



Sen. Mattie Hunter

Filed: 4/1/2014

09800SB0799sam002

LRB098 05009 KTG 57909 a

1 AMENDMENT TO SENATE BILL 799

2 AMENDMENT NO. _____. Amend Senate Bill 799 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Adult Protective Services Act is amended by
5 changing Section 2 as follows:

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

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

9 (a) "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

1 church or religious denomination.

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

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

8 (a-6) "Adult with disabilities" means a person aged 18
9 through 59 who resides in a domestic living situation and whose
10 disability impairs his or her ability to seek or obtain
11 protection from abuse, neglect, or exploitation.

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

17 (b) "Department" means the Department on Aging of the State
18 of Illinois.

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

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

25 (d) "Domestic living situation" means a residence where the
26 eligible adult at the time of the report lives alone or with

1 his or her family or a caregiver, or others, or other
2 community-based unlicensed facility, but is not:

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

5 (1.5) A facility licensed under the ID/DD Community
6 Care Act;

7 (1.7) A facility licensed under the Specialized Mental
8 Health Rehabilitation Act of 2013;

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

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

14 (4) A hospital, sanitarium, or other institution, the
15 principal activity or business of which is the diagnosis,
16 care, and treatment of human illness through the
17 maintenance and operation of organized facilities
18 therefor, which is required to be licensed under the
19 Hospital Licensing Act;

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

22 (6) (Blank);

23 (7) A "community-integrated living arrangement" as
24 defined in the Community-Integrated Living Arrangements
25 Licensure and Certification Act or a "community
26 residential alternative" as licensed under that Act;

1 (8) An assisted living or shared housing establishment
2 as defined in the Assisted Living and Shared Housing Act;
3 or

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

6 (e) "Eligible adult" means either an adult with
7 disabilities aged 18 through 59 or a person aged 60 or older
8 who resides in a domestic living situation and is, or is
9 alleged to be, abused, neglected, or financially exploited by
10 another individual or who neglects himself or herself.

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

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

19 (f-5) "Mandated reporter" means any of the following
20 persons while engaged in carrying out their professional
21 duties:

22 (1) a professional or professional's delegate while
23 engaged in: (i) social services, (ii) law enforcement,
24 (iii) education, (iv) the care of an eligible adult or
25 eligible adults, or (v) any of the occupations required to
26 be licensed under the Clinical Psychologist Licensing Act,

1 the Clinical Social Work and Social Work Practice Act, the
2 Illinois Dental Practice Act, the Dietitian Nutritionist
3 Practice Act, the Marriage and Family Therapy Licensing
4 Act, the Medical Practice Act of 1987, the Naprapathic
5 Practice Act, the Nurse Practice Act, the Nursing Home
6 Administrators Licensing and Disciplinary Act, the
7 Illinois Occupational Therapy Practice Act, the Illinois
8 Optometric Practice Act of 1987, the Pharmacy Practice Act,
9 the Illinois Physical Therapy Act, the Physician Assistant
10 Practice Act of 1987, the Podiatric Medical Practice Act of
11 1987, the Respiratory Care Practice Act, the Professional
12 Counselor and Clinical Professional Counselor Licensing
13 and Practice Act, the Illinois Speech-Language Pathology
14 and Audiology Practice Act, the Veterinary Medicine and
15 Surgery Practice Act of 2004, and the Illinois Public
16 Accounting Act;

17 (1.5) an employee of an entity providing developmental
18 disabilities services or service coordination funded by
19 the Department of Human Services;

20 (2) an employee of a vocational rehabilitation
21 facility prescribed or supervised by the Department of
22 Human Services;

23 (3) an administrator, employee, or person providing
24 services in or through an unlicensed community based
25 facility;

26 (4) any religious practitioner who provides treatment

1 by prayer or spiritual means alone in accordance with the
2 tenets and practices of a recognized church or religious
3 denomination, except as to information received in any
4 confession or sacred communication enjoined by the
5 discipline of the religious denomination to be held
6 confidential;

7 (5) field personnel of the Department of Healthcare and
8 Family Services, Department of Public Health, and
9 Department of Human Services, and any county or municipal
10 health department;

11 (6) personnel of the Department of Human Services, the
12 Guardianship and Advocacy Commission, the State Fire
13 Marshal, local fire departments, the Department on Aging
14 and its subsidiary Area Agencies on Aging and provider
15 agencies, and the Office of State Long Term Care Ombudsman;

16 (7) any employee of the State of Illinois not otherwise
17 specified herein who is involved in providing services to
18 eligible adults, including professionals providing medical
19 or rehabilitation services and all other persons having
20 direct contact with eligible adults;

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

23 (9) a person who performs the duties of a paramedic or
24 an emergency medical technician; or ~~-~~

25 (10) any employee or officer of a bank, credit union,
26 or savings institution operating in Illinois who has direct

1 customer contact through a face-to-face or telephonic
2 conversation.

3 (g) "Neglect" means another individual's failure to
4 provide an eligible adult with or willful withholding from an
5 eligible adult the necessities of life including, but not
6 limited to, food, clothing, shelter or health care. This
7 subsection does not create any new affirmative duty to provide
8 support to eligible adults. Nothing in this Act shall be
9 construed to mean that an eligible adult is a victim of neglect
10 because of health care services provided or not provided by
11 licensed health care professionals.

12 (h) "Provider agency" means any public or nonprofit agency
13 in a planning and service area that is selected by the
14 Department or appointed by the regional administrative agency
15 with prior approval by the Department on Aging to receive and
16 assess reports of alleged or suspected abuse, neglect, or
17 financial exploitation. A provider agency is also referenced as
18 a "designated agency" in this Act.

19 (i) "Regional administrative agency" means any public or
20 nonprofit agency in a planning and service area so designated
21 by the Department, provided that the designated Area Agency on
22 Aging shall be designated the regional administrative agency if
23 it so requests. The Department shall assume the functions of
24 the regional administrative agency for any planning and service
25 area where another agency is not so designated.

26 (i-5) "Self-neglect" means a condition that is the result

1 of an eligible adult's inability, due to physical or mental
2 impairments, or both, or a diminished capacity, to perform
3 essential self-care tasks that substantially threaten his or
4 her own health, including: providing essential food, clothing,
5 shelter, and health care; and obtaining goods and services
6 necessary to maintain physical health, mental health,
7 emotional well-being, and general safety. The term includes
8 compulsive hoarding, which is characterized by the acquisition
9 and retention of large quantities of items and materials that
10 produce an extensively cluttered living space, which
11 significantly impairs the performance of essential self-care
12 tasks or otherwise substantially threatens life or safety.

13 (j) "Substantiated case" means a reported case of alleged
14 or suspected abuse, neglect, financial exploitation, or
15 self-neglect in which a provider agency, after assessment,
16 determines that there is reason to believe abuse, neglect, or
17 financial exploitation has occurred.

18 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-300,
19 eff. 8-11-11; 97-706, eff. 6-25-12; 97-813, eff. 7-13-12;
20 97-1141, eff. 12-28-12; 98-49, eff. 7-1-13; 98-104, eff.
21 7-22-13; revised 9-19-13.)

22 Section 99. Effective date. This Act takes effect January
23 1, 2015."