Prevention Review Team

1 Act.

2 (25) Meetings of an independent team of experts under
3 Brian's Law.

4 (26) Meetings of a mortality review team appointed
5 under the Department of Juvenile Justice Mortality Review
6 Team Act.

7 (27) (Blank). ~~Confidential information, when discussed~~
8 ~~by one or more members of an elder abuse fatality review~~
9 ~~team, designated under Section 15 of the Elder Abuse and~~
10 ~~Neglect Act, while participating in a review conducted by~~
11 ~~that team of the death of an elderly person in which abuse~~
12 ~~or neglect is suspected, alleged, or substantiated;~~
13 ~~provided that before the review team holds a closed~~
14 ~~meeting, or closes an open meeting, to discuss the~~
15 ~~confidential information, each participating review team~~
16 ~~member seeking to disclose the confidential information in~~
17 ~~the closed meeting or closed portion of the meeting must~~
18 ~~state on the record during an open meeting or the open~~
19 ~~portion of a meeting the nature of the information to be~~
20 ~~disclosed and the legal basis for otherwise holding that~~
21 ~~information confidential.~~

22 (28) Correspondence and records (i) that may not be
23 disclosed under Section 11-9 of the Public Aid Code or (ii)
24 that pertain to appeals under Section 11-8 of the Public
25 Aid Code.

26 (29) Meetings between internal or external auditors

1 and governmental audit committees, finance committees, and
2 their equivalents, when the discussion involves internal
3 control weaknesses, identification of potential fraud risk
4 areas, known or suspected frauds, and fraud interviews
5 conducted in accordance with generally accepted auditing
6 standards of the United States of America.

7 (30) Meetings of an at-risk adult fatality review team
8 or the Illinois At-Risk Adult Fatality Review Team Advisory
9 Council under Section 15 of the Adult Protective Services
10 Act.

11 (d) Definitions. For purposes of this Section:

12 "Employee" means a person employed by a public body whose
13 relationship with the public body constitutes an
14 employer-employee relationship under the usual common law
15 rules, and who is not an independent contractor.

16 "Public office" means a position created by or under the
17 Constitution or laws of this State, the occupant of which is
18 charged with the exercise of some portion of the sovereign
19 power of this State. The term "public office" shall include
20 members of the public body, but it shall not include
21 organizational positions filled by members thereof, whether
22 established by law or by a public body itself, that exist to
23 assist the body in the conduct of its business.

24 "Quasi-adjudicative body" means an administrative body
25 charged by law or ordinance with the responsibility to conduct
26 hearings, receive evidence or testimony and make

1 determinations based thereon, but does not include local
2 electoral boards when such bodies are considering petition
3 challenges.

4 (e) Final action. No final action may be taken at a closed
5 meeting. Final action shall be preceded by a public recital of
6 the nature of the matter being considered and other information
7 that will inform the public of the business being conducted.

8 (Source: P.A. 96-1235, eff. 1-1-11; 96-1378, eff. 7-29-10;
9 96-1428, eff. 8-11-10; 97-318, eff. 1-1-12; 97-333, eff.
10 8-12-11; 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876,
11 eff. 8-1-12.)

12 Section 2.1. The Freedom of Information Act is amended by
13 changing Section 7.5 as follows:

14 (5 ILCS 140/7.5)

15 Sec. 7.5. Statutory Exemptions. To the extent provided for
16 by the statutes referenced below, the following shall be exempt
17 from inspection and copying:

18 (a) All information determined to be confidential under
19 Section 4002 of the Technology Advancement and Development Act.

20 (b) Library circulation and order records identifying
21 library users with specific materials under the Library Records
22 Confidentiality Act.

23 (c) Applications, related documents, and medical records
24 received by the Experimental Organ Transplantation Procedures

1 Board and any and all documents or other records prepared by
2 the Experimental Organ Transplantation Procedures Board or its
3 staff relating to applications it has received.

4 (d) Information and records held by the Department of
5 Public Health and its authorized representatives relating to
6 known or suspected cases of sexually transmissible disease or
7 any information the disclosure of which is restricted under the
8 Illinois Sexually Transmissible Disease Control Act.

9 (e) Information the disclosure of which is exempted under
10 Section 30 of the Radon Industry Licensing Act.

11 (f) Firm performance evaluations under Section 55 of the
12 Architectural, Engineering, and Land Surveying Qualifications
13 Based Selection Act.

14 (g) Information the disclosure of which is restricted and
15 exempted under Section 50 of the Illinois Prepaid Tuition Act.

16 (h) Information the disclosure of which is exempted under
17 the State Officials and Employees Ethics Act, and records of
18 any lawfully created State or local inspector general's office
19 that would be exempt if created or obtained by an Executive
20 Inspector General's office under that Act.

21 (i) Information contained in a local emergency energy plan
22 submitted to a municipality in accordance with a local
23 emergency energy plan ordinance that is adopted under Section
24 11-21.5-5 of the Illinois Municipal Code.

25 (j) Information and data concerning the distribution of
26 surcharge moneys collected and remitted by wireless carriers

1 under the Wireless Emergency Telephone Safety Act.

2 (k) Law enforcement officer identification information or
3 driver identification information compiled by a law
4 enforcement agency or the Department of Transportation under
5 Section 11-212 of the Illinois Vehicle Code.

6 (l) Records and information provided to a residential
7 health care facility resident sexual assault and death review
8 team or the Executive Council under the Abuse Prevention Review
9 Team Act.

10 (m) Information provided to the predatory lending database
11 created pursuant to Article 3 of the Residential Real Property
12 Disclosure Act, except to the extent authorized under that
13 Article.

14 (n) Defense budgets and petitions for certification of
15 compensation and expenses for court appointed trial counsel as
16 provided under Sections 10 and 15 of the Capital Crimes
17 Litigation Act. This subsection (n) shall apply until the
18 conclusion of the trial of the case, even if the prosecution
19 chooses not to pursue the death penalty prior to trial or
20 sentencing.

21 (o) Information that is prohibited from being disclosed
22 under Section 4 of the Illinois Health and Hazardous Substances
23 Registry Act.

24 (p) Security portions of system safety program plans,
25 investigation reports, surveys, schedules, lists, data, or
26 information compiled, collected, or prepared by or for the

1 Regional Transportation Authority under Section 2.11 of the
2 Regional Transportation Authority Act or the St. Clair County
3 Transit District under the Bi-State Transit Safety Act.

4 (q) Information prohibited from being disclosed by the
5 Personnel Records Review Act.

6 (r) Information prohibited from being disclosed by the
7 Illinois School Student Records Act.

8 (s) Information the disclosure of which is restricted under
9 Section 5-108 of the Public Utilities Act.

10 (t) All identified or deidentified health information in
11 the form of health data or medical records contained in, stored
12 in, submitted to, transferred by, or released from the Illinois
13 Health Information Exchange, and identified or deidentified
14 health information in the form of health data and medical
15 records of the Illinois Health Information Exchange in the
16 possession of the Illinois Health Information Exchange
17 Authority due to its administration of the Illinois Health
18 Information Exchange. The terms "identified" and
19 "deidentified" shall be given the same meaning as in the Health
20 Insurance Accountability and Portability Act of 1996, Public
21 Law 104-191, or any subsequent amendments thereto, and any
22 regulations promulgated thereunder.

23 (u) Records and information provided to an independent team
24 of experts under Brian's Law.

25 (v) Names and information of people who have applied for or
26 received Firearm Owner's Identification Cards under the

1 Firearm Owners Identification Card Act.

2 (w) Personally identifiable information which is exempted
3 from disclosure under subsection (g) of Section 19.1 of the
4 Toll Highway Act.

5 (x) Information which is exempted from disclosure under
6 Section 5-1014.3 of the Counties Code or Section 8-11-21 of the
7 Illinois Municipal Code.

8 (y) Confidential information under the Adult Protective
9 Services Act and its predecessor enabling statute, the Elder
10 Abuse and Neglect Act, including information about the identity
11 and administrative finding against any caregiver of a verified
12 and substantiated decision of significant abuse, neglect, or
13 financial exploitation of an eligible adult maintained in the
14 Department of Public Health's Health Care Worker Registry.

15 (z) Records and information provided to an at-risk adult
16 fatality review team or the Illinois At-Risk Adult Fatality
17 Review Team Advisory Council under Section 15 of the Adult
18 Protective Services Act.

19 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
20 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.
21 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,
22 eff. 1-1-13.)

23 Section 3. The State Employee Indemnification Act is
24 amended by changing Section 1 as follows:

1 (5 ILCS 350/1) (from Ch. 127, par. 1301)

2 Sec. 1. Definitions. For the purpose of this Act:

3 (a) The term "State" means the State of Illinois, the
4 General Assembly, the court, or any State office, department,
5 division, bureau, board, commission, or committee, the
6 governing boards of the public institutions of higher education
7 created by the State, the Illinois National Guard, the
8 Comprehensive Health Insurance Board, any poison control
9 center designated under the Poison Control System Act that
10 receives State funding, or any other agency or instrumentality
11 of the State. It does not mean any local public entity as that
12 term is defined in Section 1-206 of the Local Governmental and
13 Governmental Employees Tort Immunity Act or a pension fund.

14 (b) The term "employee" means any present or former elected
15 or appointed officer, trustee or employee of the State, or of a
16 pension fund, any present or former commissioner or employee of
17 the Executive Ethics Commission or of the Legislative Ethics
18 Commission, any present or former Executive, Legislative, or
19 Auditor General's Inspector General, any present or former
20 employee of an Office of an Executive, Legislative, or Auditor
21 General's Inspector General, any present or former member of
22 the Illinois National Guard while on active duty, individuals
23 or organizations who contract with the Department of
24 Corrections, the Comprehensive Health Insurance Board, or the
25 Department of Veterans' Affairs to provide services,
26 individuals or organizations who contract with the Department

1 of Human Services (as successor to the Department of Mental
2 Health and Developmental Disabilities) to provide services
3 including but not limited to treatment and other services for
4 sexually violent persons, individuals or organizations who
5 contract with the Department of Military Affairs for youth
6 programs, individuals or organizations who contract to perform
7 carnival and amusement ride safety inspections for the
8 Department of Labor, individual representatives of or
9 designated organizations authorized to represent the Office of
10 State Long-Term Ombudsman for the Department on Aging,
11 individual representatives of or organizations designated by
12 the Department on Aging in the performance of their duties as
13 adult protective services ~~elder abuse provider~~ agencies or
14 regional administrative agencies under the Adult Protective
15 Services Act ~~Elder Abuse and Neglect Act~~, individuals or
16 organizations who perform volunteer services for the State
17 where such volunteer relationship is reduced to writing,
18 individuals who serve on any public entity (whether created by
19 law or administrative action) described in paragraph (a) of
20 this Section, individuals or not for profit organizations who,
21 either as volunteers, where such volunteer relationship is
22 reduced to writing, or pursuant to contract, furnish
23 professional advice or consultation to any agency or
24 instrumentality of the State, individuals who serve as foster
25 parents for the Department of Children and Family Services when
26 caring for a Department ward, individuals who serve as members

1 of an independent team of experts under Brian's Law, and
2 individuals who serve as arbitrators pursuant to Part 10A of
3 Article II of the Code of Civil Procedure and the rules of the
4 Supreme Court implementing Part 10A, each as now or hereafter
5 amended, but does not mean an independent contractor except as
6 provided in this Section. The term includes an individual
7 appointed as an inspector by the Director of State Police when
8 performing duties within the scope of the activities of a
9 Metropolitan Enforcement Group or a law enforcement
10 organization established under the Intergovernmental
11 Cooperation Act. An individual who renders professional advice
12 and consultation to the State through an organization which
13 qualifies as an "employee" under the Act is also an employee.
14 The term includes the estate or personal representative of an
15 employee.

16 (c) The term "pension fund" means a retirement system or
17 pension fund created under the Illinois Pension Code.

18 (Source: P.A. 96-1235, eff. 1-1-11.)

19 Section 4. The Illinois Act on the Aging is amended by
20 changing Section 4.01 as follows:

21 (20 ILCS 105/4.01) (from Ch. 23, par. 6104.01)

22 Sec. 4.01. Additional powers and duties of the Department.
23 In addition to powers and duties otherwise provided by law, the
24 Department shall have the following powers and duties:

1 (1) To evaluate all programs, services, and facilities for
2 the aged and for minority senior citizens within the State and
3 determine the extent to which present public or private
4 programs, services and facilities meet the needs of the aged.

5 (2) To coordinate and evaluate all programs, services, and
6 facilities for the Aging and for minority senior citizens
7 presently furnished by State agencies and make appropriate
8 recommendations regarding such services, programs and
9 facilities to the Governor and/or the General Assembly.

10 (3) To function as the sole State agency to develop a
11 comprehensive plan to meet the needs of the State's senior
12 citizens and the State's minority senior citizens.

13 (4) To receive and disburse State and federal funds made
14 available directly to the Department including those funds made
15 available under the Older Americans Act and the Senior
16 Community Service Employment Program for providing services
17 for senior citizens and minority senior citizens or for
18 purposes related thereto, and shall develop and administer any
19 State Plan for the Aging required by federal law.

20 (5) To solicit, accept, hold, and administer in behalf of
21 the State any grants or legacies of money, securities, or
22 property to the State of Illinois for services to senior
23 citizens and minority senior citizens or purposes related
24 thereto.

25 (6) To provide consultation and assistance to communities,
26 area agencies on aging, and groups developing local services

1 for senior citizens and minority senior citizens.

2 (7) To promote community education regarding the problems
3 of senior citizens and minority senior citizens through
4 institutes, publications, radio, television and the local
5 press.

6 (8) To cooperate with agencies of the federal government in
7 studies and conferences designed to examine the needs of senior
8 citizens and minority senior citizens and to prepare programs
9 and facilities to meet those needs.

10 (9) To establish and maintain information and referral
11 sources throughout the State when not provided by other
12 agencies.

13 (10) To provide the staff support that may reasonably be
14 required by the Council.

15 (11) To make and enforce rules and regulations necessary
16 and proper to the performance of its duties.

17 (12) To establish and fund programs or projects or
18 experimental facilities that are specially designed as
19 alternatives to institutional care.

20 (13) To develop a training program to train the counselors
21 presently employed by the Department's aging network to provide
22 Medicare beneficiaries with counseling and advocacy in
23 Medicare, private health insurance, and related health care
24 coverage plans. The Department shall report to the General
25 Assembly on the implementation of the training program on or
26 before December 1, 1986.

1 (14) To make a grant to an institution of higher learning
2 to study the feasibility of establishing and implementing an
3 affirmative action employment plan for the recruitment,
4 hiring, training and retraining of persons 60 or more years old
5 for jobs for which their employment would not be precluded by
6 law.

7 (15) To present one award annually in each of the
8 categories of community service, education, the performance
9 and graphic arts, and the labor force to outstanding Illinois
10 senior citizens and minority senior citizens in recognition of
11 their individual contributions to either community service,
12 education, the performance and graphic arts, or the labor
13 force. The awards shall be presented to 4 senior citizens and
14 minority senior citizens selected from a list of 44 nominees
15 compiled annually by the Department. Nominations shall be
16 solicited from senior citizens' service providers, area
17 agencies on aging, senior citizens' centers, and senior
18 citizens' organizations. The Department shall establish a
19 central location within the State to be designated as the
20 Senior Illinoisans Hall of Fame for the public display of all
21 the annual awards, or replicas thereof.

22 (16) To establish multipurpose senior centers through area
23 agencies on aging and to fund those new and existing
24 multipurpose senior centers through area agencies on aging, the
25 establishment and funding to begin in such areas of the State
26 as the Department shall designate by rule and as specifically

1 appropriated funds become available.

2 (17) To develop the content and format of the
3 acknowledgment regarding non-recourse reverse mortgage loans
4 under Section 6.1 of the Illinois Banking Act; to provide
5 independent consumer information on reverse mortgages and
6 alternatives; and to refer consumers to independent counseling
7 services with expertise in reverse mortgages.

8 (18) To develop a pamphlet in English and Spanish which may
9 be used by physicians licensed to practice medicine in all of
10 its branches pursuant to the Medical Practice Act of 1987,
11 pharmacists licensed pursuant to the Pharmacy Practice Act, and
12 Illinois residents 65 years of age or older for the purpose of
13 assisting physicians, pharmacists, and patients in monitoring
14 prescriptions provided by various physicians and to aid persons
15 65 years of age or older in complying with directions for
16 proper use of pharmaceutical prescriptions. The pamphlet may
17 provide space for recording information including but not
18 limited to the following:

19 (a) name and telephone number of the patient;

20 (b) name and telephone number of the prescribing
21 physician;

22 (c) date of prescription;

23 (d) name of drug prescribed;

24 (e) directions for patient compliance; and

25 (f) name and telephone number of dispensing pharmacy.

26 In developing the pamphlet, the Department shall consult

1 with the Illinois State Medical Society, the Center for
2 Minority Health Services, the Illinois Pharmacists Association
3 and senior citizens organizations. The Department shall
4 distribute the pamphlets to physicians, pharmacists and
5 persons 65 years of age or older or various senior citizen
6 organizations throughout the State.

7 (19) To conduct a study of the feasibility of implementing
8 the Senior Companion Program throughout the State.

9 (20) The reimbursement rates paid through the community
10 care program for chore housekeeping services and home care
11 aides shall be the same.

12 (21) From funds appropriated to the Department from the
13 Meals on Wheels Fund, a special fund in the State treasury that
14 is hereby created, and in accordance with State and federal
15 guidelines and the intrastate funding formula, to make grants
16 to area agencies on aging, designated by the Department, for
17 the sole purpose of delivering meals to homebound persons 60
18 years of age and older.

19 (22) To distribute, through its area agencies on aging,
20 information alerting seniors on safety issues regarding
21 emergency weather conditions, including extreme heat and cold,
22 flooding, tornadoes, electrical storms, and other severe storm
23 weather. The information shall include all necessary
24 instructions for safety and all emergency telephone numbers of
25 organizations that will provide additional information and
26 assistance.

1 (23) To develop guidelines for the organization and
2 implementation of Volunteer Services Credit Programs to be
3 administered by Area Agencies on Aging or community based
4 senior service organizations. The Department shall hold public
5 hearings on the proposed guidelines for public comment,
6 suggestion, and determination of public interest. The
7 guidelines shall be based on the findings of other states and
8 of community organizations in Illinois that are currently
9 operating volunteer services credit programs or demonstration
10 volunteer services credit programs. The Department shall offer
11 guidelines for all aspects of the programs including, but not
12 limited to, the following:

13 (a) types of services to be offered by volunteers;

14 (b) types of services to be received upon the
15 redemption of service credits;

16 (c) issues of liability for the volunteers and the
17 administering organizations;

18 (d) methods of tracking service credits earned and
19 service credits redeemed;

20 (e) issues of time limits for redemption of service
21 credits;

22 (f) methods of recruitment of volunteers;

23 (g) utilization of community volunteers, community
24 service groups, and other resources for delivering
25 services to be received by service credit program clients;

26 (h) accountability and assurance that services will be

1 available to individuals who have earned service credits;
2 and

3 (i) volunteer screening and qualifications.

4 The Department shall submit a written copy of the guidelines to
5 the General Assembly by July 1, 1998.

6 (24) To function as the sole State agency to receive and
7 disburse State and federal funds for providing adult protective
8 services in a domestic living situation in accordance with the
9 Adult Protective Services Act.

10 (Source: P.A. 95-298, eff. 8-20-07; 95-689, eff. 10-29-07;
11 95-876, eff. 8-21-08; 96-918, eff. 6-9-10.)

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

14 (20 ILCS 1305/1-17)

15 Sec. 1-17. Inspector General.

16 (a) Nature and purpose. It is the express intent of the
17 General Assembly to ensure the health, safety, and financial
18 condition of individuals receiving services in this State due
19 to mental illness, developmental disability, or both by
20 protecting those persons from acts of abuse, neglect, or both
21 by service providers. To that end, the Office of the Inspector
22 General for the Department of Human Services is created to
23 investigate and report upon allegations of the abuse, neglect,
24 or financial exploitation of individuals receiving services

1 within mental health facilities, developmental disabilities
2 facilities, and community agencies operated, licensed, funded
3 or certified by the Department of Human Services, but not
4 licensed or certified by any other State agency. ~~It is also the~~
5 ~~express intent of the General Assembly to authorize the~~
6 ~~Inspector General to investigate alleged or suspected cases of~~
7 ~~abuse, neglect, or financial exploitation of adults with~~
8 ~~disabilities living in domestic settings in the community under~~
9 ~~the Abuse of Adults with Disabilities Intervention Act.~~

10 (b) Definitions. The following definitions apply to this
11 Section:

12 "Adult student with a disability" means an adult student,
13 age 18 through 21, inclusive, with an Individual Education
14 Program, other than a resident of a facility licensed by the
15 Department of Children and Family Services in accordance with
16 the Child Care Act of 1969. For purposes of this definition,
17 "through age 21, inclusive", means through the day before the
18 student's 22nd birthday.

19 "Agency" or "community agency" means (i) a community agency
20 licensed, funded, or certified by the Department, but not
21 licensed or certified by any other human services agency of the
22 State, to provide mental health service or developmental
23 disabilities service, or (ii) a program licensed, funded, or
24 certified by the Department, but not licensed or certified by
25 any other human services agency of the State, to provide mental
26 health service or developmental disabilities service.

1 "Aggravating circumstance" means a factor that is
2 attendant to a finding and that tends to compound or increase
3 the culpability of the accused.

4 "Allegation" means an assertion, complaint, suspicion, or
5 incident involving any of the following conduct by an employee,
6 facility, or agency against an individual or individuals:
7 mental abuse, physical abuse, sexual abuse, neglect, or
8 financial exploitation.

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

10 "Deflection" means a situation in which an individual is
11 presented for admission to a facility or agency, and the
12 facility staff or agency staff do not admit the individual.
13 "Deflection" includes triage, redirection, and denial of
14 admission.

15 "Department" means the Department of Human Services.

16 "Developmentally disabled" means having a developmental
17 disability.

18 "Developmental disability" means "developmental
19 disability" as defined in the Mental Health and Developmental
20 Disabilities Code.

21 "Egregious neglect" means a finding of neglect as
22 determined by the Inspector General that (i) represents a gross
23 failure to adequately provide for, or a callused indifference
24 to, the health, safety, or medical needs of an individual and
25 (ii) results in an individual's death or other serious
26 deterioration of an individual's physical condition or mental

1 condition.

2 "Employee" means any person who provides services at the
3 facility or agency on-site or off-site. The service
4 relationship can be with the individual or with the facility or
5 agency. Also, "employee" includes any employee or contractual
6 agent of the Department of Human Services or the community
7 agency involved in providing or monitoring or administering
8 mental health or developmental disability services. This
9 includes but is not limited to: owners, operators, payroll
10 personnel, contractors, subcontractors, and volunteers.

11 "Facility" or "State-operated facility" means a mental
12 health facility or developmental disabilities facility
13 operated by the Department.

14 "Financial exploitation" means taking unjust advantage of
15 an individual's assets, property, or financial resources
16 through deception, intimidation, or conversion for the
17 employee's, facility's, or agency's own advantage or benefit.

18 "Finding" means the Office of Inspector General's
19 determination regarding whether an allegation is
20 substantiated, unsubstantiated, or unfounded.

21 "Health care worker registry" or "registry" means the
22 health care worker registry created by the Nursing Home Care
23 Act.

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

1 "Mental abuse" means the use of demeaning, intimidating, or
2 threatening words, signs, gestures, or other actions by an
3 employee about an individual and in the presence of an
4 individual or individuals that results in emotional distress or
5 maladaptive behavior, or could have resulted in emotional
6 distress or maladaptive behavior, for any individual present.

7 "Mental illness" means "mental illness" as defined in the
8 Mental Health and Developmental Disabilities Code.

9 "Mentally ill" means having a mental illness.

10 "Mitigating circumstance" means a condition that (i) is
11 attendant to a finding, (ii) does not excuse or justify the
12 conduct in question, but (iii) may be considered in evaluating
13 the severity of the conduct, the culpability of the accused, or
14 both the severity of the conduct and the culpability of the
15 accused.

16 "Neglect" means an employee's, agency's, or facility's
17 failure to provide adequate medical care, personal care, or
18 maintenance and that, as a consequence, (i) causes an
19 individual pain, injury, or emotional distress, (ii) results in
20 either an individual's maladaptive behavior or the
21 deterioration of an individual's physical condition or mental
22 condition, or (iii) places the individual's health or safety at
23 substantial risk.

24 "Physical abuse" means an employee's non-accidental and
25 inappropriate contact with an individual that causes bodily
26 harm. "Physical abuse" includes actions that cause bodily harm

1 as a result of an employee directing an individual or person to
2 physically abuse another individual.

3 "Recommendation" means an admonition, separate from a
4 finding, that requires action by the facility, agency, or
5 Department to correct a systemic issue, problem, or deficiency
6 identified during an investigation.

7 "Required reporter" means any employee who suspects,
8 witnesses, or is informed of an allegation of any one or more
9 of the following: mental abuse, physical abuse, sexual abuse,
10 neglect, or financial exploitation.

11 "Secretary" means the Chief Administrative Officer of the
12 Department.

13 "Sexual abuse" means any sexual contact or intimate
14 physical contact between an employee and an individual,
15 including an employee's coercion or encouragement of an
16 individual to engage in sexual behavior that results in sexual
17 contact, intimate physical contact, sexual behavior, or
18 intimate physical behavior.

19 "Substantiated" means there is a preponderance of the
20 evidence to support the allegation.

21 "Unfounded" means there is no credible evidence to support
22 the allegation.

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

26 (c) Appointment. The Governor shall appoint, and the Senate

1 shall confirm, an Inspector General. The Inspector General
2 shall be appointed for a term of 4 years and shall function
3 within the Department of Human Services and report to the
4 Secretary and the Governor.

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

12 (e) Powers and duties. The Inspector General shall
13 investigate reports of suspected mental abuse, physical abuse,
14 sexual abuse, neglect, or financial exploitation of
15 individuals in any mental health or developmental disabilities
16 facility or agency and shall have authority to take immediate
17 action to prevent any one or more of the following from
18 happening to individuals under its jurisdiction: mental abuse,
19 physical abuse, sexual abuse, neglect, or financial
20 exploitation. Upon written request of an agency of this State,
21 the Inspector General may assist another agency of the State in
22 investigating reports of the abuse, neglect, or abuse and
23 neglect of persons with mental illness, persons with
24 developmental disabilities, or persons with both. To comply
25 with the requirements of subsection (k) of this Section, the
26 Inspector General shall also review all reportable deaths for

1 which there is no allegation of abuse or neglect. Nothing in
2 this Section shall preempt any duties of the Medical Review
3 Board set forth in the Mental Health and Developmental
4 Disabilities Code. The Inspector General shall have no
5 authority to investigate alleged violations of the State
6 Officials and Employees Ethics Act. Allegations of misconduct
7 under the State Officials and Employees Ethics Act shall be
8 referred to the Office of the Governor's Executive Inspector
9 General for investigation.

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

22 (g) Rulemaking authority. The Inspector General shall
23 promulgate rules establishing minimum requirements for
24 reporting allegations as well as for initiating, conducting,
25 and completing investigations based upon the nature of the
26 allegation or allegations. The rules shall clearly establish

1 that if 2 or more State agencies could investigate an
2 allegation, the Inspector General shall not conduct an
3 investigation that would be redundant to, or interfere with, an
4 investigation conducted by another State agency. The rules
5 shall further clarify the method and circumstances under which
6 the Office of Inspector General may interact with the
7 licensing, funding, or certification units of the Department in
8 preventing further occurrences of mental abuse, physical
9 abuse, sexual abuse, neglect, egregious neglect, and financial
10 exploitation.

11 (h) Training programs. The Inspector General shall (i)
12 establish a comprehensive program to ensure that every person
13 authorized to conduct investigations receives ongoing training
14 relative to investigation techniques, communication skills,
15 and the appropriate means of interacting with persons receiving
16 treatment for mental illness, developmental disability, or
17 both mental illness and developmental disability, and (ii)
18 establish and conduct periodic training programs for facility
19 and agency employees concerning the prevention and reporting of
20 any one or more of the following: mental abuse, physical abuse,
21 sexual abuse, neglect, egregious neglect, or financial
22 exploitation. Nothing in this Section shall be deemed to
23 prevent the Office of Inspector General from conducting any
24 other training as determined by the Inspector General to be
25 necessary or helpful.

26 (i) Duty to cooperate.

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

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

1 unannounced site visit or written response compliance
2 check, fails to cooperate with requests from the Office of
3 the Inspector General is in violation of this Act.

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

17 (k) Reporting allegations and deaths.

18 (1) Allegations. If an employee witnesses, is told of,
19 or has reason to believe an incident of mental abuse,
20 physical abuse, sexual abuse, neglect, or financial
21 exploitation has occurred, the employee, agency, or
22 facility shall report the allegation by phone to the Office
23 of the Inspector General hotline according to the agency's
24 or facility's procedures, but in no event later than 4
25 hours after the initial discovery of the incident,
26 allegation, or suspicion of any one or more of the

1 following: mental abuse, physical abuse, sexual abuse,
2 neglect, or financial exploitation. A required reporter as
3 defined in subsection (b) of this Section who knowingly or
4 intentionally fails to comply with these reporting
5 requirements is guilty of a Class A misdemeanor.

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

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

13 (ii) Any death of an individual occurring within 24
14 hours after deflection from a residential program or
15 facility.

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

18 (3) Retaliation. It is a violation of this Act for any
19 employee or administrator of an agency or facility to take
20 retaliatory action against an employee who acts in good
21 faith in conformance with his or her duties as a required
22 reporter.

23 (1) Reporting to law enforcement.

24 (1) Reporting criminal acts. Within 24 hours after
25 determining that there is credible evidence indicating
26 that a criminal act may have been committed or that special

1 expertise may be required in an investigation, the
2 Inspector General shall notify the Department of State
3 Police or other appropriate law enforcement authority, or
4 ensure that such notification is made. The Department of
5 State Police shall investigate any report from a
6 State-operated facility indicating a possible murder,
7 sexual assault, or other felony by an employee. All
8 investigations conducted by the Inspector General shall be
9 conducted in a manner designed to ensure the preservation
10 of evidence for possible use in a criminal prosecution.

11 (2) Reporting allegations of adult students with
12 disabilities. Upon receipt of a reportable allegation
13 regarding an adult student with a disability, the
14 Department's Office of the Inspector General shall
15 determine whether the allegation meets the criteria for the
16 Domestic Abuse Program under the Abuse of Adults with
17 Disabilities Intervention Act. If the allegation is
18 reportable to that program, the Office of the Inspector
19 General shall initiate an investigation. If the allegation
20 is not reportable to the Domestic Abuse Program, the Office
21 of the Inspector General shall make an expeditious referral
22 to the respective law enforcement entity. If the alleged
23 victim is already receiving services from the Department,
24 the Office of the Inspector General shall also make a
25 referral to the respective Department of Human Services'
26 Division or Bureau.

1 (m) Investigative reports. Upon completion of an
2 investigation, the Office of Inspector General shall issue an
3 investigative report identifying whether the allegations are
4 substantiated, unsubstantiated, or unfounded. Within 10
5 business days after the transmittal of a completed
6 investigative report substantiating an allegation, or if a
7 recommendation is made, the Inspector General shall provide the
8 investigative report on the case to the Secretary and to the
9 director of the facility or agency where any one or more of the
10 following occurred: mental abuse, physical abuse, sexual
11 abuse, neglect, egregious neglect, or financial exploitation.
12 In a substantiated case, the investigative report shall include
13 any mitigating or aggravating circumstances that were
14 identified during the investigation. If the case involves
15 substantiated neglect, the investigative report shall also
16 state whether egregious neglect was found. An investigative
17 report may also set forth recommendations. All investigative
18 reports prepared by the Office of the Inspector General shall
19 be considered confidential and shall not be released except as
20 provided by the law of this State or as required under
21 applicable federal law. Unsubstantiated and unfounded reports
22 shall not be disclosed except as allowed under Section 6 of the
23 Abused and Neglected Long Term Care Facility Residents
24 Reporting Act. Raw data used to compile the investigative
25 report shall not be subject to release unless required by law
26 or a court order. "Raw data used to compile the investigative

1 report" includes, but is not limited to, any one or more of the
2 following: the initial complaint, witness statements,
3 photographs, investigator's notes, police reports, or incident
4 reports. If the allegations are substantiated, the accused
5 shall be provided with a redacted copy of the investigative
6 report. Death reports where there was no allegation of abuse or
7 neglect shall only be released pursuant to applicable State or
8 federal law or a valid court order.

9 (n) Written responses and reconsideration requests.

10 (1) Written responses. Within 30 calendar days from
11 receipt of a substantiated investigative report or an
12 investigative report which contains recommendations,
13 absent a reconsideration request, the facility or agency
14 shall file a written response that addresses, in a concise
15 and reasoned manner, the actions taken to: (i) protect the
16 individual; (ii) prevent recurrences; and (iii) eliminate
17 the problems identified. The response shall include the
18 implementation and completion dates of such actions. If the
19 written response is not filed within the allotted 30
20 calendar day period, the Secretary shall determine the
21 appropriate corrective action to be taken.

22 (2) Reconsideration requests. The facility, agency,
23 victim or guardian, or the subject employee may request
24 that the Office of Inspector General reconsider or clarify
25 its finding based upon additional information.

26 (o) Disclosure of the finding by the Inspector General. The

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

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

18 (q) Action by facility or agency. Within 30 days of the
19 date the Secretary approves the written response or directs
20 that further administrative action be taken, the facility or
21 agency shall provide an implementation report to the Inspector
22 General that provides the status of the action taken. The
23 facility or agency shall be allowed an additional 30 days to
24 send notice of completion of the action or to send an updated
25 implementation report. If the action has not been completed
26 within the additional 30 day period, the facility or agency

1 shall send updated implementation reports every 60 days until
2 completion. The Inspector General shall conduct a review of any
3 implementation plan that takes more than 120 days after
4 approval to complete, and shall monitor compliance through a
5 random review of approved written responses, which may include,
6 but are not limited to: (i) site visits, (ii) telephone
7 contact, and (iii) requests for additional documentation
8 evidencing compliance.

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

15 (1) Appointment of on-site monitors.

16 (2) Transfer or relocation of an individual or
17 individuals.

18 (3) Closure of units.

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

20 (i) Department licensing, (ii) funding, or (iii)
21 certification.

22 The Inspector General may seek the assistance of the
23 Illinois Attorney General or the office of any State's Attorney
24 in implementing sanctions.

25 (s) Health care worker registry.

26 (1) Reporting to the registry. The Inspector General

1 shall report to the Department of Public Health's health
2 care worker registry, a public registry, the identity and
3 finding of each employee of a facility or agency against
4 whom there is a final investigative report containing a
5 substantiated allegation of physical or sexual abuse or
6 egregious neglect of an individual.

7 (2) Notice to employee. Prior to reporting the name of
8 an employee, the employee shall be notified of the
9 Department's obligation to report and shall be granted an
10 opportunity to request an administrative hearing, the sole
11 purpose of which is to determine if the substantiated
12 finding warrants reporting to the registry. Notice to the
13 employee shall contain a clear and concise statement of the
14 grounds on which the report to the registry is based, offer
15 the employee an opportunity for a hearing, and identify the
16 process for requesting such a hearing. Notice is sufficient
17 if provided by certified mail to the employee's last known
18 address. If the employee fails to request a hearing within
19 30 days from the date of the notice, the Inspector General
20 shall report the name of the employee to the registry.
21 Nothing in this subdivision (s) (2) shall diminish or impair
22 the rights of a person who is a member of a collective
23 bargaining unit under the Illinois Public Labor Relations
24 Act or under any other federal labor statute.

25 (3) Registry hearings. If the employee requests an
26 administrative hearing, the employee shall be granted an

1 opportunity to appear before an administrative law judge to
2 present reasons why the employee's name should not be
3 reported to the registry. The Department shall bear the
4 burden of presenting evidence that establishes, by a
5 preponderance of the evidence, that the substantiated
6 finding warrants reporting to the registry. After
7 considering all the evidence presented, the administrative
8 law judge shall make a recommendation to the Secretary as
9 to whether the substantiated finding warrants reporting
10 the name of the employee to the registry. The Secretary
11 shall render the final decision. The Department and the
12 employee shall have the right to request that the
13 administrative law judge consider a stipulated disposition
14 of these proceedings.

15 (4) Testimony at registry hearings. A person who makes
16 a report or who investigates a report under this Act shall
17 testify fully in any judicial proceeding resulting from
18 such a report, as to any evidence of abuse or neglect, or
19 the cause thereof. No evidence shall be excluded by reason
20 of any common law or statutory privilege relating to
21 communications between the alleged perpetrator of abuse or
22 neglect, or the individual alleged as the victim in the
23 report, and the person making or investigating the report.
24 Testimony at hearings is exempt from the confidentiality
25 requirements of subsection (f) of Section 10 of the Mental
26 Health and Developmental Disabilities Confidentiality Act.

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

18 (6) Removal from registry. At any time after the report
19 to the registry, but no more than once in any 12-month
20 period, an employee may petition the Department in writing
21 to remove his or her name from the registry. Upon receiving
22 notice of such request, the Inspector General shall conduct
23 an investigation into the petition. Upon receipt of such
24 request, an administrative hearing will be set by the
25 Department. At the hearing, the employee shall bear the
26 burden of presenting evidence that establishes, by a

1 preponderance of the evidence, that removal of the name
2 from the registry is in the public interest. The parties
3 may jointly request that the administrative law judge
4 consider a stipulated disposition of these proceedings.

5 (t) Review of Administrative Decisions. The Department
6 shall preserve a record of all proceedings at any formal
7 hearing conducted by the Department involving health care
8 worker registry hearings. Final administrative decisions of
9 the Department are subject to judicial review pursuant to
10 provisions of the Administrative Review Law.

11 (u) Quality Care Board. There is created, within the Office
12 of the Inspector General, a Quality Care Board to be composed
13 of 7 members appointed by the Governor with the advice and
14 consent of the Senate. One of the members shall be designated
15 as chairman by the Governor. Of the initial appointments made
16 by the Governor, 4 Board members shall each be appointed for a
17 term of 4 years and 3 members shall each be appointed for a
18 term of 2 years. Upon the expiration of each member's term, a
19 successor shall be appointed for a term of 4 years. In the case
20 of a vacancy in the office of any member, the Governor shall
21 appoint a successor for the remainder of the unexpired term.

22 Members appointed by the Governor shall be qualified by
23 professional knowledge or experience in the area of law,
24 investigatory techniques, or in the area of care of the
25 mentally ill or developmentally disabled. Two members
26 appointed by the Governor shall be persons with a disability or

1 a parent of a person with a disability. Members shall serve
2 without compensation, but shall be reimbursed for expenses
3 incurred in connection with the performance of their duties as
4 members.

5 The Board shall meet quarterly, and may hold other meetings
6 on the call of the chairman. Four members shall constitute a
7 quorum allowing the Board to conduct its business. The Board
8 may adopt rules and regulations it deems necessary to govern
9 its own procedures.

10 The Board shall monitor and oversee the operations,
11 policies, and procedures of the Inspector General to ensure the
12 prompt and thorough investigation of allegations of neglect and
13 abuse. In fulfilling these responsibilities, the Board may do
14 the following:

15 (1) Provide independent, expert consultation to the
16 Inspector General on policies and protocols for
17 investigations of alleged abuse, neglect, or both abuse and
18 neglect.

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

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

23 (4) Recommend policies concerning methods for
24 improving the intergovernmental relationships between the
25 Office of the Inspector General and other State or federal
26 offices.

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

19 (w) Program audit. The Auditor General shall conduct a
20 program audit of the Office of the Inspector General on an
21 as-needed basis, as determined by the Auditor General. The
22 audit shall specifically include the Inspector General's
23 compliance with the Act and effectiveness in investigating
24 reports of allegations occurring in any facility or agency. The
25 Auditor General shall conduct the program audit according to
26 the provisions of the Illinois State Auditing Act and shall

1 report its findings to the General Assembly no later than
2 January 1 following the audit period.

3 (x) Nothing in this Section shall be construed to mean that
4 a patient is a victim of abuse or neglect because of health
5 care services appropriately provided or not provided by health
6 care professionals.

7 (y) Nothing in this Section shall require a facility,
8 including its employees, agents, medical staff members, and
9 health care professionals, to provide a service to a patient in
10 contravention of that patient's stated or implied objection to
11 the provision of that service on the ground that that service
12 conflicts with the patient's religious beliefs or practices,
13 nor shall the failure to provide a service to a patient be
14 considered abuse under this Section if the patient has objected
15 to the provision of that service based on his or her religious
16 beliefs or practices.

17 (Source: P.A. 95-545, eff. 8-28-07; 96-339, eff. 7-1-10;
18 96-407, eff. 8-13-09; 96-555, eff. 8-18-09; 96-1000, eff.
19 7-2-10; 96-1446, eff. 8-20-10.)

20 (20 ILCS 2435/Act rep.)

21 Section 11. The Abuse of Adults with Disabilities
22 Intervention Act is repealed.

23 Section 12. The Illinois Police Training Act is amended by
24 changing Section 7 as follows:

1 (50 ILCS 705/7) (from Ch. 85, par. 507)

2 Sec. 7. Rules and standards for schools. The Board shall
3 adopt rules and minimum standards for such schools which shall
4 include but not be limited to the following:

5 a. The curriculum for probationary police officers which
6 shall be offered by all certified schools shall include but not
7 be limited to courses of arrest, search and seizure, civil
8 rights, human relations, cultural diversity, including racial
9 and ethnic sensitivity, criminal law, law of criminal
10 procedure, vehicle and traffic law including uniform and
11 non-discriminatory enforcement of the Illinois Vehicle Code,
12 traffic control and accident investigation, techniques of
13 obtaining physical evidence, court testimonies, statements,
14 reports, firearms training, first-aid (including
15 cardiopulmonary resuscitation), handling of juvenile
16 offenders, recognition of mental conditions which require
17 immediate assistance and methods to safeguard and provide
18 assistance to a person in need of mental treatment, recognition
19 of ~~elder~~ abuse, and neglect, financial exploitation, and
20 self-neglect of adults with disabilities and older adults, as
21 defined in Section 2 of the Adult Protective Services Act ~~Elder~~
22 ~~Abuse and Neglect Act~~, crimes against the elderly, law of
23 evidence, the hazards of high-speed police vehicle chases with
24 an emphasis on alternatives to the high-speed chase, and
25 physical training. The curriculum shall include specific

1 training in techniques for immediate response to and
2 investigation of cases of domestic violence and of sexual
3 assault of adults and children. The curriculum shall include
4 training in techniques designed to promote effective
5 communication at the initial contact with crime victims and
6 ways to comprehensively explain to victims and witnesses their
7 rights under the Rights of Crime Victims and Witnesses Act and
8 the Crime Victims Compensation Act. The curriculum shall also
9 include a block of instruction aimed at identifying and
10 interacting with persons with autism and other developmental
11 disabilities, reducing barriers to reporting crimes against
12 persons with autism, and addressing the unique challenges
13 presented by cases involving victims or witnesses with autism
14 and other developmental disabilities. The curriculum for
15 permanent police officers shall include but not be limited to
16 (1) refresher and in-service training in any of the courses
17 listed above in this subparagraph, (2) advanced courses in any
18 of the subjects listed above in this subparagraph, (3) training
19 for supervisory personnel, and (4) specialized training in
20 subjects and fields to be selected by the board.

21 b. Minimum courses of study, attendance requirements and
22 equipment requirements.

23 c. Minimum requirements for instructors.

24 d. Minimum basic training requirements, which a
25 probationary police officer must satisfactorily complete
26 before being eligible for permanent employment as a local law

1 enforcement officer for a participating local governmental
2 agency. Those requirements shall include training in first aid
3 (including cardiopulmonary resuscitation).

4 e. Minimum basic training requirements, which a
5 probationary county corrections officer must satisfactorily
6 complete before being eligible for permanent employment as a
7 county corrections officer for a participating local
8 governmental agency.

9 f. Minimum basic training requirements which a
10 probationary court security officer must satisfactorily
11 complete before being eligible for permanent employment as a
12 court security officer for a participating local governmental
13 agency. The Board shall establish those training requirements
14 which it considers appropriate for court security officers and
15 shall certify schools to conduct that training.

16 A person hired to serve as a court security officer must
17 obtain from the Board a certificate (i) attesting to his or her
18 successful completion of the training course; (ii) attesting to
19 his or her satisfactory completion of a training program of
20 similar content and number of hours that has been found
21 acceptable by the Board under the provisions of this Act; or
22 (iii) attesting to the Board's determination that the training
23 course is unnecessary because of the person's extensive prior
24 law enforcement experience.

25 Individuals who currently serve as court security officers
26 shall be deemed qualified to continue to serve in that capacity

1 so long as they are certified as provided by this Act within 24
2 months of the effective date of this amendatory Act of 1996.
3 Failure to be so certified, absent a waiver from the Board,
4 shall cause the officer to forfeit his or her position.

5 All individuals hired as court security officers on or
6 after the effective date of this amendatory Act of 1996 shall
7 be certified within 12 months of the date of their hire, unless
8 a waiver has been obtained by the Board, or they shall forfeit
9 their positions.

10 The Sheriff's Merit Commission, if one exists, or the
11 Sheriff's Office if there is no Sheriff's Merit Commission,
12 shall maintain a list of all individuals who have filed
13 applications to become court security officers and who meet the
14 eligibility requirements established under this Act. Either
15 the Sheriff's Merit Commission, or the Sheriff's Office if no
16 Sheriff's Merit Commission exists, shall establish a schedule
17 of reasonable intervals for verification of the applicants'
18 qualifications under this Act and as established by the Board.

19 (Source: P.A. 97-815, eff. 1-1-13; 97-862, eff. 1-1-13; revised
20 8-3-12.)

21 Section 13. The Illinois Banking Act is amended by changing
22 Section 48.1 as follows:

23 (205 ILCS 5/48.1) (from Ch. 17, par. 360)

24 Sec. 48.1. Customer financial records; confidentiality.

1 (a) For the purpose of this Section, the term "financial
2 records" means any original, any copy, or any summary of:

3 (1) a document granting signature authority over a
4 deposit or account;

5 (2) a statement, ledger card or other record on any
6 deposit or account, which shows each transaction in or with
7 respect to that account;

8 (3) a check, draft or money order drawn on a bank or
9 issued and payable by a bank; or

10 (4) any other item containing information pertaining
11 to any relationship established in the ordinary course of a
12 bank's business between a bank and its customer, including
13 financial statements or other financial information
14 provided by the customer.

15 (b) This Section does not prohibit:

16 (1) The preparation, examination, handling or
17 maintenance of any financial records by any officer,
18 employee or agent of a bank having custody of the records,
19 or the examination of the records by a certified public
20 accountant engaged by the bank to perform an independent
21 audit.

22 (2) The examination of any financial records by, or the
23 furnishing of financial records by a bank to, any officer,
24 employee or agent of (i) the Commissioner of Banks and Real
25 Estate, (ii) after May 31, 1997, a state regulatory
26 authority authorized to examine a branch of a State bank

1 located in another state, (iii) the Comptroller of the
2 Currency, (iv) the Federal Reserve Board, or (v) the
3 Federal Deposit Insurance Corporation for use solely in the
4 exercise of his duties as an officer, employee, or agent.

5 (3) The publication of data furnished from financial
6 records relating to customers where the data cannot be
7 identified to any particular customer or account.

8 (4) The making of reports or returns required under
9 Chapter 61 of the Internal Revenue Code of 1986.

10 (5) Furnishing information concerning the dishonor of
11 any negotiable instrument permitted to be disclosed under
12 the Uniform Commercial Code.

13 (6) The exchange in the regular course of business of
14 (i) credit information between a bank and other banks or
15 financial institutions or commercial enterprises, directly
16 or through a consumer reporting agency or (ii) financial
17 records or information derived from financial records
18 between a bank and other banks or financial institutions or
19 commercial enterprises for the purpose of conducting due
20 diligence pursuant to a purchase or sale involving the bank
21 or assets or liabilities of the bank.

22 (7) The furnishing of information to the appropriate
23 law enforcement authorities where the bank reasonably
24 believes it has been the victim of a crime.

25 (8) The furnishing of information under the Uniform
26 Disposition of Unclaimed Property Act.

1 (9) The furnishing of information under the Illinois
2 Income Tax Act and the Illinois Estate and
3 Generation-Skipping Transfer Tax Act.

4 (10) The furnishing of information under the federal
5 Currency and Foreign Transactions Reporting Act Title 31,
6 United States Code, Section 1051 et seq.

7 (11) The furnishing of information under any other
8 statute that by its terms or by regulations promulgated
9 thereunder requires the disclosure of financial records
10 other than by subpoena, summons, warrant, or court order.

11 (12) The furnishing of information about the existence
12 of an account of a person to a judgment creditor of that
13 person who has made a written request for that information.

14 (13) The exchange in the regular course of business of
15 information between commonly owned banks in connection
16 with a transaction authorized under paragraph (23) of
17 Section 5 and conducted at an affiliate facility.

18 (14) The furnishing of information in accordance with
19 the federal Personal Responsibility and Work Opportunity
20 Reconciliation Act of 1996. Any bank governed by this Act
21 shall enter into an agreement for data exchanges with a
22 State agency provided the State agency pays to the bank a
23 reasonable fee not to exceed its actual cost incurred. A
24 bank providing information in accordance with this item
25 shall not be liable to any account holder or other person
26 for any disclosure of information to a State agency, for

1 encumbering or surrendering any assets held by the bank in
2 response to a lien or order to withhold and deliver issued
3 by a State agency, or for any other action taken pursuant
4 to this item, including individual or mechanical errors,
5 provided the action does not constitute gross negligence or
6 willful misconduct. A bank shall have no obligation to
7 hold, encumber, or surrender assets until it has been
8 served with a subpoena, summons, warrant, court or
9 administrative order, lien, or levy.

10 (15) The exchange in the regular course of business of
11 information between a bank and any commonly owned affiliate
12 of the bank, subject to the provisions of the Financial
13 Institutions Insurance Sales Law.

14 (16) The furnishing of information to law enforcement
15 authorities, the Illinois Department on Aging and its
16 regional administrative and provider agencies, the
17 Department of Human Services Office of Inspector General,
18 or public guardians: (i) upon subpoena by the investigatory
19 entity or the guardian, or (ii) if there is suspicion by
20 the bank that a customer who is an elderly or disabled
21 person has been or may become the victim of financial
22 exploitation. For the purposes of this item (16), the term:
23 (i) "elderly person" means a person who is 60 or more years
24 of age, (ii) "disabled person" means a person who has or
25 reasonably appears to the bank to have a physical or mental
26 disability that impairs his or her ability to seek or

1 obtain protection from or prevent financial exploitation,
2 and (iii) "financial exploitation" means tortious or
3 illegal use of the assets or resources of an elderly or
4 disabled person, and includes, without limitation,
5 misappropriation of the elderly or disabled person's
6 assets or resources by undue influence, breach of fiduciary
7 relationship, intimidation, fraud, deception, extortion,
8 or the use of assets or resources in any manner contrary to
9 law. A bank or person furnishing information pursuant to
10 this item (16) shall be entitled to the same rights and
11 protections as a person furnishing information under the
12 Adult Protective Services Act and ~~Elder Abuse and Neglect~~
13 ~~Act~~, the Illinois Domestic Violence Act of 1986, ~~and the~~
14 ~~Abuse of Adults with Disabilities Intervention Act~~.

15 (17) The disclosure of financial records or
16 information as necessary to effect, administer, or enforce
17 a transaction requested or authorized by the customer, or
18 in connection with:

19 (A) servicing or processing a financial product or
20 service requested or authorized by the customer;

21 (B) maintaining or servicing a customer's account
22 with the bank; or

23 (C) a proposed or actual securitization or
24 secondary market sale (including sales of servicing
25 rights) related to a transaction of a customer.

26 Nothing in this item (17), however, authorizes the sale

1 of the financial records or information of a customer
2 without the consent of the customer.

3 (18) The disclosure of financial records or
4 information as necessary to protect against actual or
5 potential fraud, unauthorized transactions, claims, or
6 other liability.

7 (19)(a) The disclosure of financial records or
8 information related to a private label credit program
9 between a financial institution and a private label party
10 in connection with that private label credit program. Such
11 information is limited to outstanding balance, available
12 credit, payment and performance and account history,
13 product references, purchase information, and information
14 related to the identity of the customer.

15 (b)(1) For purposes of this paragraph (19) of
16 subsection (b) of Section 48.1, a "private label credit
17 program" means a credit program involving a financial
18 institution and a private label party that is used by a
19 customer of the financial institution and the private label
20 party primarily for payment for goods or services sold,
21 manufactured, or distributed by a private label party.

22 (2) For purposes of this paragraph (19) of subsection
23 (b) of Section 48.1, a "private label party" means, with
24 respect to a private label credit program, any of the
25 following: a retailer, a merchant, a manufacturer, a trade
26 group, or any such person's affiliate, subsidiary, member,

1 agent, or service provider.

2 (c) Except as otherwise provided by this Act, a bank may
3 not disclose to any person, except to the customer or his duly
4 authorized agent, any financial records or financial
5 information obtained from financial records relating to that
6 customer of that bank unless:

7 (1) the customer has authorized disclosure to the
8 person;

9 (2) the financial records are disclosed in response to
10 a lawful subpoena, summons, warrant, citation to discover
11 assets, or court order which meets the requirements of
12 subsection (d) of this Section; or

13 (3) the bank is attempting to collect an obligation
14 owed to the bank and the bank complies with the provisions
15 of Section 2I of the Consumer Fraud and Deceptive Business
16 Practices Act.

17 (d) A bank shall disclose financial records under paragraph
18 (2) of subsection (c) of this Section under a lawful subpoena,
19 summons, warrant, citation to discover assets, or court order
20 only after the bank mails a copy of the subpoena, summons,
21 warrant, citation to discover assets, or court order to the
22 person establishing the relationship with the bank, if living,
23 and, otherwise his personal representative, if known, at his
24 last known address by first class mail, postage prepaid, unless
25 the bank is specifically prohibited from notifying the person
26 by order of court or by applicable State or federal law. A bank

1 shall not mail a copy of a subpoena to any person pursuant to
2 this subsection if the subpoena was issued by a grand jury
3 under the Statewide Grand Jury Act.

4 (e) Any officer or employee of a bank who knowingly and
5 willfully furnishes financial records in violation of this
6 Section is guilty of a business offense and, upon conviction,
7 shall be fined not more than \$1,000.

8 (f) Any person who knowingly and willfully induces or
9 attempts to induce any officer or employee of a bank to
10 disclose financial records in violation of this Section is
11 guilty of a business offense and, upon conviction, shall be
12 fined not more than \$1,000.

13 (g) A bank shall be reimbursed for costs that are
14 reasonably necessary and that have been directly incurred in
15 searching for, reproducing, or transporting books, papers,
16 records, or other data of a customer required or requested to
17 be produced pursuant to a lawful subpoena, summons, warrant,
18 citation to discover assets, or court order. The Commissioner
19 shall determine the rates and conditions under which payment
20 may be made.

21 (Source: P.A. 94-495, eff. 8-8-05; 94-851, eff. 6-13-06;
22 95-661, eff. 1-1-08.)

23 Section 14. The Illinois Savings and Loan Act of 1985 is
24 amended by changing Section 3-8 as follows:

1 (205 ILCS 105/3-8) (from Ch. 17, par. 3303-8)

2 Sec. 3-8. Access to books and records; communication with
3 members.

4 (a) Every member or holder of capital shall have the right
5 to inspect the books and records of the association that
6 pertain to his account. Otherwise, the right of inspection and
7 examination of the books and records shall be limited as
8 provided in this Act, and no other person shall have access to
9 the books and records or shall be entitled to a list of the
10 members.

11 (b) For the purpose of this Section, the term "financial
12 records" means any original, any copy, or any summary of (i) a
13 document granting signature authority over a deposit or
14 account; (ii) a statement, ledger card, or other record on any
15 deposit or account that shows each transaction in or with
16 respect to that account; (iii) a check, draft, or money order
17 drawn on an association or issued and payable by an
18 association; or (iv) any other item containing information
19 pertaining to any relationship established in the ordinary
20 course of an association's business between an association and
21 its customer, including financial statements or other
22 financial information provided by the member or holder of
23 capital.

24 (c) This Section does not prohibit:

25 (1) The preparation, examination, handling, or
26 maintenance of any financial records by any officer,

1 employee, or agent of an association having custody of
2 those records or the examination of those records by a
3 certified public accountant engaged by the association to
4 perform an independent audit.

5 (2) The examination of any financial records by, or the
6 furnishing of financial records by an association to, any
7 officer, employee, or agent of the Commissioner of Banks
8 and Real Estate or federal depository institution
9 regulator for use solely in the exercise of his duties as
10 an officer, employee, or agent.

11 (3) The publication of data furnished from financial
12 records relating to members or holders of capital where the
13 data cannot be identified to any particular member, holder
14 of capital, or account.

15 (4) The making of reports or returns required under
16 Chapter 61 of the Internal Revenue Code of 1986.

17 (5) Furnishing information concerning the dishonor of
18 any negotiable instrument permitted to be disclosed under
19 the Uniform Commercial Code.

20 (6) The exchange in the regular course of business of
21 (i) credit information between an association and other
22 associations or financial institutions or commercial
23 enterprises, directly or through a consumer reporting
24 agency or (ii) financial records or information derived
25 from financial records between an association and other
26 associations or financial institutions or commercial

1 enterprises for the purpose of conducting due diligence
2 pursuant to a purchase or sale involving the association or
3 assets or liabilities of the association.

4 (7) The furnishing of information to the appropriate
5 law enforcement authorities where the association
6 reasonably believes it has been the victim of a crime.

7 (8) The furnishing of information pursuant to the
8 Uniform Disposition of Unclaimed Property Act.

9 (9) The furnishing of information pursuant to the
10 Illinois Income Tax Act and the Illinois Estate and
11 Generation-Skipping Transfer Tax Act.

12 (10) The furnishing of information pursuant to the
13 federal "Currency and Foreign Transactions Reporting Act",
14 (Title 31, United States Code, Section 1051 et seq.).

15 (11) The furnishing of information pursuant to any
16 other statute that by its terms or by regulations
17 promulgated thereunder requires the disclosure of
18 financial records other than by subpoena, summons,
19 warrant, or court order.

20 (12) The exchange of information between an
21 association and an affiliate of the association; as used in
22 this item, "affiliate" includes any company, partnership,
23 or organization that controls, is controlled by, or is
24 under common control with an association.

25 (13) The furnishing of information in accordance with
26 the federal Personal Responsibility and Work Opportunity

1 Reconciliation Act of 1996. Any association governed by
2 this Act shall enter into an agreement for data exchanges
3 with a State agency provided the State agency pays to the
4 association a reasonable fee not to exceed its actual cost
5 incurred. An association providing information in
6 accordance with this item shall not be liable to any
7 account holder or other person for any disclosure of
8 information to a State agency, for encumbering or
9 surrendering any assets held by the association in response
10 to a lien or order to withhold and deliver issued by a
11 State agency, or for any other action taken pursuant to
12 this item, including individual or mechanical errors,
13 provided the action does not constitute gross negligence or
14 willful misconduct. An association shall have no
15 obligation to hold, encumber, or surrender assets until it
16 has been served with a subpoena, summons, warrant, court or
17 administrative order, lien, or levy.

18 (14) The furnishing of information to law enforcement
19 authorities, the Illinois Department on Aging and its
20 regional administrative and provider agencies, the
21 Department of Human Services Office of Inspector General,
22 or public guardians: (i) upon subpoena by the investigatory
23 entity or the guardian, or (ii) if there is suspicion by
24 the association that a customer who is an elderly or
25 disabled person has been or may become the victim of
26 financial exploitation. For the purposes of this item (14),

1 the term: (i) "elderly person" means a person who is 60 or
2 more years of age, (ii) "disabled person" means a person
3 who has or reasonably appears to the association to have a
4 physical or mental disability that impairs his or her
5 ability to seek or obtain protection from or prevent
6 financial exploitation, and (iii) "financial exploitation"
7 means tortious or illegal use of the assets or resources of
8 an elderly or disabled person, and includes, without
9 limitation, misappropriation of the elderly or disabled
10 person's assets or resources by undue influence, breach of
11 fiduciary relationship, intimidation, fraud, deception,
12 extortion, or the use of assets or resources in any manner
13 contrary to law. An association or person furnishing
14 information pursuant to this item (14) shall be entitled to
15 the same rights and protections as a person furnishing
16 information under the Adult Protective Services Act and
17 ~~Elder Abuse and Neglect Act~~, the Illinois Domestic Violence
18 Act of 1986, ~~and the Abuse of Adults with Disabilities~~
19 ~~Intervention Act.~~

20 (15) The disclosure of financial records or
21 information as necessary to effect, administer, or enforce
22 a transaction requested or authorized by the member or
23 holder of capital, or in connection with:

24 (A) servicing or processing a financial product or
25 service requested or authorized by the member or holder
26 of capital;

1 (B) maintaining or servicing an account of a member
2 or holder of capital with the association; or

3 (C) a proposed or actual securitization or
4 secondary market sale (including sales of servicing
5 rights) related to a transaction of a member or holder
6 of capital.

7 Nothing in this item (15), however, authorizes the sale
8 of the financial records or information of a member or
9 holder of capital without the consent of the member or
10 holder of capital.

11 (16) The disclosure of financial records or
12 information as necessary to protect against or prevent
13 actual or potential fraud, unauthorized transactions,
14 claims, or other liability.

15 (17) (a) The disclosure of financial records or
16 information related to a private label credit program
17 between a financial institution and a private label party
18 in connection with that private label credit program. Such
19 information is limited to outstanding balance, available
20 credit, payment and performance and account history,
21 product references, purchase information, and information
22 related to the identity of the customer.

23 (b) (1) For purposes of this paragraph (17) of
24 subsection (c) of Section 3-8, a "private label credit
25 program" means a credit program involving a financial
26 institution and a private label party that is used by a

1 customer of the financial institution and the private label
2 party primarily for payment for goods or services sold,
3 manufactured, or distributed by a private label party.

4 (2) For purposes of this paragraph (17) of subsection
5 (c) of Section 3-8, a "private label party" means, with
6 respect to a private label credit program, any of the
7 following: a retailer, a merchant, a manufacturer, a trade
8 group, or any such person's affiliate, subsidiary, member,
9 agent, or service provider.

10 (d) An association may not disclose to any person, except
11 to the member or holder of capital or his duly authorized
12 agent, any financial records relating to that member or holder
13 of capital of that association unless:

14 (1) The member or holder of capital has authorized
15 disclosure to the person; or

16 (2) The financial records are disclosed in response to
17 a lawful subpoena, summons, warrant, citation to discover
18 assets, or court order that meets the requirements of
19 subsection (e) of this Section.

20 (e) An association shall disclose financial records under
21 subsection (d) of this Section pursuant to a lawful subpoena,
22 summons, warrant, citation to discover assets, or court order
23 only after the association mails a copy of the subpoena,
24 summons, warrant, citation to discover assets, or court order
25 to the person establishing the relationship with the
26 association, if living, and, otherwise, his personal

1 representative, if known, at his last known address by first
2 class mail, postage prepaid, unless the association is
3 specifically prohibited from notifying that person by order of
4 court.

5 (f)(1) Any officer or employee of an association who
6 knowingly and willfully furnishes financial records in
7 violation of this Section is guilty of a business offense and,
8 upon conviction, shall be fined not more than \$1,000.

9 (2) Any person who knowingly and willfully induces or
10 attempts to induce any officer or employee of an association to
11 disclose financial records in violation of this Section is
12 guilty of a business offense and, upon conviction, shall be
13 fined not more than \$1,000.

14 (g) However, if any member desires to communicate with the
15 other members of the association with reference to any question
16 pending or to be presented at a meeting of the members, the
17 association shall give him upon request a statement of the
18 approximate number of members entitled to vote at the meeting
19 and an estimate of the cost of preparing and mailing the
20 communication. The requesting member then shall submit the
21 communication to the Commissioner who, if he finds it to be
22 appropriate and truthful, shall direct that it be prepared and
23 mailed to the members upon the requesting member's payment or
24 adequate provision for payment of the expenses of preparation
25 and mailing.

26 (h) An association shall be reimbursed for costs that are

1 necessary and that have been directly incurred in searching
2 for, reproducing, or transporting books, papers, records, or
3 other data of a customer required to be reproduced pursuant to
4 a lawful subpoena, warrant, citation to discover assets, or
5 court order.

6 (Source: P.A. 94-495, eff. 8-8-05; 94-851, eff. 6-13-06;
7 95-661, eff. 1-1-08.)

8 Section 15. The Savings Bank Act is amended by changing
9 Section 4013 as follows:

10 (205 ILCS 205/4013) (from Ch. 17, par. 7304-13)

11 Sec. 4013. Access to books and records; communication with
12 members and shareholders.

13 (a) Every member or shareholder shall have the right to
14 inspect books and records of the savings bank that pertain to
15 his accounts. Otherwise, the right of inspection and
16 examination of the books and records shall be limited as
17 provided in this Act, and no other person shall have access to
18 the books and records nor shall be entitled to a list of the
19 members or shareholders.

20 (b) For the purpose of this Section, the term "financial
21 records" means any original, any copy, or any summary of (1) a
22 document granting signature authority over a deposit or
23 account; (2) a statement, ledger card, or other record on any
24 deposit or account that shows each transaction in or with

1 respect to that account; (3) a check, draft, or money order
2 drawn on a savings bank or issued and payable by a savings
3 bank; or (4) any other item containing information pertaining
4 to any relationship established in the ordinary course of a
5 savings bank's business between a savings bank and its
6 customer, including financial statements or other financial
7 information provided by the member or shareholder.

8 (c) This Section does not prohibit:

9 (1) The preparation examination, handling, or
10 maintenance of any financial records by any officer,
11 employee, or agent of a savings bank having custody of
12 records or examination of records by a certified public
13 accountant engaged by the savings bank to perform an
14 independent audit.

15 (2) The examination of any financial records by, or the
16 furnishing of financial records by a savings bank to, any
17 officer, employee, or agent of the Commissioner of Banks
18 and Real Estate or the federal depository institution
19 regulator for use solely in the exercise of his duties as
20 an officer, employee, or agent.

21 (3) The publication of data furnished from financial
22 records relating to members or holders of capital where the
23 data cannot be identified to any particular member,
24 shareholder, or account.

25 (4) The making of reports or returns required under
26 Chapter 61 of the Internal Revenue Code of 1986.

1 (5) Furnishing information concerning the dishonor of
2 any negotiable instrument permitted to be disclosed under
3 the Uniform Commercial Code.

4 (6) The exchange in the regular course of business of
5 (i) credit information between a savings bank and other
6 savings banks or financial institutions or commercial
7 enterprises, directly or through a consumer reporting
8 agency or (ii) financial records or information derived
9 from financial records between a savings bank and other
10 savings banks or financial institutions or commercial
11 enterprises for the purpose of conducting due diligence
12 pursuant to a purchase or sale involving the savings bank
13 or assets or liabilities of the savings bank.

14 (7) The furnishing of information to the appropriate
15 law enforcement authorities where the savings bank
16 reasonably believes it has been the victim of a crime.

17 (8) The furnishing of information pursuant to the
18 Uniform Disposition of Unclaimed Property Act.

19 (9) The furnishing of information pursuant to the
20 Illinois Income Tax Act and the Illinois Estate and
21 Generation-Skipping Transfer Tax Act.

22 (10) The furnishing of information pursuant to the
23 federal "Currency and Foreign Transactions Reporting Act",
24 (Title 31, United States Code, Section 1051 et seq.).

25 (11) The furnishing of information pursuant to any
26 other statute which by its terms or by regulations

1 promulgated thereunder requires the disclosure of
2 financial records other than by subpoena, summons,
3 warrant, or court order.

4 (12) The furnishing of information in accordance with
5 the federal Personal Responsibility and Work Opportunity
6 Reconciliation Act of 1996. Any savings bank governed by
7 this Act shall enter into an agreement for data exchanges
8 with a State agency provided the State agency pays to the
9 savings bank a reasonable fee not to exceed its actual cost
10 incurred. A savings bank providing information in
11 accordance with this item shall not be liable to any
12 account holder or other person for any disclosure of
13 information to a State agency, for encumbering or
14 surrendering any assets held by the savings bank in
15 response to a lien or order to withhold and deliver issued
16 by a State agency, or for any other action taken pursuant
17 to this item, including individual or mechanical errors,
18 provided the action does not constitute gross negligence or
19 willful misconduct. A savings bank shall have no obligation
20 to hold, encumber, or surrender assets until it has been
21 served with a subpoena, summons, warrant, court or
22 administrative order, lien, or levy.

23 (13) The furnishing of information to law enforcement
24 authorities, the Illinois Department on Aging and its
25 regional administrative and provider agencies, the
26 Department of Human Services Office of Inspector General,

1 or public guardians: (i) upon subpoena by the investigatory
2 entity or the guardian, or (ii) if there is suspicion by
3 the savings bank that a customer who is an elderly or
4 disabled person has been or may become the victim of
5 financial exploitation. For the purposes of this item (13),
6 the term: (i) "elderly person" means a person who is 60 or
7 more years of age, (ii) "disabled person" means a person
8 who has or reasonably appears to the savings bank to have a
9 physical or mental disability that impairs his or her
10 ability to seek or obtain protection from or prevent
11 financial exploitation, and (iii) "financial exploitation"
12 means tortious or illegal use of the assets or resources of
13 an elderly or disabled person, and includes, without
14 limitation, misappropriation of the elderly or disabled
15 person's assets or resources by undue influence, breach of
16 fiduciary relationship, intimidation, fraud, deception,
17 extortion, or the use of assets or resources in any manner
18 contrary to law. A savings bank or person furnishing
19 information pursuant to this item (13) shall be entitled to
20 the same rights and protections as a person furnishing
21 information under the Adult Protective Services Act and
22 ~~Elder Abuse and Neglect Act~~, the Illinois Domestic Violence
23 Act of 1986, ~~and the Abuse of Adults with Disabilities~~
24 ~~Intervention Act.~~

25 (14) The disclosure of financial records or
26 information as necessary to effect, administer, or enforce

1 a transaction requested or authorized by the member or
2 holder of capital, or in connection with:

3 (A) servicing or processing a financial product or
4 service requested or authorized by the member or holder
5 of capital;

6 (B) maintaining or servicing an account of a member
7 or holder of capital with the savings bank; or

8 (C) a proposed or actual securitization or
9 secondary market sale (including sales of servicing
10 rights) related to a transaction of a member or holder
11 of capital.

12 Nothing in this item (14), however, authorizes the sale
13 of the financial records or information of a member or
14 holder of capital without the consent of the member or
15 holder of capital.

16 (15) The exchange in the regular course of business of
17 information between a savings bank and any commonly owned
18 affiliate of the savings bank, subject to the provisions of
19 the Financial Institutions Insurance Sales Law.

20 (16) The disclosure of financial records or
21 information as necessary to protect against or prevent
22 actual or potential fraud, unauthorized transactions,
23 claims, or other liability.

24 (17) (a) The disclosure of financial records or
25 information related to a private label credit program
26 between a financial institution and a private label party

1 in connection with that private label credit program. Such
2 information is limited to outstanding balance, available
3 credit, payment and performance and account history,
4 product references, purchase information, and information
5 related to the identity of the customer.

6 (b) (1) For purposes of this paragraph (17) of
7 subsection (c) of Section 4013, a "private label credit
8 program" means a credit program involving a financial
9 institution and a private label party that is used by a
10 customer of the financial institution and the private label
11 party primarily for payment for goods or services sold,
12 manufactured, or distributed by a private label party.

13 (2) For purposes of this paragraph (17) of subsection
14 (c) of Section 4013, a "private label party" means, with
15 respect to a private label credit program, any of the
16 following: a retailer, a merchant, a manufacturer, a trade
17 group, or any such person's affiliate, subsidiary, member,
18 agent, or service provider.

19 (d) A savings bank may not disclose to any person, except
20 to the member or holder of capital or his duly authorized
21 agent, any financial records relating to that member or
22 shareholder of the savings bank unless:

23 (1) the member or shareholder has authorized
24 disclosure to the person; or

25 (2) the financial records are disclosed in response to
26 a lawful subpoena, summons, warrant, citation to discover

1 assets, or court order that meets the requirements of
2 subsection (e) of this Section.

3 (e) A savings bank shall disclose financial records under
4 subsection (d) of this Section pursuant to a lawful subpoena,
5 summons, warrant, citation to discover assets, or court order
6 only after the savings bank mails a copy of the subpoena,
7 summons, warrant, citation to discover assets, or court order
8 to the person establishing the relationship with the savings
9 bank, if living, and otherwise, his personal representative, if
10 known, at his last known address by first class mail, postage
11 prepaid, unless the savings bank is specifically prohibited
12 from notifying the person by order of court.

13 (f) Any officer or employee of a savings bank who knowingly
14 and willfully furnishes financial records in violation of this
15 Section is guilty of a business offense and, upon conviction,
16 shall be fined not more than \$1,000.

17 (g) Any person who knowingly and willfully induces or
18 attempts to induce any officer or employee of a savings bank to
19 disclose financial records in violation of this Section is
20 guilty of a business offense and, upon conviction, shall be
21 fined not more than \$1,000.

22 (h) If any member or shareholder desires to communicate
23 with the other members or shareholders of the savings bank with
24 reference to any question pending or to be presented at an
25 annual or special meeting, the savings bank shall give that
26 person, upon request, a statement of the approximate number of

1 members or shareholders entitled to vote at the meeting and an
2 estimate of the cost of preparing and mailing the
3 communication. The requesting member shall submit the
4 communication to the Commissioner who, upon finding it to be
5 appropriate and truthful, shall direct that it be prepared and
6 mailed to the members upon the requesting member's or
7 shareholder's payment or adequate provision for payment of the
8 expenses of preparation and mailing.

9 (i) A savings bank shall be reimbursed for costs that are
10 necessary and that have been directly incurred in searching
11 for, reproducing, or transporting books, papers, records, or
12 other data of a customer required to be reproduced pursuant to
13 a lawful subpoena, warrant, citation to discover assets, or
14 court order.

15 (j) Notwithstanding the provisions of this Section, a
16 savings bank may sell or otherwise make use of lists of
17 customers' names and addresses. All other information
18 regarding a customer's account are subject to the disclosure
19 provisions of this Section. At the request of any customer,
20 that customer's name and address shall be deleted from any list
21 that is to be sold or used in any other manner beyond
22 identification of the customer's accounts.

23 (Source: P.A. 94-495, eff. 8-8-05; 94-851, eff. 6-13-06;
24 95-661, eff. 1-1-08.)

25 Section 16. The Illinois Credit Union Act is amended by

1 changing Section 10 as follows:

2 (205 ILCS 305/10) (from Ch. 17, par. 4411)

3 Sec. 10. Credit union records; member financial records.

4 (1) A credit union shall establish and maintain books,
5 records, accounting systems and procedures which accurately
6 reflect its operations and which enable the Department to
7 readily ascertain the true financial condition of the credit
8 union and whether it is complying with this Act.

9 (2) A photostatic or photographic reproduction of any
10 credit union records shall be admissible as evidence of
11 transactions with the credit union.

12 (3) (a) For the purpose of this Section, the term "financial
13 records" means any original, any copy, or any summary of (1) a
14 document granting signature authority over an account, (2) a
15 statement, ledger card or other record on any account which
16 shows each transaction in or with respect to that account, (3)
17 a check, draft or money order drawn on a financial institution
18 or other entity or issued and payable by or through a financial
19 institution or other entity, or (4) any other item containing
20 information pertaining to any relationship established in the
21 ordinary course of business between a credit union and its
22 member, including financial statements or other financial
23 information provided by the member.

24 (b) This Section does not prohibit:

25 (1) The preparation, examination, handling or

1 maintenance of any financial records by any officer,
2 employee or agent of a credit union having custody of such
3 records, or the examination of such records by a certified
4 public accountant engaged by the credit union to perform an
5 independent audit.

6 (2) The examination of any financial records by or the
7 furnishing of financial records by a credit union to any
8 officer, employee or agent of the Department, the National
9 Credit Union Administration, Federal Reserve board or any
10 insurer of share accounts for use solely in the exercise of
11 his duties as an officer, employee or agent.

12 (3) The publication of data furnished from financial
13 records relating to members where the data cannot be
14 identified to any particular customer of account.

15 (4) The making of reports or returns required under
16 Chapter 61 of the Internal Revenue Code of 1954.

17 (5) Furnishing information concerning the dishonor of
18 any negotiable instrument permitted to be disclosed under
19 the Uniform Commercial Code.

20 (6) The exchange in the regular course of business of
21 (i) credit information between a credit union and other
22 credit unions or financial institutions or commercial
23 enterprises, directly or through a consumer reporting
24 agency or (ii) financial records or information derived
25 from financial records between a credit union and other
26 credit unions or financial institutions or commercial

1 enterprises for the purpose of conducting due diligence
2 pursuant to a merger or a purchase or sale of assets or
3 liabilities of the credit union.

4 (7) The furnishing of information to the appropriate
5 law enforcement authorities where the credit union
6 reasonably believes it has been the victim of a crime.

7 (8) The furnishing of information pursuant to the
8 Uniform Disposition of Unclaimed Property Act.

9 (9) The furnishing of information pursuant to the
10 Illinois Income Tax Act and the Illinois Estate and
11 Generation-Skipping Transfer Tax Act.

12 (10) The furnishing of information pursuant to the
13 federal "Currency and Foreign Transactions Reporting Act",
14 Title 31, United States Code, Section 1051 et sequentia.

15 (11) The furnishing of information pursuant to any
16 other statute which by its terms or by regulations
17 promulgated thereunder requires the disclosure of
18 financial records other than by subpoena, summons, warrant
19 or court order.

20 (12) The furnishing of information in accordance with
21 the federal Personal Responsibility and Work Opportunity
22 Reconciliation Act of 1996. Any credit union governed by
23 this Act shall enter into an agreement for data exchanges
24 with a State agency provided the State agency pays to the
25 credit union a reasonable fee not to exceed its actual cost
26 incurred. A credit union providing information in

1 accordance with this item shall not be liable to any
2 account holder or other person for any disclosure of
3 information to a State agency, for encumbering or
4 surrendering any assets held by the credit union in
5 response to a lien or order to withhold and deliver issued
6 by a State agency, or for any other action taken pursuant
7 to this item, including individual or mechanical errors,
8 provided the action does not constitute gross negligence or
9 willful misconduct. A credit union shall have no obligation
10 to hold, encumber, or surrender assets until it has been
11 served with a subpoena, summons, warrant, court or
12 administrative order, lien, or levy.

13 (13) The furnishing of information to law enforcement
14 authorities, the Illinois Department on Aging and its
15 regional administrative and provider agencies, the
16 Department of Human Services Office of Inspector General,
17 or public guardians: (i) upon subpoena by the investigatory
18 entity or the guardian, or (ii) if there is suspicion by
19 the credit union that a member who is an elderly or
20 disabled person has been or may become the victim of
21 financial exploitation. For the purposes of this item (13),
22 the term: (i) "elderly person" means a person who is 60 or
23 more years of age, (ii) "disabled person" means a person
24 who has or reasonably appears to the credit union to have a
25 physical or mental disability that impairs his or her
26 ability to seek or obtain protection from or prevent

1 financial exploitation, and (iii) "financial exploitation"
2 means tortious or illegal use of the assets or resources of
3 an elderly or disabled person, and includes, without
4 limitation, misappropriation of the elderly or disabled
5 person's assets or resources by undue influence, breach of
6 fiduciary relationship, intimidation, fraud, deception,
7 extortion, or the use of assets or resources in any manner
8 contrary to law. A credit union or person furnishing
9 information pursuant to this item (13) shall be entitled to
10 the same rights and protections as a person furnishing
11 information under the Adult Protective Services Act and
12 ~~Elder Abuse and Neglect Act~~, the Illinois Domestic Violence
13 Act of 1986, ~~and the Abuse of Adults with Disabilities~~
14 ~~Intervention Act~~.

15 (14) The disclosure of financial records or
16 information as necessary to effect, administer, or enforce
17 a transaction requested or authorized by the member, or in
18 connection with:

19 (A) servicing or processing a financial product or
20 service requested or authorized by the member;

21 (B) maintaining or servicing a member's account
22 with the credit union; or

23 (C) a proposed or actual securitization or
24 secondary market sale (including sales of servicing
25 rights) related to a transaction of a member.

26 Nothing in this item (14), however, authorizes the sale

1 of the financial records or information of a member without
2 the consent of the member.

3 (15) The disclosure of financial records or
4 information as necessary to protect against or prevent
5 actual or potential fraud, unauthorized transactions,
6 claims, or other liability.

7 (16)(a) The disclosure of financial records or
8 information related to a private label credit program
9 between a financial institution and a private label party
10 in connection with that private label credit program. Such
11 information is limited to outstanding balance, available
12 credit, payment and performance and account history,
13 product references, purchase information, and information
14 related to the identity of the customer.

15 (b)(1) For purposes of this paragraph (16) of
16 subsection (b) of Section 10, a "private label credit
17 program" means a credit program involving a financial
18 institution and a private label party that is used by a
19 customer of the financial institution and the private label
20 party primarily for payment for goods or services sold,
21 manufactured, or distributed by a private label party.

22 (2) For purposes of this paragraph (16) of subsection
23 (b) of Section 10, a "private label party" means, with
24 respect to a private label credit program, any of the
25 following: a retailer, a merchant, a manufacturer, a trade
26 group, or any such person's affiliate, subsidiary, member,

1 agent, or service provider.

2 (c) Except as otherwise provided by this Act, a credit
3 union may not disclose to any person, except to the member or
4 his duly authorized agent, any financial records relating to
5 that member of the credit union unless:

6 (1) the member has authorized disclosure to the person;

7 (2) the financial records are disclosed in response to
8 a lawful subpoena, summons, warrant, citation to discover
9 assets, or court order that meets the requirements of
10 subparagraph (d) of this Section; or

11 (3) the credit union is attempting to collect an
12 obligation owed to the credit union and the credit union
13 complies with the provisions of Section 2I of the Consumer
14 Fraud and Deceptive Business Practices Act.

15 (d) A credit union shall disclose financial records under
16 subparagraph (c)(2) of this Section pursuant to a lawful
17 subpoena, summons, warrant, citation to discover assets, or
18 court order only after the credit union mails a copy of the
19 subpoena, summons, warrant, citation to discover assets, or
20 court order to the person establishing the relationship with
21 the credit union, if living, and otherwise his personal
22 representative, if known, at his last known address by first
23 class mail, postage prepaid unless the credit union is
24 specifically prohibited from notifying the person by order of
25 court or by applicable State or federal law. In the case of a
26 grand jury subpoena, a credit union shall not mail a copy of a

1 subpoena to any person pursuant to this subsection if the
2 subpoena was issued by a grand jury under the Statewide Grand
3 Jury Act or notifying the person would constitute a violation
4 of the federal Right to Financial Privacy Act of 1978.

5 (e)(1) Any officer or employee of a credit union who
6 knowingly and wilfully furnishes financial records in
7 violation of this Section is guilty of a business offense and
8 upon conviction thereof shall be fined not more than \$1,000.

9 (2) Any person who knowingly and wilfully induces or
10 attempts to induce any officer or employee of a credit union to
11 disclose financial records in violation of this Section is
12 guilty of a business offense and upon conviction thereof shall
13 be fined not more than \$1,000.

14 (f) A credit union shall be reimbursed for costs which are
15 reasonably necessary and which have been directly incurred in
16 searching for, reproducing or transporting books, papers,
17 records or other data of a member required or requested to be
18 produced pursuant to a lawful subpoena, summons, warrant,
19 citation to discover assets, or court order. The Secretary and
20 the Director may determine, by rule, the rates and conditions
21 under which payment shall be made. Delivery of requested
22 documents may be delayed until final reimbursement of all costs
23 is received.

24 (Source: P.A. 97-133, eff. 1-1-12.)

25 Section 17. The Home Health, Home Services, and Home

1 Nursing Agency Licensing Act is amended by changing Sections
2 6.3 and 6.7 as follows:

3 (210 ILCS 55/6.3)

4 Sec. 6.3. Home services agencies; standards; fees.

5 (a) Before January 1, 2008, the Department shall adopt
6 standards for the licensure and operation of home services
7 agencies operated in this State. The structure of the standards
8 shall be based on the concept of home services and its focus on
9 assistance with activities of daily living, housekeeping,
10 personal laundry, and companionship being provided to an
11 individual intended to enable that individual to remain safely
12 and comfortably in his or her own personal residence. As home
13 services do not include services that would be required to be
14 performed by an individual licensed under the Nurse Practice
15 Act, the standards shall be developed from a similar concept.
16 After consideration and recommendations by the Home Health and
17 Home Services Advisory Committee, the Department shall adopt
18 such rules and regulations as are necessary for the proper
19 regulation of home services agencies. Requirements for
20 licensure as a home services agency shall include the
21 following:

22 (1) Compliance with the requirements of the Health Care
23 Worker Background Check Act.

24 (2) Notification, in a form and manner established by
25 the Department by rule, to home services workers and

1 consumers as to the party or parties responsible under
2 State and federal laws for payment of employment taxes,
3 social security taxes, and workers' compensation,
4 liability, the day-to-day supervision of workers, and the
5 hiring, firing, and discipline of workers with the
6 placement arrangement for home services.

7 (3) Compliance with rules, as adopted by the
8 Department, in regard to (i) reporting by the licensee of
9 any known or suspected incidences of abuse, neglect, or
10 financial exploitation of an eligible adult, as defined in
11 the Adult Protective Services Act ~~Elder Abuse and Neglect~~
12 ~~Act~~, by a home services worker employed by or placed by the
13 licensee or (ii) reports to a law enforcement agency in
14 connection with any other individual protected under the
15 laws of the State of Illinois.

16 (4) Compliance with rules, as adopted by the
17 Department, addressing the health, safety, and well-being
18 of clients receiving home services.

19 (b) The Department may establish fees for home services
20 agency licensure in rules in a manner that will make the
21 program self-supporting. The amount of the licensure fees shall
22 be based on the funding required for operation of the licensure
23 program. Notwithstanding any other provision of this Section,
24 the Department may not charge any fee to a certified local
25 health department in connection with the licensure of a home
26 services agency.

1 (Source: P.A. 95-639, eff. 10-5-07; 96-577, eff. 8-18-09.)

2 (210 ILCS 55/6.7)

3 Sec. 6.7. Home nursing agencies; standards; fees.

4 (a) Before January 1, 2008, the Department shall adopt
5 standards for the licensure and operation of home nursing
6 agencies operated in this State. After consideration and
7 recommendations by the Home Health and Home Services Advisory
8 Committee, the Department shall adopt such rules as are
9 necessary for the proper regulation of home nursing agencies.
10 Requirements for licensure as a home nursing agency shall
11 include the following:

12 (1) Compliance with the requirements of the Health Care
13 Worker Background Check Act.

14 (2) Notification, in a form and manner established by
15 the Department by rule, to home nursing agency workers and
16 consumers as to the party or parties responsible under
17 State and federal laws for payment of employment taxes,
18 social security taxes, and workers' compensation,
19 liability, the day-to-day supervision of workers, and the
20 hiring, firing, and discipline of workers with the
21 placement arrangement for home nursing services.

22 (3) Compliance with rules, as adopted by the
23 Department, in regard to (i) reporting by the licensee of
24 any known or suspected incidences of abuse, neglect, or
25 financial exploitation of an eligible adult, as defined in

1 the Adult Protective Services Act ~~Elder Abuse and Neglect~~
2 ~~Act~~, by a home nursing care worker employed by or placed by
3 the licensee or (ii) reports to a law enforcement agency in
4 connection with any other individual protected under the
5 laws of the State of Illinois.

6 (4) Compliance with rules, as adopted by the
7 Department, addressing the health, safety, and well-being
8 of clients receiving home nursing services.

9 (b) The Department may establish fees for home nursing
10 agency licensure in rules in a manner that will make the
11 program self-supporting. The amount of the licensure fees shall
12 be based on the funding required for the operation of the
13 licensure program. Notwithstanding any other provision of this
14 Section, the Department may not charge any fee to a certified
15 local health department in connection with the licensure of a
16 home nursing agency.

17 (Source: P.A. 96-577, eff. 8-18-09.)

18 Section 18. The Clinical Social Work and Social Work
19 Practice Act is amended by changing Section 16 as follows:

20 (225 ILCS 20/16) (from Ch. 111, par. 6366)

21 (Section scheduled to be repealed on January 1, 2018)

22 Sec. 16. Privileged Communications and Exceptions.

23 1. No licensed clinical social worker or licensed social
24 worker shall disclose any information acquired from persons

1 consulting the social worker in a professional capacity, except
2 that which may be voluntarily disclosed under the following
3 circumstances:

4 (a) In the course of formally reporting, conferring or
5 consulting with administrative superiors, colleagues or
6 consultants who share professional responsibility,
7 including a professional responsibility to maintain
8 confidentiality, in which instance all recipients of such
9 information are similarly bound to regard the
10 communication as privileged;

11 (b) With the written consent of the person who provided
12 the information;

13 (c) In case of death or disability, with the written
14 consent of a personal representative, other person
15 authorized to sue, or the beneficiary of an insurance
16 policy on the person's life, health or physical condition;

17 (d) When a communication reveals the intended
18 commission of a crime or harmful act and such disclosure is
19 judged necessary by the licensed clinical social worker or
20 licensed social worker to protect any person from a clear,
21 imminent risk of serious mental or physical harm or injury,
22 or to forestall a serious threat to the public safety;

23 (e) When the person waives the privilege by bringing
24 any public charges against the licensee; or

25 (f) When the information is acquired during the course
26 of investigating a report or working on a case of ~~elder~~

1 abuse, neglect, ~~or~~ financial exploitation, or self-neglect
2 of an eligible adult by a designated adult protective
3 services agency ~~Elder Abuse Provider Agency~~ and disclosure
4 of the information is in accordance with the provisions of
5 Section 8 of the Adult Protective Services Act ~~Elder Abuse~~
6 ~~and Neglect Act~~.

7 2. When the person is a minor under the laws of the State
8 of Illinois and the information acquired by the licensed
9 clinical social worker or licensed social worker indicates the
10 minor was the victim or subject of a crime, the licensed
11 clinical social worker or licensed social worker may be
12 required to testify in any judicial proceedings in which the
13 commission of that crime is the subject of inquiry and when,
14 after in camera review of the information that the licensed
15 clinical social worker or licensed social worker acquired, the
16 court determines that the interests of the minor in having the
17 information held privileged are outweighed by the requirements
18 of justice, the need to protect the public safety or the need
19 to protect the minor, except as provided under the Abused and
20 Neglected Child Reporting Act.

21 3. Any person having access to records or any one who
22 participates in providing social work services or who, in
23 providing any human services, is supervised by a licensed
24 clinical social worker or licensed social worker, is similarly
25 bound to regard all information and communications as
26 privileged in accord with this Section.

1 4. Nothing shall be construed to prohibit a licensed
2 clinical social worker or licensed social worker from
3 voluntarily testifying in court hearings concerning matters of
4 adoption, child abuse, child neglect or other matters
5 pertaining to children, except as provided under the Abused and
6 Neglected Child Reporting Act.

7 5. The Mental Health and Developmental Disabilities
8 Confidentiality Act, as now or hereafter amended, is
9 incorporated herein as if all of its provisions were included
10 in this Act.

11 (Source: P.A. 96-71, eff. 7-23-09.)

12 Section 19. The Respiratory Care Practice Act is amended by
13 changing Section 95 as follows:

14 (225 ILCS 106/95)

15 (Section scheduled to be repealed on January 1, 2016)

16 Sec. 95. Grounds for discipline.

17 (a) The Department may refuse to issue, renew, or may
18 revoke, suspend, place on probation, reprimand, or take other
19 disciplinary action as the Department considers appropriate,
20 including the issuance of fines not to exceed \$5,000 for each
21 violation, with regard to any license for any one or more of
22 the following:

23 (1) Material misstatement in furnishing information to
24 the Department or to any other State or federal agency.

- 1 (2) Violations of this Act, or any of its rules.
- 2 (3) Conviction of any crime under the laws of the
3 United States or any state or territory thereof that is a
4 felony or a misdemeanor, an essential element of which is
5 dishonesty, or of any crime that is directly related to the
6 practice of the profession.
- 7 (4) Making any misrepresentation for the purpose of
8 obtaining a license.
- 9 (5) Professional incompetence or negligence in the
10 rendering of respiratory care services.
- 11 (6) Malpractice.
- 12 (7) Aiding or assisting another person in violating any
13 rules or provisions of this Act.
- 14 (8) Failing to provide information within 60 days in
15 response to a written request made by the Department.
- 16 (9) Engaging in dishonorable, unethical, or
17 unprofessional conduct of a character likely to deceive,
18 defraud, or harm the public.
- 19 (10) Violating the rules of professional conduct
20 adopted by the Department.
- 21 (11) Discipline by another jurisdiction, if at least
22 one of the grounds for the discipline is the same or
23 substantially equivalent to those set forth in this Act.
- 24 (12) Directly or indirectly giving to or receiving from
25 any person, firm, corporation, partnership, or association
26 any fee, commission, rebate, or other form of compensation

1 for any professional services not actually rendered.
2 Nothing in this paragraph (12) affects any bona fide
3 independent contractor or employment arrangements among
4 health care professionals, health facilities, health care
5 providers, or other entities, except as otherwise
6 prohibited by law. Any employment arrangements may include
7 provisions for compensation, health insurance, pension, or
8 other employment benefits for the provision of services
9 within the scope of the licensee's practice under this Act.
10 Nothing in this paragraph (12) shall be construed to
11 require an employment arrangement to receive professional
12 fees for services rendered.

13 (13) A finding by the Department that the licensee,
14 after having the license placed on probationary status, has
15 violated the terms of the probation.

16 (14) Abandonment of a patient.

17 (15) Willfully filing false reports relating to a
18 licensee's practice including, but not limited to, false
19 records filed with a federal or State agency or department.

20 (16) Willfully failing to report an instance of
21 suspected child abuse or neglect as required by the Abused
22 and Neglected Child Reporting Act.

23 (17) Providing respiratory care, other than pursuant
24 to an order.

25 (18) Physical or mental disability including, but not
26 limited to, deterioration through the aging process or loss

1 of motor skills that results in the inability to practice
2 the profession with reasonable judgment, skill, or safety.

3 (19) Solicitation of professional services by using
4 false or misleading advertising.

5 (20) Failure to file a tax return, or to pay the tax,
6 penalty, or interest shown in a filed return, or to pay any
7 final assessment of tax penalty, or interest, as required
8 by any tax Act administered by the Illinois Department of
9 Revenue or any successor agency or the Internal Revenue
10 Service or any successor agency.

11 (21) Irregularities in billing a third party for
12 services rendered or in reporting charges for services not
13 rendered.

14 (22) Being named as a perpetrator in an indicated
15 report by the Department of Children and Family Services
16 under the Abused and Neglected Child Reporting Act, and
17 upon proof by clear and convincing evidence that the
18 licensee has caused a child to be an abused child or
19 neglected child as defined in the Abused and Neglected
20 Child Reporting Act.

21 (23) Habitual or excessive use or addiction to alcohol,
22 narcotics, stimulants, or any other chemical agent or drug
23 that results in an inability to practice with reasonable
24 skill, judgment, or safety.

25 (24) Being named as a perpetrator in an indicated
26 report by the Department on Aging under the Adult

1 Protective Services Act ~~Elder Abuse and Neglect Act~~, and
2 upon proof by clear and convincing evidence that the
3 licensee has caused an adult with disabilities or an older
4 adult ~~elderly person~~ to be abused or neglected as defined
5 in the Adult Protective Services Act ~~Elder Abuse and~~
6 ~~Neglect Act~~.

7 (25) Willfully failing to report an instance of
8 suspected ~~elder~~ abuse, ~~or~~ neglect, financial exploitation,
9 or self-neglect of an adult with disabilities or an older
10 adult as required by the Adult Protective Services Act
11 ~~Elder Abuse and Neglect Act~~.

12 (b) The determination by a court that a licensee is subject
13 to involuntary admission or judicial admission as provided in
14 the Mental Health and Developmental Disabilities Code will
15 result in an automatic suspension of his or her license. The
16 suspension will end upon a finding by a court that the licensee
17 is no longer subject to involuntary admission or judicial
18 admission, the issuance of an order so finding and discharging
19 the patient, and the recommendation of the Board to the
20 Director that the licensee be allowed to resume his or her
21 practice.

22 (Source: P.A. 96-1482, eff. 11-29-10.)

23 Section 20. The Professional Counselor and Clinical
24 Professional Counselor Licensing and Practice Act is amended by
25 changing Sections 75 and 80 as follows:

1 (225 ILCS 107/75)

2 (Section scheduled to be repealed on January 1, 2023)

3 Sec. 75. Privileged communications and exceptions.

4 (a) No licensed professional counselor or licensed
5 clinical professional counselor shall disclose any information
6 acquired from persons consulting the counselor in a
7 professional capacity, except that which may be voluntarily
8 disclosed under the following circumstances:

9 (1) In the course of formally reporting, conferring, or
10 consulting with administrative superiors, colleagues, or
11 consultants who share professional responsibility, in
12 which instance all recipients of the information are
13 similarly bound to regard the communication as privileged;

14 (2) With the written consent of the person who provided
15 the information;

16 (3) In the case of death or disability, with the
17 written consent of a personal representative, other person
18 authorized to sue, or the beneficiary of an insurance
19 policy on the person's life, health or physical condition;

20 (4) When a communication reveals the intended
21 commission of a crime or harmful act and such disclosure is
22 judged necessary by the licensed professional counselor or
23 licensed clinical professional counselor to protect any
24 person from a clear, imminent risk of serious mental or
25 physical harm or injury, or to forestall a serious threat

1 to the public safety; or

2 (5) When the person waives the privilege by bringing
3 any public charges against the licensee.

4 (b) When the person is a minor under the laws of the State
5 of Illinois and the information acquired by the licensed
6 professional counselor or licensed clinical professional
7 counselor indicates the minor was the victim or subject of a
8 crime, the licensed professional counselor or licensed
9 clinical professional counselor may be required to testify in
10 any judicial proceedings in which the commission of that crime
11 is the subject of inquiry when, after in camera review of the
12 information that the licensed professional counselor or
13 licensed clinical professional counselor acquired, the court
14 determines that the interests of the minor in having the
15 information held privileged are outweighed by the requirements
16 of justice, the need to protect the public safety or the need
17 to protect the minor, except as provided under the Abused and
18 Neglected Child Reporting Act.

19 (c) Any person having access to records or anyone who
20 participates in providing professional counseling or clinical
21 professional counseling services, or, in providing any human
22 services, is supervised by a licensed professional counselor or
23 licensed clinical professional counselor, is similarly bound
24 to regard all information and communications as privileged in
25 accord with this Section.

26 (d) Nothing in this Act shall be construed to prohibit a

1 licensed professional counselor or licensed clinical
2 professional counselor from voluntarily testifying in court
3 hearings concerning matters of adoption, child abuse, child
4 neglect or other matters pertaining to children, except as
5 provided under the Abused and Neglected Child Reporting Act and
6 matters pertaining to adults with disabilities and older adults
7 ~~elders~~ as set forth in the Adult Protective Services Act ~~Elder~~
8 ~~Abuse and Neglect Act~~.

9 (e) The Mental Health and Developmental Disabilities
10 Confidentiality Act is incorporated herein as if all of its
11 provisions were included in this Act. In the event of a
12 conflict between the application of this Section and the Mental
13 Health and Developmental Disabilities Confidentiality Act to a
14 specific situation, the provisions of the Mental Health and
15 Developmental Disabilities Confidentiality Act shall control.

16 (f) Licensed professional counselors and licensed clinical
17 professional counselors when performing professional
18 counseling services or clinical professional counseling
19 services shall comply with counselor licensure rules and laws
20 contained in this Section and Section 80 of this Act regardless
21 of their employment or work setting.

22 (Source: P.A. 97-706, eff. 6-25-12.)

23 (225 ILCS 107/80)

24 (Section scheduled to be repealed on January 1, 2023)

25 Sec. 80. Grounds for discipline.

1 (a) The Department may refuse to issue, renew, or may
2 revoke, suspend, place on probation, reprimand, or take other
3 disciplinary or non-disciplinary action as the Department
4 deems appropriate, including the issuance of fines not to
5 exceed \$10,000 for each violation, with regard to any license
6 for any one or more of the following:

7 (1) Material misstatement in furnishing information to
8 the Department or to any other State agency.

9 (2) Violations or negligent or intentional disregard
10 of this Act or rules adopted under this Act.

11 (3) Conviction by plea of guilty or nolo contendere,
12 finding of guilt, jury verdict, or entry of judgment or by
13 sentencing of any crime, including, but not limited to,
14 convictions, preceding sentences of supervision,
15 conditional discharge, or first offender probation, under
16 the laws of any jurisdiction of the United States: (i) that
17 is a felony or (ii) that is a misdemeanor, an essential
18 element of which is dishonesty, or that is directly related
19 to the practice of the profession.

20 (4) Fraud or any misrepresentation in applying for or
21 procuring a license under this Act or in connection with
22 applying for renewal of a license under this Act.

23 (5) Professional incompetence or gross negligence in
24 the rendering of professional counseling or clinical
25 professional counseling services.

26 (6) Malpractice.

1 (7) Aiding or assisting another person in violating any
2 provision of this Act or any rules.

3 (8) Failing to provide information within 60 days in
4 response to a written request made by the Department.

5 (9) Engaging in dishonorable, unethical, or
6 unprofessional conduct of a character likely to deceive,
7 defraud, or harm the public and violating the rules of
8 professional conduct adopted by the Department.

9 (10) Habitual or excessive use or abuse of drugs as
10 defined in law as controlled substances, alcohol, or any
11 other substance which results in inability to practice with
12 reasonable skill, judgment, or safety.

13 (11) Discipline by another jurisdiction, the District
14 of Columbia, territory, county, or governmental agency, if
15 at least one of the grounds for the discipline is the same
16 or substantially equivalent to those set forth in this
17 Section.

18 (12) Directly or indirectly giving to or receiving from
19 any person, firm, corporation, partnership, or association
20 any fee, commission, rebate or other form of compensation
21 for any professional service not actually rendered.
22 Nothing in this paragraph (12) affects any bona fide
23 independent contractor or employment arrangements among
24 health care professionals, health facilities, health care
25 providers, or other entities, except as otherwise
26 prohibited by law. Any employment arrangements may include

1 provisions for compensation, health insurance, pension, or
2 other employment benefits for the provision of services
3 within the scope of the licensee's practice under this Act.
4 Nothing in this paragraph (12) shall be construed to
5 require an employment arrangement to receive professional
6 fees for services rendered.

7 (13) A finding by the Board that the licensee, after
8 having the license placed on probationary status, has
9 violated the terms of probation.

10 (14) Abandonment of a client.

11 (15) Willfully filing false reports relating to a
12 licensee's practice, including but not limited to false
13 records filed with federal or State agencies or
14 departments.

15 (16) Willfully failing to report an instance of
16 suspected child abuse or neglect as required by the Abused
17 and Neglected Child Reporting Act and in matters pertaining
18 to ~~elders or suspected elder abuse, neglect, financial~~
19 exploitation, or self-neglect of adults with disabilities
20 and older adults as set forth in the Adult Protective
21 Services Act ~~Elder Abuse and Neglect Act.~~

22 (17) Being named as a perpetrator in an indicated
23 report by the Department of Children and Family Services
24 pursuant to the Abused and Neglected Child Reporting Act,
25 and upon proof by clear and convincing evidence that the
26 licensee has caused a child to be an abused child or

1 neglected child as defined in the Abused and Neglected
2 Child Reporting Act.

3 (18) Physical or mental illness or disability,
4 including, but not limited to, deterioration through the
5 aging process or loss of abilities and skills which results
6 in the inability to practice the profession with reasonable
7 judgment, skill, or safety.

8 (19) Solicitation of professional services by using
9 false or misleading advertising.

10 (20) Allowing one's license under this Act to be used
11 by an unlicensed person in violation of this Act.

12 (21) A finding that licensure has been applied for or
13 obtained by fraudulent means.

14 (22) Practicing under a false or, except as provided by
15 law, an assumed name.

16 (23) Gross and willful overcharging for professional
17 services including filing statements for collection of
18 fees or monies for which services are not rendered.

19 (24) Rendering professional counseling or clinical
20 professional counseling services without a license or
21 practicing outside the scope of a license.

22 (25) Clinical supervisors failing to adequately and
23 responsibly monitor supervisees.

24 All fines imposed under this Section shall be paid within
25 60 days after the effective date of the order imposing the
26 fine.

1 (b) The Department shall deny, without hearing, any
2 application or renewal for a license under this Act to any
3 person who has defaulted on an educational loan guaranteed by
4 the Illinois State Assistance Commission or any governmental
5 agency of this State in accordance with item (5) of subsection
6 (a) of Section 2105-15 of the Department of Professional
7 Regulation Law of the Civil Administrative Code of Illinois.

8 (b-5) The Department may refuse to issue or may suspend
9 without hearing, as provided for in the Code of Civil
10 Procedure, the license of any person who fails to file a
11 return, pay the tax, penalty, or interest shown in a filed
12 return, or pay any final assessment of the tax, penalty, or
13 interest as required by any tax Act administered by the
14 Illinois Department of Revenue, until such time as the
15 requirements of any such tax Act are satisfied in accordance
16 with subsection (g) of Section 2105-15 of the Department of
17 Professional Regulation Law of the Civil Administrative Code of
18 Illinois.

19 (b-10) In cases where the Department of Healthcare and
20 Family Services has previously determined a licensee or a
21 potential licensee is more than 30 days delinquent in the
22 payment of child support and has subsequently certified the
23 delinquency to the Department, the Department may refuse to
24 issue or renew or may revoke or suspend that person's license
25 or may take other disciplinary action against that person based
26 solely upon the certification of delinquency made by the

1 Department of Healthcare and Family Services in accordance with
2 item (5) of subsection (a) of Section 2105-15 of the Department
3 of Professional Regulation Law of the Civil Administrative Code
4 of Illinois.

5 (c) The determination by a court that a licensee is subject
6 to involuntary admission or judicial admission as provided in
7 the Mental Health and Developmental Disabilities Code will
8 result in an automatic suspension of his or her license. The
9 suspension will end upon a finding by a court that the licensee
10 is no longer subject to involuntary admission or judicial
11 admission, the issuance of an order so finding and discharging
12 the patient, and the recommendation of the Board to the
13 Secretary that the licensee be allowed to resume professional
14 practice.

15 (c-5) In enforcing this Act, the Department, upon a showing
16 of a possible violation, may compel an individual licensed to
17 practice under this Act, or who has applied for licensure under
18 this Act, to submit to a mental or physical examination, or
19 both, as required by and at the expense of the Department. The
20 Department may order the examining physician to present
21 testimony concerning the mental or physical examination of the
22 licensee or applicant. No information shall be excluded by
23 reason of any common law or statutory privilege relating to
24 communications between the licensee or applicant and the
25 examining physician. The examining physicians shall be
26 specifically designated by the Department. The individual to be

1 examined may have, at his or her own expense, another physician
2 of his or her choice present during all aspects of this
3 examination. The examination shall be performed by a physician
4 licensed to practice medicine in all its branches. Failure of
5 an individual to submit to a mental or physical examination,
6 when directed, shall result in an automatic suspension without
7 hearing.

8 A person holding a license under this Act or who has
9 applied for a license under this Act who, because of a physical
10 or mental illness or disability, including, but not limited to,
11 deterioration through the aging process or loss of motor skill,
12 is unable to practice the profession with reasonable judgment,
13 skill, or safety, may be required by the Department to submit
14 to care, counseling, or treatment by physicians approved or
15 designated by the Department as a condition, term, or
16 restriction for continued, reinstated, or renewed licensure to
17 practice. Submission to care, counseling, or treatment as
18 required by the Department shall not be considered discipline
19 of a license. If the licensee refuses to enter into a care,
20 counseling, or treatment agreement or fails to abide by the
21 terms of the agreement, the Department may file a complaint to
22 revoke, suspend, or otherwise discipline the license of the
23 individual. The Secretary may order the license suspended
24 immediately, pending a hearing by the Department. Fines shall
25 not be assessed in disciplinary actions involving physical or
26 mental illness or impairment.

1 In instances in which the Secretary immediately suspends a
2 person's license under this Section, a hearing on that person's
3 license must be convened by the Department within 15 days after
4 the suspension and completed without appreciable delay. The
5 Department shall have the authority to review the subject
6 individual's record of treatment and counseling regarding the
7 impairment to the extent permitted by applicable federal
8 statutes and regulations safeguarding the confidentiality of
9 medical records.

10 An individual licensed under this Act and affected under
11 this Section shall be afforded an opportunity to demonstrate to
12 the Department that he or she can resume practice in compliance
13 with acceptable and prevailing standards under the provisions
14 of his or her license.

15 (d) (Blank).

16 (Source: P.A. 96-1482, eff. 11-29-10; 97-706, eff. 6-25-12.)

17 Section 21. The Elder Abuse and Neglect Act is amended by
18 changing the title of the Act and by changing Sections 1, 2, 3,
19 3.5, 4, 4.1, 5, 8, 9, and 15 and by adding Sections 7.1, 7.5,
20 and 15.5 as follows:

21 (320 ILCS 20/Act title)

22 An Act in relation to adult protective services ~~the abuse~~
23 ~~and neglect of elderly persons.~~

1 (320 ILCS 20/1) (from Ch. 23, par. 6601)

2 Sec. 1. Short title. This Act shall be known and may be
3 cited as the Adult Protective Services Act ~~"Elder Abuse and~~
4 ~~Neglect Act"~~.

5 (Source: P.A. 85-1184.)

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) "Abuse" means causing any physical, mental or sexual
10 injury to an eligible adult, including exploitation of such
11 adult's financial resources.

12 Nothing in this Act shall be construed to mean that an
13 eligible adult is a victim of abuse, neglect, or self-neglect
14 for the sole reason that he or she is being furnished with or
15 relies upon treatment by spiritual means through prayer alone,
16 in accordance with the tenets and practices of a recognized
17 church or religious denomination.

18 Nothing in this Act shall be construed to mean that an
19 eligible adult is a victim of abuse because of health care
20 services provided or not provided by licensed health care
21 professionals.

22 (a-5) "Abuser" means a person who abuses, neglects, or
23 financially exploits an eligible adult.

24 (a-6) "Adult with disabilities" means a person aged 18
25 through 59 who resides in a domestic living situation and whose

1 disability impairs his or her ability to seek or obtain
2 protection from abuse, neglect, or exploitation.

3 (a-7) "Caregiver" means a person who either as a result of
4 a family relationship, voluntarily, or in exchange for
5 compensation has assumed responsibility for all or a portion of
6 the care of an eligible adult who needs assistance with
7 activities of daily living.

8 (b) "Department" means the Department on Aging of the State
9 of Illinois.

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

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

16 (d) "Domestic living situation" means a residence where the
17 eligible adult at the time of the report lives alone or with
18 his or her family or a caregiver, or others, or ~~a board and~~
19 ~~care home or~~ other community-based unlicensed facility, but is
20 not:

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

23 (1.5) A facility licensed under the ID/DD Community
24 Care Act;

25 (1.7) A facility licensed under the Specialized Mental
26 Health Rehabilitation Act;

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

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

6 (4) A hospital, sanitarium, or other institution, the
7 principal activity or business of which is the diagnosis,
8 care, and treatment of human illness through the
9 maintenance and operation of organized facilities
10 therefor, which is required to be licensed under the
11 Hospital Licensing Act;

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

14 (6) (Blank);

15 (7) A "community-integrated living arrangement" as
16 defined in the Community-Integrated Living Arrangements
17 Licensure and Certification Act or a "community
18 residential alternative" as licensed under that Act;

19 (8) An assisted living or shared housing establishment
20 as defined in the Assisted Living and Shared Housing Act;
21 or

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

24 (e) "Eligible adult" means either an adult with
25 disabilities aged 18 through 59 or a person aged 60 ~~years of~~
26 age or older who resides in a domestic living situation and is,

1 or is alleged to be, abused, neglected, or financially
2 exploited by another individual or who neglects himself or
3 herself.

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

9 "Financial exploitation" means the use of an eligible
10 adult's resources by another to the disadvantage of that adult
11 or the profit or advantage of a person other than that adult.

12 (f-5) "Mandated reporter" means any of the following
13 persons while engaged in carrying out their professional
14 duties:

15 (1) a professional or professional's delegate while
16 engaged in: (i) social services, (ii) law enforcement,
17 (iii) education, (iv) the care of an eligible adult or
18 eligible adults, or (v) any of the occupations required to
19 be licensed under the Clinical Psychologist Licensing Act,
20 the Clinical Social Work and Social Work Practice Act, the
21 Illinois Dental Practice Act, the Dietitian Nutritionist
22 Practice Act, the Marriage and Family Therapy Licensing
23 Act, the Medical Practice Act of 1987, the Naprapathic
24 Practice Act, the Nurse Practice Act, the Nursing Home
25 Administrators Licensing and Disciplinary Act, the
26 Illinois Occupational Therapy Practice Act, the Illinois

1 Optometric Practice Act of 1987, the Pharmacy Practice Act,
2 the Illinois Physical Therapy Act, the Physician Assistant
3 Practice Act of 1987, the Podiatric Medical Practice Act of
4 1987, the Respiratory Care Practice Act, the Professional
5 Counselor and Clinical Professional Counselor Licensing
6 and Practice Act, the Illinois Speech-Language Pathology
7 and Audiology Practice Act, the Veterinary Medicine and
8 Surgery Practice Act of 2004, and the Illinois Public
9 Accounting Act;

10 (1.5) an employee of an entity providing developmental
11 disabilities services or service coordination funded by
12 the Department of Human Services;

13 (2) an employee of a vocational rehabilitation
14 facility prescribed or supervised by the Department of
15 Human Services;

16 (3) an administrator, employee, or person providing
17 services in or through an unlicensed community based
18 facility;

19 (4) any religious practitioner who provides treatment
20 by prayer or spiritual means alone in accordance with the
21 tenets and practices of a recognized church or religious
22 denomination, except as to information received in any
23 confession or sacred communication enjoined by the
24 discipline of the religious denomination to be held
25 confidential;

26 (5) field personnel of the Department of Healthcare and

1 Family Services, Department of Public Health, and
2 Department of Human Services, and any county or municipal
3 health department;

4 (6) personnel of the Department of Human Services, the
5 Guardianship and Advocacy Commission, the State Fire
6 Marshal, local fire departments, the Department on Aging
7 and its subsidiary Area Agencies on Aging and provider
8 agencies, and the Office of State Long Term Care Ombudsman;

9 (7) any employee of the State of Illinois not otherwise
10 specified herein who is involved in providing services to
11 eligible adults, including professionals providing medical
12 or rehabilitation services and all other persons having
13 direct contact with eligible adults;

14 (8) a person who performs the duties of a coroner or
15 medical examiner; or

16 (9) a person who performs the duties of a paramedic or
17 an emergency medical technician.

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

1 (h) "Provider agency" means any public or nonprofit agency
2 in a planning and service area appointed by the regional
3 administrative agency with prior approval by the Department on
4 Aging to receive and assess reports of alleged or suspected
5 abuse, neglect, or financial exploitation. A provider agency is
6 also referenced as a "designated" agency in this Act.

7 (i) "Regional administrative agency" means any public or
8 nonprofit agency in a planning and service area so designated
9 by the Department, provided that the designated Area Agency on
10 Aging shall be designated the regional administrative agency if
11 it so requests. The Department shall assume the functions of
12 the regional administrative agency for any planning and service
13 area where another agency is not so designated.

14 (i-5) "Self-neglect" means a condition that is the result
15 of an eligible adult's inability, due to physical or mental
16 impairments, or both, or a diminished capacity, to perform
17 essential self-care tasks that substantially threaten his or
18 her own health, including: providing essential food, clothing,
19 shelter, and health care; and obtaining goods and services
20 necessary to maintain physical health, mental health,
21 emotional well-being, and general safety. The term includes
22 compulsive hoarding, which is characterized by the acquisition
23 and retention of large quantities of items and materials that
24 produce an extensively cluttered living space, which
25 significantly impairs the performance of essential self-care
26 tasks or otherwise substantially threatens life or safety.

1 (j) "Substantiated case" means a reported case of alleged
2 or suspected abuse, neglect, financial exploitation, or
3 self-neglect in which a provider agency, after assessment,
4 determines that there is reason to believe abuse, neglect, or
5 financial exploitation has occurred.

6 (Source: P.A. 96-339, eff. 7-1-10; 96-526, eff. 1-1-10; 96-572,
7 eff. 1-1-10; 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227,
8 eff. 1-1-12; 97-300, eff. 8-11-11; 97-706, eff. 6-25-12;
9 97-813, eff. 7-13-12; 97-1141, eff. 12-28-12.)

10 (320 ILCS 20/3) (from Ch. 23, par. 6603)

11 Sec. 3. Responsibilities.

12 (a) The Department shall establish, design, and manage a
13 protective services program ~~of response and services~~ for
14 eligible adults ~~persons 60 years of age and older~~ who have
15 been, or are alleged to be, victims of abuse, neglect,
16 financial exploitation, or self-neglect. The Department shall
17 contract with or fund, or, contract with and fund, regional
18 administrative agencies, provider agencies, or both, for the
19 provision of those functions, and, contingent on adequate
20 funding, with attorneys or legal services provider agencies for
21 the provision of legal assistance pursuant to this Act. For
22 self-neglect, the ~~The~~ program shall include the following
23 services for eligible adults who have been removed from their
24 residences for the purpose of cleanup or repairs: temporary
25 housing; counseling; and caseworker services to try to ensure

1 that the conditions necessitating the removal do not reoccur.

2 (a-1) The Department shall by rule develop standards for
3 minimum staffing levels and staff qualifications. The
4 Department shall by rule establish mandatory standards for the
5 investigation of abuse, neglect, financial exploitation, or
6 self-neglect of eligible adults and mandatory procedures for
7 linking eligible adults to appropriate services and supports.

8 (a-5) A provider agency shall, in accordance with rules
9 promulgated by the Department, establish a multi-disciplinary
10 team to act in an advisory role for the purpose of providing
11 professional knowledge and expertise in the handling of complex
12 abuse cases involving eligible adults. Each multi-disciplinary
13 team shall consist of one volunteer representative from the
14 following professions: banking or finance; disability care;
15 health care; law; law enforcement; mental health care; and
16 clergy. A provider agency may also choose to add
17 representatives from the fields of substance abuse, domestic
18 violence, sexual assault, or other related fields. To support
19 multi-disciplinary teams in this role, law enforcement
20 agencies and coroners or medical examiners shall supply records
21 as may be requested in particular cases.

22 (b) Each regional administrative agency shall designate
23 provider agencies within its planning and service area with
24 prior approval by the Department on Aging, monitor the use of
25 services, provide technical assistance to the provider
26 agencies and be involved in program development activities.

1 (c) Provider agencies shall assist, to the extent possible,
2 eligible adults who need agency services to allow them to
3 continue to function independently. Such assistance shall
4 include, but not be limited to, receiving reports of alleged or
5 suspected abuse, neglect, financial exploitation, or
6 self-neglect, conducting face-to-face assessments of such
7 reported cases, determination of substantiated cases, referral
8 of substantiated cases for necessary support services,
9 referral of criminal conduct to law enforcement in accordance
10 with Department guidelines, and provision of case work and
11 follow-up services on substantiated cases. In the case of a
12 report of alleged or suspected abuse or neglect that places an
13 eligible adult at risk of injury or death, a provider agency
14 shall respond to the report on an emergency basis in accordance
15 with guidelines established by the Department by
16 administrative rule and shall ensure that it is capable of
17 responding to such a report 24 hours per day, 7 days per week.
18 A provider agency may use an on-call system to respond to
19 reports of alleged or suspected abuse or neglect after hours
20 and on weekends.

21 (c-5) Where a provider agency has reason to believe that
22 the death of an eligible adult may be the result of abuse or
23 neglect, including any reports made after death, the agency
24 shall immediately report the matter to both the appropriate law
25 enforcement agency and the coroner or medical examiner. Between
26 30 and 45 days after making such a report, the provider agency

1 again shall contact the law enforcement agency and coroner or
2 medical examiner to determine whether any further action was
3 taken. Upon request by a provider agency, a law enforcement
4 agency and coroner or medical examiner shall supply a summary
5 of its action in response to a reported death of an eligible
6 adult. A copy of the report shall be maintained and all
7 subsequent follow-up with the law enforcement agency and
8 coroner or medical examiner shall be documented in the case
9 record of the eligible adult.

10 (d) Upon sufficient appropriations to implement a
11 statewide program, the Department shall implement a program,
12 based on the recommendations of the ~~Elder~~ Self-Neglect Steering
13 Committee, for (i) responding to reports of possible
14 self-neglect, (ii) protecting the autonomy, rights, privacy,
15 and privileges of adults during investigations of possible
16 self-neglect and consequential judicial proceedings regarding
17 competency, (iii) collecting and sharing relevant information
18 and data among the Department, provider agencies, regional
19 administrative agencies, and relevant seniors, (iv) developing
20 working agreements between provider agencies and law
21 enforcement, where practicable, and (v) developing procedures
22 for collecting data regarding incidents of self-neglect.

23 (Source: P.A. 95-76, eff. 6-1-08; 96-526, eff. 1-1-10; 96-572,
24 eff. 1-1-10; 96-1000, eff. 7-2-10.)

1 Sec. 3.5. Other Responsibilities. The Department shall
2 also be responsible for the following activities, contingent
3 upon adequate funding, implementation shall be expanded to
4 adults with disabilities within 3 months after the effective
5 date of this amendatory Act of the 98th General Assembly:

6 (a) promotion of a wide range of endeavors for the purpose
7 of preventing ~~elder~~ abuse, neglect, financial exploitation,
8 and self-neglect ~~in both domestic and institutional settings,~~
9 including, but not limited to, promotion of public and
10 professional education to increase awareness of ~~elder~~ abuse,
11 neglect, financial exploitation, and self-neglect; ~~τ~~ to
12 increase reports; to establish access to and use of the Health
13 Care Worker Registry;~~τ~~ and to improve response by various
14 legal, financial, social, and health systems;

15 (b) coordination of efforts with other agencies, councils,
16 and like entities, to include but not be limited to, the
17 Administrative Office of the Illinois Courts, the Office of the
18 Attorney General, the State Police, the Illinois Law
19 Enforcement Training Standards Board, the State Triad, the
20 Illinois Criminal Justice Information Authority, the
21 Departments of Public Health, Healthcare and Family Services,
22 ~~Public Aid, and Human Services,~~ and the Illinois Guardianship
23 and Advocacy Commission, the Family Violence Coordinating
24 Council, the Illinois Violence Prevention Authority, and other
25 entities which may impact awareness of, and response to, ~~elder~~
26 abuse, neglect, financial exploitation, and self-neglect;

1 (c) collection and analysis of data;

2 (d) monitoring of the performance of regional
3 administrative agencies and adult protective services ~~elder~~
4 ~~abuse provider~~ agencies;

5 (e) promotion of prevention activities;

6 (f) establishing and coordinating an aggressive training
7 program on the unique nature of adult ~~elder~~ abuse cases with
8 other agencies, councils, and like entities, to include but not
9 be limited to the Office of the Attorney General, the State
10 Police, the Illinois Law Enforcement Training Standards Board,
11 the State Triad, the Illinois Criminal Justice Information
12 Authority, the State Departments of Public Health, Healthcare
13 and Family Services ~~Public Aid~~, and Human Services, the Family
14 Violence Coordinating Council, the Illinois Violence
15 Prevention Authority, the agency designated by the Governor
16 under Section 1 of the Protection and Advocacy for
17 Developmentally Disabled Persons Act, and other entities that
18 may impact awareness of and response to ~~elder~~ abuse, neglect,
19 financial exploitation, and self-neglect;

20 (g) solicitation of financial institutions for the purpose
21 of making information available to the general public warning
22 of financial exploitation of adults ~~the elderly~~ and related
23 financial fraud or abuse, including such information and
24 warnings available through signage or other written materials
25 provided by the Department on the premises of such financial
26 institutions, provided that the manner of displaying or

1 distributing such information is subject to the sole discretion
2 of each financial institution;

3 (g-1) developing by joint rulemaking with the Department of
4 Financial and Professional Regulation minimum training
5 standards which shall be used by financial institutions for
6 their current and new employees with direct customer contact;
7 the Department of Financial and Professional Regulation shall
8 retain sole visitation and enforcement authority under this
9 subsection (g-1); the Department of Financial and Professional
10 Regulation shall provide bi-annual reports to the Department
11 setting forth aggregate statistics on the training programs
12 required under this subsection (g-1); and

13 (h) coordinating efforts with utility and electric
14 companies to send notices in utility bills to explain to
15 persons 60 years of age or older their rights regarding
16 telemarketing and home repair fraud.

17 (Source: P.A. 96-1103, eff. 7-19-10.)

18 (320 ILCS 20/4) (from Ch. 23, par. 6604)

19 Sec. 4. Reports of abuse or neglect.

20 (a) Any person who suspects the abuse, neglect, financial
21 exploitation, or self-neglect of an eligible adult may report
22 this suspicion to an agency designated to receive such reports
23 under this Act or to the Department.

24 (a-5) If any mandated reporter has reason to believe that
25 an eligible adult, who because of a disability or other

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

1 in the report or the forwarding of the report to an agency
2 designated to receive such reports under this Act or to the
3 Department. The privileged quality of communication between
4 any professional person required to report and his or her
5 patient or client shall not apply to situations involving
6 abused, neglected, or financially exploited eligible adults
7 and shall not constitute grounds for failure to report as
8 required by this Act.

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

16 (a-9) Law enforcement officers shall continue to report
17 incidents of alleged abuse pursuant to the Illinois Domestic
18 Violence Act of 1986, notwithstanding any requirements under
19 this Act.

20 (b) Any person, institution or agency participating in the
21 making of a report, providing information or records related to
22 a report, assessment, or services, or participating in the
23 investigation of a report under this Act in good faith, or
24 taking photographs or x-rays as a result of an authorized
25 assessment, shall have immunity from any civil, criminal or
26 other liability in any civil, criminal or other proceeding

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

16 (c) The identity of a person making a report of alleged or
17 suspected abuse, neglect, financial exploitation, or
18 self-neglect under this Act may be disclosed by the Department
19 or other agency provided for in this Act only with such
20 person's written consent or by court order, but is otherwise
21 confidential.

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

24 (e) Any physician who willfully fails to report as required
25 by this Act shall be referred to the Illinois State Medical
26 Disciplinary Board for action in accordance with subdivision

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

14 (Source: P.A. 96-378, eff. 1-1-10; 96-526, eff. 1-1-10;
15 96-1000, eff. 7-2-10; 97-860, eff. 7-30-12.)

16 (320 ILCS 20/4.1)

17 Sec. 4.1. Employer discrimination. No employer shall
18 discharge, demote or suspend, or threaten to discharge, demote
19 or suspend, or in any manner discriminate against any employee
20 who makes any good faith oral or written report of suspected
21 ~~elder~~ abuse, neglect, or financial exploitation or who is or
22 will be a witness or testify in any investigation or proceeding
23 concerning a report of suspected ~~elder~~ abuse, neglect, or
24 financial exploitation.

25 (Source: P.A. 90-628, eff. 1-1-99.)

1 (320 ILCS 20/5) (from Ch. 23, par. 6605)

2 Sec. 5. Procedure.

3 (a) A provider agency designated to receive reports of
4 alleged or suspected abuse, neglect, financial exploitation,
5 or self-neglect under this Act shall, upon receiving such a
6 report, conduct a face-to-face assessment with respect to such
7 report, in accord with established law and Department
8 protocols, procedures, and policies. Face-to-face assessments,
9 casework, and follow-up of reports of self-neglect by the
10 provider agencies designated to receive reports of
11 self-neglect shall be subject to sufficient appropriation for
12 statewide implementation of assessments, casework, and
13 follow-up of reports of self-neglect. In the absence of
14 sufficient appropriation for statewide implementation of
15 assessments, casework, and follow-up of reports of
16 self-neglect, the designated adult protective services ~~elder~~
17 ~~abuse~~ provider agency shall refer all reports of self-neglect
18 to the appropriate agency or agencies as designated by the
19 Department for any follow-up. The assessment shall include, but
20 not be limited to, a visit to the residence of the eligible
21 adult who is the subject of the report and may include
22 interviews or consultations with service agencies or
23 individuals who may have knowledge of the eligible adult's
24 circumstances. If, after the assessment, the provider agency
25 determines that the case is substantiated it shall develop a

1 service care plan for the eligible adult and may report its
2 findings to the appropriate law enforcement agency in accord
3 with established law and Department protocols, procedures, and
4 policies. In developing a case ~~the~~ plan, the provider agency
5 may consult with any other appropriate provider of services,
6 and such providers shall be immune from civil or criminal
7 liability on account of such acts. The plan shall include
8 alternative suggested or recommended services which are
9 appropriate to the needs of the eligible adult and which
10 involve the least restriction of the eligible adult's
11 activities commensurate with his or her needs. Only those
12 services to which consent is provided in accordance with
13 Section 9 of this Act shall be provided, contingent upon the
14 availability of such services.

15 (b) A provider agency shall refer evidence of crimes
16 against an eligible adult to the appropriate law enforcement
17 agency according to Department policies. A referral to law
18 enforcement may be made at intake or any time during the case.
19 Where a provider agency has reason to believe the death of an
20 eligible adult may be the result of abuse or neglect, the
21 agency shall immediately report the matter to the coroner or
22 medical examiner and shall cooperate fully with any subsequent
23 investigation.

24 (c) If any person other than the alleged victim refuses to
25 allow the provider agency to begin an investigation, interferes
26 with the provider agency's ability to conduct an investigation,

1 or refuses to give access to an eligible adult, the appropriate
2 law enforcement agency must be consulted regarding the
3 investigation.

4 (Source: P.A. 94-1064, eff. 1-1-07.)

5 (320 ILCS 20/7.1 new)

6 Sec. 7.1. Final investigative report. A provider agency
7 shall prepare a final investigative report in which there is a
8 substantiated finding of abuse, neglect, financial
9 exploitation, or self-neglect of an eligible adult.

10 (320 ILCS 20/7.5 new)

11 Sec. 7.5. Health Care Worker Registry.

12 (a) Study Committee for the Health Care Worker Registry.
13 The Department on Aging shall, within 6 months after the
14 effective date of this amendatory Act of the 98th General
15 Assembly, convene and lead a committee together with the
16 Department of Human Services and the Department of Public
17 Health to study access, use, and possible expansion of the
18 Health Care Worker Registry for reporting abuse, neglect, or
19 financial exploitation of an eligible adult under this Act. The
20 committee shall issue a report to the Governor and the General
21 Assembly with its findings and recommendations within 12 months
22 after the effective date of this amendatory Act of the 98th
23 General Assembly.

24 (a-1) Reporting to the registry. The Department on Aging

1 shall report to the Department of Public Health's health care
2 worker registry the identity and administrative finding of a
3 verified and substantiated decision of abuse, neglect, or
4 financial exploitation of an eligible adult under this Act that
5 is made against any caregiver, including consultants and
6 volunteers, employed by a provider licensed, certified, or
7 regulated by the Departments of Public Health, Healthcare and
8 Family Services, or Human Service, or the Department on Aging.
9 For uncompensated or privately paid caregivers, the Department
10 on Aging shall report only a verified and substantiated
11 decision of significant abuse, neglect, or financial
12 exploitation of an eligible adult under this Act. An
13 administrative finding placed in the registry will preclude any
14 caregiver from providing direct care in exchange for
15 compensation paid by the State of Illinois, or any Department
16 thereof, or by a provider licensed, certified, or regulated by
17 the Departments of Public Health, Healthcare and Family
18 Services, or Human Services, or the Department on Aging.

19 (b) Definitions. As used in this Section:

20 "Direct care" includes, but is not limited to, direct
21 access to an individual, his or her living quarters, or his or
22 her person, financial, or medical records for the purpose of
23 providing of nursing care or assistance with feeding, dressing,
24 movement, bathing, toileting, other personal needs and
25 activities of daily living, or assistance with financial
26 transactions.

1 "Significant" means a finding of abuse, neglect, or
2 financial exploitation as determined by the Department that (i)
3 represents a meaningful failure to adequately provide for, or a
4 material indifference to, the financial, health, safety, or
5 medical needs of an eligible adult or (ii) results in an
6 eligible adult's death or other serious deterioration of an
7 eligible adult's financial resources, physical condition, or
8 mental condition.

9 (c) Access to and use of the Registry. Access to the
10 registry shall be limited to licensed, certified, or regulated
11 providers by the Departments of Public Health, Healthcare and
12 Family Service, or Human Services, or the Department on Aging.
13 The State of Illinois, any Department thereof, or a provider
14 licensed, certified, or regulated by the Departments of Public
15 Health, Healthcare and Family Services, or Human Services, or
16 the Department on Aging shall not hire or compensate any person
17 seeking employment, retain any contractors, or accept any
18 volunteers to provide direct care without first conducting an
19 online check of the person through the Department of Public
20 Health's Health Care Worker Registry. The provider shall
21 maintain a copy of the results of the online check to
22 demonstrate compliance with this requirement. Failure to
23 comply with this requirement may subject such a provider to
24 corrective action by the appropriate regulatory agency or other
25 lawful remedies provided under the applicable licensure,
26 certification, or regulatory laws and rules.

1 (d) Notice to caregiver. Prior to reporting to the
2 registry, the Department on Aging shall notify the caregiver of
3 its obligation to make a report to the registry. Notice to the
4 caregiver shall contain a clear and concise statement of the
5 grounds upon which the report to the registry is based and
6 shall set forth the procedures for challenging a report to the
7 registry. Notice is sufficient if provided by certified mail to
8 the caregiver's last known address. If the caregiver does not
9 reply within 30 calendar days after the date of the notice, the
10 Department shall report the name of the caregiver and the
11 substantiated finding to the registry. Nothing in this
12 subsection shall diminish or impair the rights of a person who
13 is a member of a collective bargaining unit under the Illinois
14 Public Labor Relations Act or under any other federal labor
15 statute.

16 (e) Notification to eligible adults, guardians or agents.
17 As part of its investigation, the Department on Aging shall
18 notify an eligible adult, or an eligible adult's guardian or
19 agent, that a caregiver's name may be placed on the registry if
20 significant abuse is found and the case substantiated.

21 (f) Notification to employer. A provider licensed,
22 certified, or regulated by the Departments of Public Health,
23 Healthcare and Family Services, or Human Services, or the
24 Department on Aging shall be notified of an administrative
25 finding against any employed caregiver of a verified and
26 substantiated decision of abuse, neglect, or financial

1 exploitation of an eligible adult under this Act. If there is
2 an imminent risk of danger to the eligible adult, the caregiver
3 shall immediately be barred from direct access to the eligible
4 adult, his or her living quarters, or his or her personal,
5 financial, or medical records, pending the outcome of any
6 registry challenge, criminal prosecution, or other type of
7 collateral action.

8 (g) Report challenges. The process by which a challenge to
9 reporting is filed shall be established through the
10 Department's administrative rules. Upon receiving a timely
11 challenge by a caregiver in response to the notice of a
12 registry report, the Department shall review the content of the
13 challenge and issue an administrative decision as to whether
14 the verified and substantiated decision warrants reporting the
15 caregiver's name to the registry. A written copy of the
16 decision shall be provided to the caregiver.

17 (h) Registry hearings. If a caregiver's report challenge is
18 not successful, then he or she may request an administrative
19 hearing within 60 calendar days after the date of decision or
20 submit a written response in lieu of an administrative hearing.
21 If the request is timely, the Department on Aging shall not
22 make a report to the registry and the caregiver shall be
23 granted an opportunity to appear in person if a hearing is
24 requested. The caregiver shall present reasons why the abuse,
25 neglect, or financial exploitation is not significant or should
26 not otherwise be reported to the registry. The administrative

1 law judge considering the written response or presiding over
2 the hearing shall summarize pertinent findings of fact and
3 conclusions of law and make a recommendation to the Director of
4 the Department on Aging as to whether the verified and
5 substantiated finding warrants reporting the name of the
6 caregiver to the registry. The Director shall render and adopt
7 the final decision. The parties may jointly request that the
8 administrative law judge consider a stipulated disposition of
9 these proceedings.

10 (i) Caregiver's rights to collateral action. The
11 Department on Aging shall not make any report to the registry
12 if a caregiver notifies the Department in writing, including
13 any supporting documentation, that he or she is formally
14 challenging an adverse employment action resulting from a
15 verified and substantiated finding of abuse, neglect, or
16 financial exploitation by complaint filed with the Illinois
17 Civil Service Commission, or by another means which seeks to
18 enforce the caregiver's rights pursuant to any applicable
19 collective bargaining agreement. If an action taken by an
20 employer against a caregiver as a result of a finding of abuse,
21 neglect, or financial exploitation is overturned through an
22 action filed with the Illinois Civil Service Commission or
23 under any applicable collective bargaining agreement after
24 that caregiver's name has already been sent to the registry,
25 the caregiver's name shall be removed from the registry.

26 (j) Removal from registry. At any time after a report to

1 the registry, but no more than once in each successive 3-year
2 period thereafter, for a maximum of 3 such requests, a
3 caregiver may write to the Director of the Department on Aging
4 to request removal of his or her name from the registry in
5 relationship to a single incident. The caregiver shall bear the
6 burden of showing cause that establishes, by a preponderance of
7 the evidence, that removal of his or her name from the registry
8 is in the public interest. Upon receiving such a request, the
9 Department on Aging shall conduct an investigation and consider
10 any evidentiary material provided. The Department shall issue a
11 decision either granting or denying removal within 60 calendar
12 days, and shall issue such decision to the caregiver and the
13 registry. The waiver process at the Department of Public Health
14 does not apply to registry reports from the Department on
15 Aging. The Department on Aging shall establish standards for
16 the removal of a name from the registry by rule.

17 (k) Referral of registry reports to health care facilities.
18 In the event an eligible adult receiving services from a
19 provider agency changes his or her residence from a domestic
20 living situation to that of a health care facility, the
21 provider agency shall use reasonable efforts to promptly inform
22 the health care facility and the appropriate Regional Long Term
23 Care Ombudsman about any registry reports relating to the
24 eligible adult. For purposes of this Section, a health care
25 facility includes, but is not limited to, any residential
26 facility licensed, certified, or regulated by the Departments

1 of Public Health, Healthcare and Family Services, or Human
2 Services.

3 (320 ILCS 20/8) (from Ch. 23, par. 6608)

4 Sec. 8. Access to records. All records concerning reports
5 of ~~elder~~ abuse, neglect, financial exploitation, or
6 self-neglect and all records generated as a result of such
7 reports shall be confidential and shall not be disclosed except
8 as specifically authorized by this Act or other applicable law.
9 In accord with established law and Department protocols,
10 procedures, and policies, access to such records, but not
11 access to the identity of the person or persons making a report
12 of alleged abuse, neglect, financial exploitation, or
13 self-neglect as contained in such records, shall be provided,
14 upon request, to the following persons and for the following
15 persons:

16 (1) Department staff, provider agency staff, other
17 aging network staff, and regional administrative agency
18 staff, including staff of the Chicago Department on Aging
19 while that agency is designated as a regional
20 administrative agency, in the furtherance of their
21 responsibilities under this Act;

22 (2) A law enforcement agency investigating known or
23 suspected ~~elder~~ abuse, neglect, financial exploitation, or
24 self-neglect. Where a provider agency has reason to believe
25 that the death of an eligible adult may be the result of

1 abuse or neglect, including any reports made after death,
2 the agency shall immediately provide the appropriate law
3 enforcement agency with all records pertaining to the
4 eligible adult;

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

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

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

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

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

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

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

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

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

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

1 coroner or medical examiner a list of all eligible adults
2 who may be at imminent risk of death as a result of abuse,
3 neglect, financial exploitation, or self-neglect; ~~and~~

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 when that Department is funding services to the
14 eligible adult, including access to the identity of the
15 eligible adult;

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

21 (10) Hearing officers in the course of conducting an
22 administrative hearing to determine whether a verified and
23 substantiated finding of significant abuse, neglect, or
24 financial exploitation of an eligible adult by a caregiver
25 warrants reporting to the Health Care Worker Registry; and-

26 (11) The Illinois Guardianship and Advocacy Commission

1 and the agency designated by the Governor under Section 1
2 of the Protection and Advocacy for Developmentally
3 Disabled Persons Act shall have access to all records,
4 including the findings, pertaining to a completed
5 investigation of a report of suspected abuse, neglect,
6 financial exploitation or self-neglect of an eligible
7 audit, when it determines that access to such records is
8 necessary to conduct its official business.

9 (Source: P.A. 96-526, eff. 1-1-10; 97-864, eff. 1-1-13.)

10 (320 ILCS 20/9) (from Ch. 23, par. 6609)

11 Sec. 9. Authority to consent to services.

12 (a) If an eligible adult consents to an assessment of a
13 reported incident of suspected abuse, neglect, financial
14 exploitation, or self-neglect and, following the assessment of
15 such report, consents to services being provided according to
16 the case plan, such services shall be arranged to meet the
17 adult's needs, based upon the availability of resources to
18 provide such services. If an adult withdraws his or her consent
19 for an assessment of the reported incident or withdraws his or
20 her consent for services and ~~or~~ refuses to accept such
21 services, the services shall not be provided.

22 (b) If it reasonably appears to the Department or other
23 agency designated under this Act that a person is an eligible
24 adult and lacks the capacity to consent to an assessment of a
25 reported incident of suspected abuse, neglect, financial

1 exploitation or self-neglect or to necessary services,
2 ~~including an assessment,~~ the Department or other agency shall
3 notify the Illinois Guardianship and Advocacy Commission
4 (Commission), the Office of State Guardian, or any other
5 appropriate agency, of the potential need for ~~may seek the~~
6 appointment of a temporary guardian as provided in Article XIa
7 of the Probate Act of 1975 for the purpose of consenting to an
8 assessment of the reported incident and such services, together
9 with an order for an evaluation of the eligible adult's
10 physical, psychological, and medical condition and decisional
11 capacity.

12 (c) A guardian of the person of an eligible adult may
13 consent to an assessment of the reported incident and to
14 services being provided according to the case plan. If an
15 eligible adult lacks capacity to consent ~~to services,~~ an agent
16 having authority under a power of attorney may consent to an
17 assessment of the reported incident and to services. If the
18 guardian or agent is the suspected abuser and he or she
19 ~~withdraws his or her~~ consent for the assessment of the reported
20 incident, or refuses to allow services to be provided to the
21 eligible adult, the Department, an agency designated under this
22 Act, or the office of the Attorney General may request a court
23 order seeking appropriate remedies, and may in addition request
24 removal of the guardian and appointment of a successor guardian
25 or request removal of the agent and appointment of a guardian.

26 (d) If an emergency exists and the Department or other

1 agency designated under this Act reasonably believes that a
2 person is an eligible adult and lacks the capacity to consent
3 to necessary services, the Department or other agency may
4 request an ex parte order from the circuit court of the county
5 in which the petitioner or respondent resides or in which the
6 alleged abuse, neglect, financial exploitation, or
7 self-neglect occurred, authorizing an assessment of a report of
8 alleged or suspected abuse, neglect, financial exploitation,
9 or self-neglect or the provision of necessary services, or
10 both, including relief available under the Illinois Domestic
11 Violence Act of 1986 in accord with established law and
12 Department protocols, procedures, and policies. Petitions
13 filed under this subsection shall be treated as expedited
14 proceedings. When an eligible adult is at risk of serious
15 injury or death and it reasonably appears that the eligible
16 adult lacks capacity to consent to necessary services, the
17 Department or other agency designated under this Act may take
18 action necessary to ameliorate the risk in accordance with
19 administrative rules promulgated by the Department.

20 (d-5) For purposes of this Section, an eligible adult
21 "lacks the capacity to consent" if qualified staff of an agency
22 designated under this Act reasonably determine in accordance
23 with administrative rules promulgated by the Department that he
24 or she appears either (i) unable to receive and evaluate
25 information related to the assessment or services or (ii)
26 unable to communicate in any manner decisions related to the

1 assessment of the reported incident or services.

2 (e) Within 15 days after the entry of the ex parte
3 emergency order, the order shall expire, or, if the need for
4 assessment of the reported incident or services continues, the
5 provider agency shall petition for the appointment of a
6 guardian as provided in Article XIa of the Probate Act of 1975
7 for the purpose of consenting to such assessment or services or
8 to protect the eligible adult from further harm.

9 (f) If the court enters an ex parte order under subsection
10 (d) for an assessment of a reported incident ~~report~~ of alleged
11 or suspected abuse, neglect, financial exploitation, or
12 self-neglect, or for the provision of necessary services in
13 connection with alleged or suspected self-neglect, or for both,
14 the court, as soon as is practicable thereafter, shall appoint
15 a guardian ad litem for the eligible adult who is the subject
16 of the order, for the purpose of reviewing the reasonableness
17 of the order. The guardian ad litem shall review the order and,
18 if the guardian ad litem reasonably believes that the order is
19 unreasonable, the guardian ad litem shall file a petition with
20 the court stating the guardian ad litem's belief and requesting
21 that the order be vacated.

22 (g) In all cases in which there is a substantiated finding
23 of abuse, neglect, or financial exploitation by a guardian, the
24 Department shall, within 30 days after the finding, notify the
25 Probate Court with jurisdiction over the guardianship.

26 (Source: P.A. 96-526, eff. 1-1-10.)

1 (320 ILCS 20/15)

2 Sec. 15. Abuse Fatality Review Teams ~~Elder abuse fatality~~
3 ~~review teams.~~

4 (a) State Policy.

5 (1) Both the State and the community maintain a
6 commitment to preventing the abuse, neglect, and financial
7 exploitation of at-risk adults. This includes a charge to
8 bring perpetrators of crimes against at-risk adults to
9 justice and prevent untimely deaths in the community.

10 (2) When an at-risk adult dies, the response to the
11 death by the community, law enforcement, and the State must
12 include an accurate and complete determination of the cause
13 of death, and the development and implementation of
14 measures to prevent future deaths from similar causes.

15 (3) Multidisciplinary and multi-agency reviews of
16 deaths can assist the State and counties in developing a
17 greater understanding of the incidence and causes of
18 premature deaths and the methods for preventing those
19 deaths, improving methods for investigating deaths, and
20 identifying gaps in services to at-risk adults.

21 (4) Access to information regarding the deceased and
22 their families by multidisciplinary and multi-agency
23 at-risk adult fatality review teams is necessary in order
24 to fulfill their purposes and duties.

25 (a-5) Definitions. As used in this Section:

1 "Advisory Council" means the Illinois At-Risk Adult
2 Fatality Review Team Advisory Council.

3 "Review Team" means a regional interagency at-risk
4 adult fatality review team.

5 ~~(a) In this Section, "review team" means a regional~~
6 ~~interagency elder abuse fatality review team established under~~
7 ~~this Section.~~

8 (a-10) The Department shall establish, lead, and direct a
9 Statewide Fatality Review Team. The Team shall have authority
10 to consider suspicious deaths of victims of alleged, suspected,
11 or substantiated abuse or neglect in domestic living situations
12 in areas in which there is no regional interagency abuse team.

13 (b) The Director, in consultation with the Advisory
14 Council, law enforcement, and other professionals who work in
15 the fields of investigating, treating, or prevent abuse or
16 neglect of at-risk adults, shall appoint members to a minimum
17 of one review team in each of the Department's planning and
18 service areas. Each member of a review team shall be appointed
19 for a 2-year term and shall be eligible for reappointment upon
20 the expiration of the term. A review team's purpose in
21 conducting review of at-risk adult deaths is: The Department,
22 ~~or any other State or county agency with Department approval,~~
23 ~~may establish regional interagency elder abuse fatality review~~
24 ~~teams~~ (i) to assist local agencies in identifying and reviewing
25 suspicious deaths of adult ~~elderly~~ victims of alleged,
26 suspected, or substantiated abuse or neglect in domestic living

1 situations; ~~and~~ (ii) to facilitate communications between
2 officials responsible for autopsies and inquests and persons
3 involved in reporting or investigating alleged or suspected
4 cases of abuse, neglect, or financial exploitation of at-risk
5 adults and persons involved in providing services to at-risk
6 adults; (iii) to evaluate means by which the death might have
7 been prevented; and (iv) to report its findings to the
8 appropriate agencies and the Advisory Council and make
9 recommendations that may help to reduce the number of at-risk
10 adult deaths caused by abuse and neglect and that may help to
11 improve the investigations of deaths of at-risk adults and
12 increase prosecutions, if appropriate ~~persons 60 years of age~~
13 ~~or older.~~

14 (b-5) Each such team shall be composed of representatives
15 of entities and individuals including, but not limited to: (i)
16 the Department on Aging, (ii) coroners or medical examiners
17 (or both), (iii) State's Attorneys, (iv) local police
18 departments, (v) forensic units, (vi) local health
19 departments, (vii) a social service or health care agency that
20 provides services to persons with mental illness, in a program
21 whose accreditation to provide such services is recognized by
22 the Division of Mental Health within the Department of Human
23 Services, (viii) a social service or health care agency that
24 provides services to persons with developmental disabilities,
25 in a program whose accreditation to provide such services is
26 recognized by the Division of Developmental Disabilities

1 within the Department of Human Services, (ix) a local hospital,
2 trauma center, or provider of emergency medicine; and (x)
3 providers of services eligible adults in domestic living
4 situations; and (xi) a physician, psychiatrist, or other health
5 care provider knowledgeable about abuse and neglect of at-risk
6 adults for persons 60 years of age or older in domestic living
7 situations.

8 (c) A review team shall review cases of deaths of at-risk
9 adults occurring in its planning and service area ~~persons 60~~
10 ~~years of age or older in domestic living situations~~ (i)
11 involving blunt force trauma or an undetermined manner or
12 suspicious cause of death, (ii) if requested by the deceased's
13 attending physician or an emergency room physician, (iii) upon
14 referral by a health care provider, (iv) upon referral by a
15 coroner or medical examiner, (v) ~~or (iv)~~ constituting an open
16 or closed case from an adult ~~a senior~~ protective services
17 agency, law enforcement agency, ~~or~~ State's Attorney's office,
18 or the Department of Human Services Office of the Inspector
19 General that involves alleged or suspected abuse, neglect, or
20 financial exploitation; or (vi) upon referral by a law
21 enforcement agency or State's Attorney's Office. If such a
22 death occurs in a planning and service area where a review team
23 has not yet been established, the Director shall request that
24 the Advisory Council or another review team review that death.
25 A team may also review ~~other cases of~~ deaths of at-risk adults
26 ~~persons 60 years of age or older~~ if the alleged abuse or

1 neglect occurred while the person was residing in a domestic
2 living situation.

3 A review team shall meet not less than 6 times a year to
4 discuss cases for its possible review. Each review team, with
5 the advice and consent of the Department, shall establish
6 criteria to be used ~~by review teams~~ in discussing cases of
7 alleged, suspected, or substantiated abuse or neglect for
8 review and shall conduct its activities in accordance with any
9 applicable policies and procedures established by the
10 Department.

11 (c-5) The Illinois At-Risk Adult Fatality Review Teams
12 Advisory Council, consisting of one member from each review
13 team in Illinois, is the coordinating and oversight body for
14 review teams and activities in Illinois. The Director may
15 appoint to the Advisory Council any ex-officio members deemed
16 necessary. Persons with expertise needed by the Advisory
17 Council may be invited to meetings. The Advisory Council must
18 select from its members a chairperson and a vice-chairperson,
19 each to serve a 2-year term. The chairperson or
20 vice-chairperson may be selected to serve additional,
21 subsequent terms. The Advisory Council must meet at least 4
22 times during each calendar year.

23 The Department may provide or arrange for the staff support
24 necessary for the Advisory Council to carry out its duties. The
25 Director, in cooperation and consultation with the Advisory
26 Council, shall appoint, reappoint, and remove review team

1 members.

2 The Advisory Council has, but is not limited to, the
3 following duties:

4 (i) To serve as the voice of review teams in Illinois.

5 (ii) To oversee the review teams in order to ensure
6 that the review teams' work is coordinated and in
7 compliance with State statutes and the operating protocol.

8 (iii) To ensure that the data, results, findings, and
9 recommendations of the review teams are adequately used in
10 a timely manner to make any necessary changes to the
11 policies, procedures, and State statutes in order to
12 protect at-risk adults.

13 (iv) To collaborate with the Department in order to
14 develop any legislation needed to prevent unnecessary
15 deaths of at-risk adults.

16 (v) To ensure that the review teams' review processes
17 are standardized in order to convey data, findings, and
18 recommendations in a usable format.

19 (vi) To serve as a link with review teams throughout
20 the country and to participate in national review team
21 activities.

22 (vii) To provide the review teams with the most current
23 information and practices concerning at-risk adult death
24 review and related topics.

25 (viii) To perform any other functions necessary to
26 enhance the capability of the review teams to reduce and

1 prevent at-risk adult fatalities.

2 The Advisory Council may prepare an annual report, in
3 consultation with the Department, using aggregate data
4 gathered by review teams and using the review teams'
5 recommendations to develop education, prevention, prosecution,
6 or other strategies designed to improve the coordination of
7 services for at-risk adults and their families.

8 In any instance when a review team does not operate in
9 accordance with established protocol, the Director, in
10 consultation and cooperation with the Advisory Council, must
11 take any necessary actions to bring the review team into
12 compliance with the protocol.

13 (d) Any document or oral or written communication shared
14 within or produced by the a review team relating to a case
15 discussed or reviewed by the review team is confidential and is
16 not admissible as evidence in any civil or criminal proceeding,
17 except for use by a State's Attorney's office in prosecuting a
18 criminal case against a caregiver. Those records and
19 information are, however, subject to discovery or subpoena, and
20 are admissible as evidence, to the extent they are otherwise
21 available to the public. ~~subject to disclosure to or~~
22 ~~discoverable by another party.~~

23 Any document or oral or written communication provided to a
24 review team by an individual or entity, and created by that
25 individual or entity solely for the use of the review team, is
26 confidential, and is not subject to disclosure to or

1 discoverable by another party, and is not admissible as
2 evidence in any civil or criminal proceeding, except for use by
3 a State's Attorney's office in prosecuting a criminal case
4 against a caregiver. Those records and information are,
5 however, subject to discovery or subpoena, and are admissible
6 as evidence, to the extent they are otherwise available to the
7 public.

8 Each entity or individual represented on the ~~an elder~~ abuse
9 fatality review team may share with other members of the team
10 information in the entity's or individual's possession
11 concerning the decedent who is the subject of the review or
12 concerning any person who was in contact with the decedent, as
13 well as any other information deemed by the entity or
14 individual to be pertinent to the review. Any such information
15 shared by an entity or individual with other members of the
16 review ~~a~~ team is confidential. The intent of this paragraph is
17 to permit the disclosure to members of the review ~~a~~ team of any
18 information deemed confidential or privileged or prohibited
19 from disclosure by any other provision of law. Release of
20 confidential communication between domestic violence advocates
21 and a domestic violence victim shall follow subsection (d) of
22 Section 227 of the Illinois Domestic Violence Act of 1986 which
23 allows for the waiver of privilege afforded to guardians,
24 executors, or administrators of the estate of the domestic
25 violence victim. This provision relating to the release of
26 confidential communication between domestic violence advocates

1 and a domestic violence victim shall exclude adult protective
2 service providers.

3 A coroner's or medical examiner's office may share with the
4 ~~a~~ review team medical records that have been made available to
5 the coroner's or medical examiner's office in connection with
6 that office's investigation of a death.

7 Members of a review team and the Advisory Council are not
8 subject to examination, in any civil or criminal proceeding,
9 concerning information presented to members of the review team
10 or the Advisory Council or opinions formed by members of the
11 review team or the Advisory Council based on that information.
12 A person may, however, be examined concerning information
13 provided to a review team or the Advisory Commission.

14 (d-5) Meetings of the review teams and the Advisory Council
15 may be closed to the public under the Open Meetings Act.
16 Records and information provided to a review team and the
17 Advisory Council, and records maintained by a team or the
18 Advisory Council, are exempt from release under the Freedom of
19 Information Act.

20 (e) A review team's recommendation in relation to a case
21 discussed or reviewed by the review team, including, but not
22 limited to, a recommendation concerning an investigation or
23 prosecution ~~in relation to such a case~~, may be disclosed by the
24 review team upon the completion of its review and at the
25 discretion of a majority of its members who reviewed the case.

26 (e-5) The State shall indemnify and hold harmless members

1 of a review team and the Advisory Council for all their acts,
2 omissions, decisions, or other conduct arising out of the scope
3 of their service on the review team or Advisory Council, except
4 those involving willful or wanton misconduct. The method of
5 providing indemnification shall be as provided in the State
6 Employee Indemnification Act.

7 (f) The Department, in consultation with coroners, medical
8 examiners, and law enforcement agencies, shall use aggregate
9 data gathered by and ~~review teams and review teams'~~
10 recommendations from the Advisory Council and the review teams
11 to create an annual report and may use those data and
12 recommendations to develop education, prevention, prosecution,
13 or other strategies designed to improve the coordination of
14 services for at-risk adults ~~persons 60 years of age or older~~
15 and their families. The Department or other State or county
16 agency, in consultation with coroners, medical examiners, and
17 law enforcement agencies, also may use aggregate data gathered
18 by the review teams to create a database of at-risk
19 individuals.

20 (g) The Department shall adopt such rules and regulations
21 as it deems necessary to implement this Section.

22 (Source: P.A. 95-402, eff. 6-1-08.)

23 (320 ILCS 20/15.5 new)

24 Sec. 15.5. Independent monitor. Subject to appropriation,
25 to ensure the effectiveness and accountability of the adult

1 protective services system, the agency designated by the
2 Governor under Section 1 of the Protection and Advocacy for
3 Developmentally Disabled Persons Act shall monitor the system
4 and provide to the Department review and evaluation of the
5 system in accordance with administrative rules promulgated by
6 the Department.

7 Section 25. The Code of Criminal Procedure of 1963 is
8 amended by changing Sections 114-13.5 and 115-10.3 as follows:

9 (725 ILCS 5/114-13.5)

10 Sec. 114-13.5. Evidence deposition; elder abuse. In a
11 prosecution for abuse, neglect, or financial exploitation of an
12 eligible adult as defined in the Adult Protective Services Act
13 ~~Elder Abuse and Neglect Act~~, the eligible adult may give
14 testimony in the form of an evidence deposition and not be
15 required to appear in court to testify.

16 (Source: P.A. 93-301, eff. 1-1-04.)

17 (725 ILCS 5/115-10.3)

18 Sec. 115-10.3. Hearsay exception regarding elder adults.

19 (a) In a prosecution for a physical act, abuse, neglect, or
20 financial exploitation perpetrated upon or against an eligible
21 adult, as defined in the Adult Protective Services Act ~~Elder~~
22 ~~Abuse and Neglect Act~~, who has been diagnosed by a physician to
23 suffer from (i) any form of dementia, developmental disability,

1 or other form of mental incapacity or (ii) any physical
2 infirmity, including but not limited to prosecutions for
3 violations of Sections 10-1, 10-2, 10-3, 10-3.1, 10-4, 11-1.20,
4 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-11, 12-1, 12-2, 12-3,
5 12-3.05, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.5, 12-4.6,
6 12-4.7, 12-5, 12-6, 12-7.3, 12-7.4, 12-11, 12-11.1, 12-13,
7 12-14, 12-15, 12-16, 12-21, 16-1, 16-1.3, 17-1, 17-3, 17-56,
8 18-1, 18-2, 18-3, 18-4, 18-5, 18-6, 19-6, 20-1.1, 24-1.2, and
9 33A-2, or subsection (b) of Section 12-4.4a, ~~or subsection (a)~~
10 ~~of Section 17-32, of the Criminal Code of 1961 or the Criminal~~
11 Code of 2012, the following evidence shall be admitted as an
12 exception to the hearsay rule:

13 (1) testimony by an eligible adult, of an out of court
14 statement made by the eligible adult, that he or she
15 complained of such act to another; and

16 (2) testimony of an out of court statement made by the
17 eligible adult, describing any complaint of such act or
18 matter or detail pertaining to any act which is an element
19 of an offense which is the subject of a prosecution for a
20 physical act, abuse, neglect, or financial exploitation
21 perpetrated upon or against the eligible adult.

22 (b) Such testimony shall only be admitted if:

23 (1) The court finds in a hearing conducted outside the
24 presence of the jury that the time, content, and
25 circumstances of the statement provide sufficient
26 safeguards of reliability; and

1 (2) The eligible adult either:

2 (A) testifies at the proceeding; or

3 (B) is unavailable as a witness and there is
4 corroborative evidence of the act which is the subject
5 of the statement.

6 (c) If a statement is admitted pursuant to this Section,
7 the court shall instruct the jury that it is for the jury to
8 determine the weight and credibility to be given the statement
9 and that, in making the determination, it shall consider the
10 condition of the eligible adult, the nature of the statement,
11 the circumstances under which the statement was made, and any
12 other relevant factor.

13 (d) The proponent of the statement shall give the adverse
14 party reasonable notice of his or her intention to offer the
15 statement and the particulars of the statement.

16 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;
17 96-1551, Article 2, Section 1040, eff. 7-1-11; 96-1551, Article
18 10, Section 10-145, eff. 7-1-11; 97-1108, eff. 1-1-13; 97-1109,
19 eff. 1-1-13; 97-1150, eff. 1-25-13.)

20 Section 30. The Code of Civil Procedure is amended by
21 changing Section 8-2701 as follows:

22 (735 ILCS 5/8-2701)

23 Sec. 8-2701. Admissibility of evidence; out of court
24 statements; elder abuse.

1 (a) An out of court statement made by an eligible adult, as
2 defined in the Adult Protective Services Act ~~Elder Abuse and~~
3 ~~Neglect Act~~, who has been diagnosed by a physician to suffer
4 from (i) any form of dementia, developmental disability, or
5 other form of mental incapacity or (ii) any physical infirmity
6 which prevents the eligible adult's appearance in court,
7 describing any act of elder abuse, neglect, or financial
8 exploitation, or testimony by an eligible adult of an out of
9 court statement made by the eligible adult that he or she
10 complained of such acts to another, is admissible in any civil
11 proceeding, if:

12 (1) the court conducts a hearing outside the presence
13 of the jury and finds that the time, content, and
14 circumstances of the statement provide sufficient
15 safeguards of reliability; and

16 (2) the eligible adult either:

17 (A) testifies at the proceeding; or

18 (B) is unavailable as a witness and there is
19 corroborative evidence of the act which is the subject
20 of the statement.

21 (b) If a statement is admitted pursuant to this Section,
22 the court shall instruct the jury that it is for the jury to
23 determine the weight and credibility to be given to the
24 statement and that, in making its determination, it shall
25 consider the condition of the eligible adult, the nature of the
26 statement, the circumstances under which the statement was

1 made, and any other relevant factors.

2 (c) The proponent of the statement shall give the adverse
3 party reasonable notice of an intention to offer the statement
4 and the particulars of the statement.

5 (Source: P.A. 90-628, eff. 1-1-99.)

6 Section 35. The Probate Act of 1975 is amended by changing
7 Section 11a-10 as follows:

8 (755 ILCS 5/11a-10) (from Ch. 110 1/2, par. 11a-10)

9 Sec. 11a-10. Procedures preliminary to hearing.

10 (a) Upon the filing of a petition pursuant to Section
11 11a-8, the court shall set a date and place for hearing to take
12 place within 30 days. The court shall appoint a guardian ad
13 litem to report to the court concerning the respondent's best
14 interests consistent with the provisions of this Section,
15 except that the appointment of a guardian ad litem shall not be
16 required when the court determines that such appointment is not
17 necessary for the protection of the respondent or a reasonably
18 informed decision on the petition. If the guardian ad litem is
19 not a licensed attorney, he or she shall be qualified, by
20 training or experience, to work with or advocate for the
21 developmentally disabled, mentally ill, physically disabled,
22 the elderly, or persons disabled because of mental
23 deterioration, depending on the type of disability that is
24 alleged in the petition. The court may allow the guardian ad

1 litem reasonable compensation. The guardian ad litem may
2 consult with a person who by training or experience is
3 qualified to work with persons with a developmental disability,
4 persons with mental illness, or physically disabled persons, or
5 persons disabled because of mental deterioration, depending on
6 the type of disability that is alleged. The guardian ad litem
7 shall personally observe the respondent prior to the hearing
8 and shall inform him orally and in writing of the contents of
9 the petition and of his rights under Section 11a-11. The
10 guardian ad litem shall also attempt to elicit the respondent's
11 position concerning the adjudication of disability, the
12 proposed guardian, a proposed change in residential placement,
13 changes in care that might result from the guardianship, and
14 other areas of inquiry deemed appropriate by the court.
15 Notwithstanding any provision in the Mental Health and
16 Developmental Disabilities Confidentiality Act or any other
17 law, a guardian ad litem shall have the right to inspect and
18 copy any medical or mental health record of the respondent
19 which the guardian ad litem deems necessary, provided that the
20 information so disclosed shall not be utilized for any other
21 purpose nor be redisclosed except in connection with the
22 proceedings. At or before the hearing, the guardian ad litem
23 shall file a written report detailing his or her observations
24 of the respondent, the responses of the respondent to any of
25 the inquires detailed in this Section, the opinion of the
26 guardian ad litem or other professionals with whom the guardian

1 ad litem consulted concerning the appropriateness of
2 guardianship, and any other material issue discovered by the
3 guardian ad litem. The guardian ad litem shall appear at the
4 hearing and testify as to any issues presented in his or her
5 report.

6 (b) The court (1) may appoint counsel for the respondent,
7 if the court finds that the interests of the respondent will be
8 best served by the appointment, and (2) shall appoint counsel
9 upon respondent's request or if the respondent takes a position
10 adverse to that of the guardian ad litem. The respondent shall
11 be permitted to obtain the appointment of counsel either at the
12 hearing or by any written or oral request communicated to the
13 court prior to the hearing. The summons shall inform the
14 respondent of this right to obtain appointed counsel. The court
15 may allow counsel for the respondent reasonable compensation.

16 (c) If the respondent is unable to pay the fee of the
17 guardian ad litem or appointed counsel, or both, the court may
18 enter an order for the petitioner to pay all such fees or such
19 amounts as the respondent or the respondent's estate may be
20 unable to pay. However, in cases where the Office of State
21 Guardian is the petitioner, consistent with Section 30 of the
22 Guardianship and Advocacy Act, where the public guardian is the
23 petitioner, consistent with Section 13-5 of the Probate Act of
24 1975, where an adult protective services ~~elder abuse provider~~
25 agency is the petitioner, pursuant to Section 9 of the Adult
26 Protective Services Act ~~Elder Abuse and Neglect Act~~, or where

1 ~~the Department of Human Services Office of Inspector General is~~
2 ~~the petitioner, consistent with Section 45 of the Abuse of~~
3 ~~Adults with Disabilities Intervention Act, no guardian ad litem~~
4 or legal fees shall be assessed against the Office of State
5 Guardian, the public guardian, or the adult protective services
6 agency ~~the elder abuse provider agency, or the Department of~~
7 ~~Human Services Office of Inspector General.~~

8 (d) The hearing may be held at such convenient place as the
9 court directs, including at a facility in which the respondent
10 resides.

11 (e) Unless he is the petitioner, the respondent shall be
12 personally served with a copy of the petition and a summons not
13 less than 14 days before the hearing. The summons shall be
14 printed in large, bold type and shall include the following
15 notice:

16 NOTICE OF RIGHTS OF RESPONDENT

17 You have been named as a respondent in a guardianship
18 petition asking that you be declared a disabled person. If the
19 court grants the petition, a guardian will be appointed for
20 you. A copy of the guardianship petition is attached for your
21 convenience.

22 The date and time of the hearing are:

23 The place where the hearing will occur is:

24 The Judge's name and phone number is:

25 If a guardian is appointed for you, the guardian may be
26 given the right to make all important personal decisions for

1 you, such as where you may live, what medical treatment you may
2 receive, what places you may visit, and who may visit you. A
3 guardian may also be given the right to control and manage your
4 money and other property, including your home, if you own one.
5 You may lose the right to make these decisions for yourself.

6 You have the following legal rights:

7 (1) You have the right to be present at the court
8 hearing.

9 (2) You have the right to be represented by a lawyer,
10 either one that you retain, or one appointed by the Judge.

11 (3) You have the right to ask for a jury of six persons
12 to hear your case.

13 (4) You have the right to present evidence to the court
14 and to confront and cross-examine witnesses.

15 (5) You have the right to ask the Judge to appoint an
16 independent expert to examine you and give an opinion about
17 your need for a guardian.

18 (6) You have the right to ask that the court hearing be
19 closed to the public.

20 (7) You have the right to tell the court whom you
21 prefer to have for your guardian.

22 You do not have to attend the court hearing if you do not
23 want to be there. If you do not attend, the Judge may appoint a
24 guardian if the Judge finds that a guardian would be of benefit
25 to you. The hearing will not be postponed or canceled if you do
26 not attend.

1 IT IS VERY IMPORTANT THAT YOU ATTEND THE HEARING IF YOU DO
2 NOT WANT A GUARDIAN OR IF YOU WANT SOMEONE OTHER THAN THE
3 PERSON NAMED IN THE GUARDIANSHIP PETITION TO BE YOUR GUARDIAN.
4 IF YOU DO NOT WANT A GUARDIAN OF IF YOU HAVE ANY OTHER
5 PROBLEMS, YOU SHOULD CONTACT AN ATTORNEY OR COME TO COURT AND
6 TELL THE JUDGE.

7 Service of summons and the petition may be made by a
8 private person 18 years of age or over who is not a party to the
9 action.

10 (f) Notice of the time and place of the hearing shall be
11 given by the petitioner by mail or in person to those persons,
12 including the proposed guardian, whose names and addresses
13 appear in the petition and who do not waive notice, not less
14 than 14 days before the hearing.

15 (Source: P.A. 96-1052, eff. 7-14-10; 97-375, eff. 8-15-11;
16 97-1095, eff. 8-24-12.)

17 Section 40. The Illinois Power of Attorney Act is amended
18 by changing Sections 2-7 and 2-10 as follows:

19 (755 ILCS 45/2-7) (from Ch. 110 1/2, par. 802-7)

20 Sec. 2-7. Duty - standard of care - record-keeping -
21 exoneration.

22 (a) The agent shall be under no duty to exercise the powers
23 granted by the agency or to assume control of or responsibility
24 for any of the principal's property, care or affairs,

1 regardless of the principal's physical or mental condition.
2 Whenever a power is exercised, the agent shall act in good
3 faith for the benefit of the principal using due care,
4 competence, and diligence in accordance with the terms of the
5 agency and shall be liable for negligent exercise. An agent who
6 acts with due care for the benefit of the principal shall not
7 be liable or limited merely because the agent also benefits
8 from the act, has individual or conflicting interests in
9 relation to the property, care or affairs of the principal or
10 acts in a different manner with respect to the agency and the
11 agent's individual interests. The agent shall not be affected
12 by any amendment or termination of the agency until the agent
13 has actual knowledge thereof. The agent shall not be liable for
14 any loss due to error of judgment nor for the act or default of
15 any other person.

16 (b) An agent that has accepted appointment must act in
17 accordance with the principal's expectations to the extent
18 actually known to the agent and otherwise in the principal's
19 best interests.

20 (c) An agent shall keep a record of all receipts,
21 disbursements, and significant actions taken under the
22 authority of the agency and shall provide a copy of this record
23 when requested to do so by:

24 (1) the principal, a guardian, another fiduciary
25 acting on behalf of the principal, and, after the death of
26 the principal, the personal representative or successors

1 in interest of the principal's estate;

2 (2) a representative of a provider agency, as defined
3 in Section 2 of the Adult Protective Services Act ~~Elder~~
4 ~~Abuse and Neglect Act~~, acting in the course of an
5 assessment of a complaint of elder abuse or neglect under
6 that Act;

7 (3) a representative of the Office of the State Long
8 Term Care Ombudsman, acting in the course of an
9 investigation of a complaint of financial exploitation of a
10 nursing home resident under Section 4.04 of the Illinois
11 Act on the Aging;

12 (4) a representative of the Office of Inspector General
13 for the Department of Human Services, acting in the course
14 of an assessment of a complaint of financial exploitation
15 of an adult with disabilities pursuant to Section 35 of the
16 Abuse of Adults with Disabilities Intervention Act; or

17 (5) a court under Section 2-10 of this Act.

18 (d) If the agent fails to provide his or her record of all
19 receipts, disbursements, and significant actions within 21
20 days after a request under subsection (c), the adult ~~elder~~
21 abuse provider agency or the State Long Term Care Ombudsman may
22 petition the court for an order requiring the agent to produce
23 his or her record of receipts, disbursements, and significant
24 actions. If the court finds that the agent's failure to provide
25 his or her record in a timely manner to the adult ~~elder~~ abuse
26 provider agency or the State Long Term Care Ombudsman was

1 without good cause, the court may assess reasonable costs and
2 attorney's fees against the agent, and order such other relief
3 as is appropriate.

4 (e) An agent is not required to disclose receipts,
5 disbursements, or other significant actions conducted on
6 behalf of the principal except as otherwise provided in the
7 power of attorney or as required under subsection (c).

8 (f) An agent that violates this Act is liable to the
9 principal or the principal's successors in interest for the
10 amount required (i) to restore the value of the principal's
11 property to what it would have been had the violation not
12 occurred, and (ii) to reimburse the principal or the
13 principal's successors in interest for the attorney's fees and
14 costs paid on the agent's behalf. This subsection does not
15 limit any other applicable legal or equitable remedies.

16 (Source: P.A. 96-1195, eff. 7-1-11.)

17 (755 ILCS 45/2-10) (from Ch. 110 1/2, par. 802-10)

18 Sec. 2-10. Agency-court relationship.

19 (a) Upon petition by any interested person (including the
20 agent), with such notice to interested persons as the court
21 directs and a finding by the court that the principal lacks
22 either the capacity to control or the capacity to revoke the
23 agency, the court may construe a power of attorney, review the
24 agent's conduct, and grant appropriate relief including
25 compensatory damages.

1 (b) If the court finds that the agent is not acting for the
2 benefit of the principal in accordance with the terms of the
3 agency or that the agent's action or inaction has caused or
4 threatens substantial harm to the principal's person or
5 property in a manner not authorized or intended by the
6 principal, the court may order a guardian of the principal's
7 person or estate to exercise any powers of the principal under
8 the agency, including the power to revoke the agency, or may
9 enter such other orders without appointment of a guardian as
10 the court deems necessary to provide for the best interests of
11 the principal.

12 (c) If the court finds that the agency requires
13 interpretation, the court may construe the agency and instruct
14 the agent, but the court may not amend the agency.

15 (d) If the court finds that the agent has not acted for the
16 benefit of the principal in accordance with the terms of the
17 agency and the Illinois Power of Attorney Act, or that the
18 agent's action caused or threatened substantial harm to the
19 principal's person or property in a manner not authorized or
20 intended by the principal, then the agent shall not be
21 authorized to pay or be reimbursed from the estate of the
22 principal the attorneys' fees and costs of the agent in
23 defending a proceeding brought pursuant to this Section.

24 (e) Upon a finding that the agent's action has caused
25 substantial harm to the principal's person or property, the
26 court may assess against the agent reasonable costs and

1 attorney's fees to a prevailing party who is a provider agency
2 as defined in Section 2 of the Adult Protective Services Act
3 ~~Elder Abuse and Neglect Act~~, a representative of the Office of
4 the State Long Term Care Ombudsman, or a governmental agency
5 having regulatory authority to protect the welfare of the
6 principal.

7 (f) As used in this Section, the term "interested person"
8 includes (1) the principal or the agent; (2) a guardian of the
9 person, guardian of the estate, or other fiduciary charged with
10 management of the principal's property; (3) the principal's
11 spouse, parent, or descendant; (4) a person who would be a
12 presumptive heir-at-law of the principal; (5) a person named as
13 a beneficiary to receive any property, benefit, or contractual
14 right upon the principal's death, or as a beneficiary of a
15 trust created by or for the principal; (6) a provider agency as
16 defined in Section 2 of the Adult Protective Services Act ~~Elder~~
17 ~~Abuse and Neglect Act~~, a representative of the Office of the
18 State Long Term Care Ombudsman, or a governmental agency having
19 regulatory authority to protect the welfare of the principal;
20 and (7) the principal's caregiver or another person who
21 demonstrates sufficient interest in the principal's welfare.

22 (g) Absent court order directing a guardian to exercise
23 powers of the principal under the agency, a guardian will have
24 no power, duty or liability with respect to any property
25 subject to the agency or any personal or health care matters
26 covered by the agency.

1 (h) Proceedings under this Section shall be commenced in
2 the county where the guardian was appointed or, if no Illinois
3 guardian is acting, then in the county where the agent or
4 principal resides or where the principal owns real property.

5 (i) This Section shall not be construed to limit any other
6 remedies available.

7 (Source: P.A. 96-1195, eff. 7-1-11.)

8 Section 99. Effective date. This Act takes effect July 1,
9 2013.