



Sen. William R. Haine

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1 AMENDMENT TO SENATE BILL 1164

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1164, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

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

8 Section 5. Legislative findings. The General Assembly  
9 finds all of the following:

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

16 (b) Each of the investigatory agencies has its own hotline

1 to receive reports of abuse, neglect, financial exploitation,  
2 or self-neglect of the individuals and settings over which they  
3 have investigative authority.

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

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

20 Section 15. Committee responsibilities. The Committee  
21 shall carry out the following responsibilities:

22 (1) analyze the laws and regulations that establish the  
23 respective agency hotlines;

24 (2) evaluate the respective agency phone systems to

1 determine necessary technology changes for a centralized  
2 hotline;

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

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

7 (5) establish the manner in which the confidentiality of  
8 all complainant identities will be protected for purposes of  
9 any dissemination of records or other information outside  
10 agency personnel.

11 Section 20. Committee report. The Committee shall issue a  
12 report with its findings and recommendations together with a  
13 budget proposal within 6 months after the effective date of  
14 this Act.

15 Section 25. The Open Meetings Act is amended by changing  
16 Section 2 as follows:

17 (5 ILCS 120/2) (from Ch. 102, par. 42)

18 Sec. 2. Open meetings.

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

22 (b) Construction of exceptions. The exceptions contained  
23 in subsection (c) are in derogation of the requirement that

1 public bodies meet in the open, and therefore, the exceptions  
2 are to be strictly construed, extending only to subjects  
3 clearly within their scope. The exceptions authorize but do not  
4 require the holding of a closed meeting to discuss a subject  
5 included within an enumerated exception.

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

8 (1) The appointment, employment, compensation,  
9 discipline, performance, or dismissal of specific  
10 employees of the public body or legal counsel for the  
11 public body, including hearing testimony on a complaint  
12 lodged against an employee of the public body or against  
13 legal counsel for the public body to determine its  
14 validity.

15 (2) Collective negotiating matters between the public  
16 body and its employees or their representatives, or  
17 deliberations concerning salary schedules for one or more  
18 classes of employees.

19 (3) The selection of a person to fill a public office,  
20 as defined in this Act, including a vacancy in a public  
21 office, when the public body is given power to appoint  
22 under law or ordinance, or the discipline, performance or  
23 removal of the occupant of a public office, when the public  
24 body is given power to remove the occupant under law or  
25 ordinance.

26 (4) Evidence or testimony presented in open hearing, or

1 in closed hearing where specifically authorized by law, to  
2 a quasi-adjudicative body, as defined in this Act, provided  
3 that the body prepares and makes available for public  
4 inspection a written decision setting forth its  
5 determinative reasoning.

6 (5) The purchase or lease of real property for the use  
7 of the public body, including meetings held for the purpose  
8 of discussing whether a particular parcel should be  
9 acquired.

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

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

16 (8) Security procedures and the use of personnel and  
17 equipment to respond to an actual, a threatened, or a  
18 reasonably potential danger to the safety of employees,  
19 students, staff, the public, or public property.

20 (9) Student disciplinary cases.

21 (10) The placement of individual students in special  
22 education programs and other matters relating to  
23 individual students.

24 (11) Litigation, when an action against, affecting or  
25 on behalf of the particular public body has been filed and  
26 is pending before a court or administrative tribunal, or

1 when the public body finds that an action is probable or  
2 imminent, in which case the basis for the finding shall be  
3 recorded and entered into the minutes of the closed  
4 meeting.

5 (12) The establishment of reserves or settlement of  
6 claims as provided in the Local Governmental and  
7 Governmental Employees Tort Immunity Act, if otherwise the  
8 disposition of a claim or potential claim might be  
9 prejudiced, or the review or discussion of claims, loss or  
10 risk management information, records, data, advice or  
11 communications from or with respect to any insurer of the  
12 public body or any intergovernmental risk management  
13 association or self insurance pool of which the public body  
14 is a member.

15 (13) Conciliation of complaints of discrimination in  
16 the sale or rental of housing, when closed meetings are  
17 authorized by the law or ordinance prescribing fair housing  
18 practices and creating a commission or administrative  
19 agency for their enforcement.

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

24 (15) Professional ethics or performance when  
25 considered by an advisory body appointed to advise a  
26 licensing or regulatory agency on matters germane to the

1 advisory body's field of competence.

2 (16) Self evaluation, practices and procedures or  
3 professional ethics, when meeting with a representative of  
4 a statewide association of which the public body is a  
5 member.

6 (17) The recruitment, credentialing, discipline or  
7 formal peer review of physicians or other health care  
8 professionals for a hospital, or other institution  
9 providing medical care, that is operated by the public  
10 body.

11 (18) Deliberations for decisions of the Prisoner  
12 Review Board.

13 (19) Review or discussion of applications received  
14 under the Experimental Organ Transplantation Procedures  
15 Act.

16 (20) The classification and discussion of matters  
17 classified as confidential or continued confidential by  
18 the State Government Suggestion Award Board.

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

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

25 (23) The operation by a municipality of a municipal  
26 utility or the operation of a municipal power agency or

1 municipal natural gas agency when the discussion involves  
2 (i) contracts relating to the purchase, sale, or delivery  
3 of electricity or natural gas or (ii) the results or  
4 conclusions of load forecast studies.

5 (24) Meetings of a residential health care facility  
6 resident sexual assault and death review team or the  
7 Executive Council under the Abuse Prevention Review Team  
8 Act.

9 (25) Meetings of an independent team of experts under  
10 Brian's Law.

11 (26) Meetings of a mortality review team appointed  
12 under the Department of Juvenile Justice Mortality Review  
13 Team Act.

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



1 ~~disclosed and the legal basis for otherwise holding that~~  
2 ~~information confidential.~~

3 (28) Correspondence and records (i) that may not be  
4 disclosed under Section 11-9 of the Public Aid Code or (ii)  
5 that pertain to appeals under Section 11-8 of the Public  
6 Aid Code.

7 (29) Meetings between internal or external auditors  
8 and governmental audit committees, finance committees, and  
9 their equivalents, when the discussion involves internal  
10 control weaknesses, identification of potential fraud risk  
11 areas, known or suspected frauds, and fraud interviews  
12 conducted in accordance with generally accepted auditing  
13 standards of the United States of America.

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

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

19 "Employee" means a person employed by a public body whose  
20 relationship with the public body constitutes an  
21 employer-employee relationship under the usual common law  
22 rules, and who is not an independent contractor.

23 "Public office" means a position created by or under the  
24 Constitution or laws of this State, the occupant of which is  
25 charged with the exercise of some portion of the sovereign  
26 power of this State. The term "public office" shall include

1 members of the public body, but it shall not include  
2 organizational positions filled by members thereof, whether  
3 established by law or by a public body itself, that exist to  
4 assist the body in the conduct of its business.

5 "Quasi-adjudicative body" means an administrative body  
6 charged by law or ordinance with the responsibility to conduct  
7 hearings, receive evidence or testimony and make  
8 determinations based thereon, but does not include local  
9 electoral boards when such bodies are considering petition  
10 challenges.

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

15 (Source: P.A. 96-1235, eff. 1-1-11; 96-1378, eff. 7-29-10;  
16 96-1428, eff. 8-11-10; 97-318, eff. 1-1-12; 97-333, eff.  
17 8-12-11; 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876,  
18 eff. 8-1-12.)

19 Section 30. The Freedom of Information Act is amended by  
20 changing Section 7.5 as follows:

21 (5 ILCS 140/7.5)

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

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

3 (b) Library circulation and order records identifying  
4 library users with specific materials under the Library Records  
5 Confidentiality Act.

6 (c) Applications, related documents, and medical records  
7 received by the Experimental Organ Transplantation Procedures  
8 Board and any and all documents or other records prepared by  
9 the Experimental Organ Transplantation Procedures Board or its  
10 staff relating to applications it has received.

11 (d) Information and records held by the Department of  
12 Public Health and its authorized representatives relating to  
13 known or suspected cases of sexually transmissible disease or  
14 any information the disclosure of which is restricted under the  
15 Illinois Sexually Transmissible Disease Control Act.

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

18 (f) Firm performance evaluations under Section 55 of the  
19 Architectural, Engineering, and Land Surveying Qualifications  
20 Based Selection Act.

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

23 (h) Information the disclosure of which is exempted under  
24 the State Officials and Employees Ethics Act, and records of  
25 any lawfully created State or local inspector general's office  
26 that would be exempt if created or obtained by an Executive

1 Inspector General's office under that Act.

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

6 (j) Information and data concerning the distribution of  
7 surcharge moneys collected and remitted by wireless carriers  
8 under the Wireless Emergency Telephone Safety Act.

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

13 (l) Records and information provided to a residential  
14 health care facility resident sexual assault and death review  
15 team or the Executive Council under the Abuse Prevention Review  
16 Team Act.

17 (m) Information provided to the predatory lending database  
18 created pursuant to Article 3 of the Residential Real Property  
19 Disclosure Act, except to the extent authorized under that  
20 Article.

21 (n) Defense budgets and petitions for certification of  
22 compensation and expenses for court appointed trial counsel as  
23 provided under Sections 10 and 15 of the Capital Crimes  
24 Litigation Act. This subsection (n) shall apply until the  
25 conclusion of the trial of the case, even if the prosecution  
26 chooses not to pursue the death penalty prior to trial or

1 sentencing.

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

5 (p) Security portions of system safety program plans,  
6 investigation reports, surveys, schedules, lists, data, or  
7 information compiled, collected, or prepared by or for the  
8 Regional Transportation Authority under Section 2.11 of the  
9 Regional Transportation Authority Act or the St. Clair County  
10 Transit District under the Bi-State Transit Safety Act.

11 (q) Information prohibited from being disclosed by the  
12 Personnel Records Review Act.

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

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

17 (t) All identified or deidentified health information in  
18 the form of health data or medical records contained in, stored  
19 in, submitted to, transferred by, or released from the Illinois  
20 Health Information Exchange, and identified or deidentified  
21 health information in the form of health data and medical  
22 records of the Illinois Health Information Exchange in the  
23 possession of the Illinois Health Information Exchange  
24 Authority due to its administration of the Illinois Health  
25 Information Exchange. The terms "identified" and  
26 "deidentified" shall be given the same meaning as in the Health

1 Insurance Accountability and Portability Act of 1996, Public  
2 Law 104-191, or any subsequent amendments thereto, and any  
3 regulations promulgated thereunder.

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

6 (v) Names and information of people who have applied for or  
7 received Firearm Owner's Identification Cards under the  
8 Firearm Owners Identification Card Act.

9 (w) Personally identifiable information which is exempted  
10 from disclosure under subsection (g) of Section 19.1 of the  
11 Toll Highway Act.

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

15 (y) Confidential information under the Adult Protective  
16 Services Act and its predecessor enabling statute, the Elder  
17 Abuse and Neglect Act, including information about the identity  
18 and administrative finding against any caregiver of a verified  
19 and substantiated decision of significant abuse, neglect, or  
20 financial exploitation of an eligible adult maintained in the  
21 Department of Public Health's Health Care Worker Registry.

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

26 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;

1 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.  
2 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,  
3 eff. 1-1-13.)

4 Section 35. The State Employee Indemnification Act is  
5 amended by changing Section 1 as follows:

6 (5 ILCS 350/1) (from Ch. 127, par. 1301)

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

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

19 (b) The term "employee" means any present or former elected  
20 or appointed officer, trustee or employee of the State, or of a  
21 pension fund, any present or former commissioner or employee of  
22 the Executive Ethics Commission or of the Legislative Ethics  
23 Commission, any present or former Executive, Legislative, or  
24 Auditor General's Inspector General, any present or former

1 employee of an Office of an Executive, Legislative, or Auditor  
2 General's Inspector General, any present or former member of  
3 the Illinois National Guard while on active duty, individuals  
4 or organizations who contract with the Department of  
5 Corrections, the Comprehensive Health Insurance Board, or the  
6 Department of Veterans' Affairs to provide services,  
7 individuals or organizations who contract with the Department  
8 of Human Services (as successor to the Department of Mental  
9 Health and Developmental Disabilities) to provide services  
10 including but not limited to treatment and other services for  
11 sexually violent persons, individuals or organizations who  
12 contract with the Department of Military Affairs for youth  
13 programs, individuals or organizations who contract to perform  
14 carnival and amusement ride safety inspections for the  
15 Department of Labor, individual representatives of or  
16 designated organizations authorized to represent the Office of  
17 State Long-Term Ombudsman for the Department on Aging,  
18 individual representatives of or organizations designated by  
19 the Department on Aging in the performance of their duties as  
20 adult protective services ~~elder abuse provider~~ agencies or  
21 regional administrative agencies under the Adult Protective  
22 Services Act ~~Elder Abuse and Neglect Act~~, individuals or  
23 organizations who perform volunteer services for the State  
24 where such volunteer relationship is reduced to writing,  
25 individuals who serve on any public entity (whether created by  
26 law or administrative action) described in paragraph (a) of



1 this Section, individuals or not for profit organizations who,  
2 either as volunteers, where such volunteer relationship is  
3 reduced to writing, or pursuant to contract, furnish  
4 professional advice or consultation to any agency or  
5 instrumentality of the State, individuals who serve as foster  
6 parents for the Department of Children and Family Services when  
7 caring for a Department ward, individuals who serve as members  
8 of an independent team of experts under Brian's Law, and  
9 individuals who serve as arbitrators pursuant to Part 10A of  
10 Article II of the Code of Civil Procedure and the rules of the  
11 Supreme Court implementing Part 10A, each as now or hereafter  
12 amended, but does not mean an independent contractor except as  
13 provided in this Section. The term includes an individual  
14 appointed as an inspector by the Director of State Police when  
15 performing duties within the scope of the activities of a  
16 Metropolitan Enforcement Group or a law enforcement  
17 organization established under the Intergovernmental  
18 Cooperation Act. An individual who renders professional advice  
19 and consultation to the State through an organization which  
20 qualifies as an "employee" under the Act is also an employee.  
21 The term includes the estate or personal representative of an  
22 employee.

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

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

1           Section 40. The Illinois Act on the Aging is amended by  
2 changing Section 4.01 as follows:

3           (20 ILCS 105/4.01) (from Ch. 23, par. 6104.01)

4           Sec. 4.01. Additional powers and duties of the Department.  
5 In addition to powers and duties otherwise provided by law, the  
6 Department shall have the following powers and duties:

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

11           (2) To coordinate and evaluate all programs, services, and  
12 facilities for the Aging and for minority senior citizens  
13 presently furnished by State agencies and make appropriate  
14 recommendations regarding such services, programs and  
15 facilities to the Governor and/or the General Assembly.

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

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

1           (5) To solicit, accept, hold, and administer in behalf of  
2 the State any grants or legacies of money, securities, or  
3 property to the State of Illinois for services to senior  
4 citizens and minority senior citizens or purposes related  
5 thereto.

6           (6) To provide consultation and assistance to communities,  
7 area agencies on aging, and groups developing local services  
8 for senior citizens and minority senior citizens.

9           (7) To promote community education regarding the problems  
10 of senior citizens and minority senior citizens through  
11 institutes, publications, radio, television and the local  
12 press.

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

17           (9) To establish and maintain information and referral  
18 sources throughout the State when not provided by other  
19 agencies.

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

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

24           (12) To establish and fund programs or projects or  
25 experimental facilities that are specially designed as  
26 alternatives to institutional care.

1           (13) To develop a training program to train the counselors  
2 presently employed by the Department's aging network to provide  
3 Medicare beneficiaries with counseling and advocacy in  
4 Medicare, private health insurance, and related health care  
5 coverage plans. The Department shall report to the General  
6 Assembly on the implementation of the training program on or  
7 before December 1, 1986.

8           (14) To make a grant to an institution of higher learning  
9 to study the feasibility of establishing and implementing an  
10 affirmative action employment plan for the recruitment,  
11 hiring, training and retraining of persons 60 or more years old  
12 for jobs for which their employment would not be precluded by  
13 law.

14           (15) To present one award annually in each of the  
15 categories of community service, education, the performance  
16 and graphic arts, and the labor force to outstanding Illinois  
17 senior citizens and minority senior citizens in recognition of  
18 their individual contributions to either community service,  
19 education, the performance and graphic arts, or the labor  
20 force. The awards shall be presented to 4 senior citizens and  
21 minority senior citizens selected from a list of 44 nominees  
22 compiled annually by the Department. Nominations shall be  
23 solicited from senior citizens' service providers, area  
24 agencies on aging, senior citizens' centers, and senior  
25 citizens' organizations. The Department shall establish a  
26 central location within the State to be designated as the

1 Senior Illinoisans Hall of Fame for the public display of all  
2 the annual awards, or replicas thereof.

3 (16) To establish multipurpose senior centers through area  
4 agencies on aging and to fund those new and existing  
5 multipurpose senior centers through area agencies on aging, the  
6 establishment and funding to begin in such areas of the State  
7 as the Department shall designate by rule and as specifically  
8 appropriated funds become available.

9 (17) To develop the content and format of the  
10 acknowledgment regarding non-recourse reverse mortgage loans  
11 under Section 6.1 of the Illinois Banking Act; to provide  
12 independent consumer information on reverse mortgages and  
13 alternatives; and to refer consumers to independent counseling  
14 services with expertise in reverse mortgages.

15 (18) To develop a pamphlet in English and Spanish which may  
16 be used by physicians licensed to practice medicine in all of  
17 its branches pursuant to the Medical Practice Act of 1987,  
18 pharmacists licensed pursuant to the Pharmacy Practice Act, and  
19 Illinois residents 65 years of age or older for the purpose of  
20 assisting physicians, pharmacists, and patients in monitoring  
21 prescriptions provided by various physicians and to aid persons  
22 65 years of age or older in complying with directions for  
23 proper use of pharmaceutical prescriptions. The pamphlet may  
24 provide space for recording information including but not  
25 limited to the following:

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

1           (b) name and telephone number of the prescribing  
2           physician;

3           (c) date of prescription;

4           (d) name of drug prescribed;

5           (e) directions for patient compliance; and

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

7           In developing the pamphlet, the Department shall consult  
8           with the Illinois State Medical Society, the Center for  
9           Minority Health Services, the Illinois Pharmacists Association  
10          and senior citizens organizations. The Department shall  
11          distribute the pamphlets to physicians, pharmacists and  
12          persons 65 years of age or older or various senior citizen  
13          organizations throughout the State.

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

16          (20) The reimbursement rates paid through the community  
17          care program for chore housekeeping services and home care  
18          aides shall be the same.

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

26          (22) To distribute, through its area agencies on aging,

1 information alerting seniors on safety issues regarding  
2 emergency weather conditions, including extreme heat and cold,  
3 flooding, tornadoes, electrical storms, and other severe storm  
4 weather. The information shall include all necessary  
5 instructions for safety and all emergency telephone numbers of  
6 organizations that will provide additional information and  
7 assistance.

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

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

21 (b) types of services to be received upon the  
22 redemption of service credits;

23 (c) issues of liability for the volunteers and the  
24 administering organizations;

25 (d) methods of tracking service credits earned and  
26 service credits redeemed;

1 (e) issues of time limits for redemption of service  
2 credits;

3 (f) methods of recruitment of volunteers;

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

7 (h) accountability and assurance that services will be  
8 available to individuals who have earned service credits;  
9 and

10 (i) volunteer screening and qualifications.

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

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

17 (Source: P.A. 95-298, eff. 8-20-07; 95-689, eff. 10-29-07;  
18 95-876, eff. 8-21-08; 96-918, eff. 6-9-10.)

19 Section 45. The Department of Human Services Act is amended  
20 by changing Section 1-17 as follows:

21 (20 ILCS 1305/1-17)

22 Sec. 1-17. Inspector General.

23 (a) Nature and purpose. It is the express intent of the  
24 General Assembly to ensure the health, safety, and financial



1 condition of individuals receiving services in this State due  
2 to mental illness, developmental disability, or both by  
3 protecting those persons from acts of abuse, neglect, or both  
4 by service providers. To that end, the Office of the Inspector  
5 General for the Department of Human Services is created to  
6 investigate and report upon allegations of the abuse, neglect,  
7 or financial exploitation of individuals receiving services  
8 within mental health facilities, developmental disabilities  
9 facilities, and community agencies operated, licensed, funded  
10 or certified by the Department of Human Services, but not  
11 licensed or certified by any other State agency. ~~It is also the~~  
12 ~~express intent of the General Assembly to authorize the~~  
13 ~~Inspector General to investigate alleged or suspected cases of~~  
14 ~~abuse, neglect, or financial exploitation of adults with~~  
15 ~~disabilities living in domestic settings in the community under~~  
16 ~~the Abuse of Adults with Disabilities Intervention Act.~~

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

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

26 "Agency" or "community agency" means (i) a community agency

1 licensed, funded, or certified by the Department, but not  
2 licensed or certified by any other human services agency of the  
3 State, to provide mental health service or developmental  
4 disabilities service, or (ii) a program licensed, funded, or  
5 certified by the Department, but not licensed or certified by  
6 any other human services agency of the State, to provide mental  
7 health service or developmental disabilities service.

8 "Aggravating circumstance" means a factor that is  
9 attendant to a finding and that tends to compound or increase  
10 the culpability of the accused.

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

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

17 "Deflection" means a situation in which an individual is  
18 presented for admission to a facility or agency, and the  
19 facility staff or agency staff do not admit the individual.

20 "Deflection" includes triage, redirection, and denial of  
21 admission.

22 "Department" means the Department of Human Services.

23 "Developmentally disabled" means having a developmental  
24 disability.

25 "Developmental disability" means "developmental  
26 disability" as defined in the Mental Health and Developmental

1 Disabilities Code.

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

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

18 "Facility" or "State-operated facility" means a mental  
19 health facility or developmental disabilities facility  
20 operated by the Department.

21 "Financial exploitation" means taking unjust advantage of  
22 an individual's assets, property, or financial resources  
23 through deception, intimidation, or conversion for the  
24 employee's, facility's, or agency's own advantage or benefit.

25 "Finding" means the Office of Inspector General's  
26 determination regarding whether an allegation is

1 substantiated, unsubstantiated, or unfounded.

2 "Health care worker registry" or "registry" means the  
3 health care worker registry created by the Nursing Home Care  
4 Act.

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

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

14 "Mental illness" means "mental illness" as defined in the  
15 Mental Health and Developmental Disabilities Code.

16 "Mentally ill" means having a mental illness.

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

23 "Neglect" means an employee's, agency's, or facility's  
24 failure to provide adequate medical care, personal care, or  
25 maintenance and that, as a consequence, (i) causes an  
26 individual pain, injury, or emotional distress, (ii) results in

1 either an individual's maladaptive behavior or the  
2 deterioration of an individual's physical condition or mental  
3 condition, or (iii) places the individual's health or safety at  
4 substantial risk.

5 "Physical abuse" means an employee's non-accidental and  
6 inappropriate contact with an individual that causes bodily  
7 harm. "Physical abuse" includes actions that cause bodily harm  
8 as a result of an employee directing an individual or person to  
9 physically abuse another individual.

10 "Recommendation" means an admonition, separate from a  
11 finding, that requires action by the facility, agency, or  
12 Department to correct a systemic issue, problem, or deficiency  
13 identified during an investigation.

14 "Required reporter" means any employee who suspects,  
15 witnesses, or is informed of an allegation of any one or more  
16 of the following: mental abuse, physical abuse, sexual abuse,  
17 neglect, or financial exploitation.

18 "Secretary" means the Chief Administrative Officer of the  
19 Department.

20 "Sexual abuse" means any sexual contact or intimate  
21 physical contact between an employee and an individual,  
22 including an employee's coercion or encouragement of an  
23 individual to engage in sexual behavior that results in sexual  
24 contact, intimate physical contact, sexual behavior, or  
25 intimate physical behavior.

26 "Substantiated" means there is a preponderance of the

1 evidence to support the allegation.

2 "Unfounded" means there is no credible evidence to support  
3 the allegation.

4 "Unsubstantiated" means there is credible evidence, but  
5 less than a preponderance of evidence to support the  
6 allegation.

7 (c) Appointment. The Governor shall appoint, and the Senate  
8 shall confirm, an Inspector General. The Inspector General  
9 shall be appointed for a term of 4 years and shall function  
10 within the Department of Human Services and report to the  
11 Secretary and the Governor.

12 (d) Operation and appropriation. The Inspector General  
13 shall function independently within the Department with  
14 respect to the operations of the Office, including the  
15 performance of investigations and issuance of findings and  
16 recommendations. The appropriation for the Office of Inspector  
17 General shall be separate from the overall appropriation for  
18 the Department.

19 (e) Powers and duties. The Inspector General shall  
20 investigate reports of suspected mental abuse, physical abuse,  
21 sexual abuse, neglect, or financial exploitation of  
22 individuals in any mental health or developmental disabilities  
23 facility or agency and shall have authority to take immediate  
24 action to prevent any one or more of the following from  
25 happening to individuals under its jurisdiction: mental abuse,  
26 physical abuse, sexual abuse, neglect, or financial

1 exploitation. Upon written request of an agency of this State,  
2 the Inspector General may assist another agency of the State in  
3 investigating reports of the abuse, neglect, or abuse and  
4 neglect of persons with mental illness, persons with  
5 developmental disabilities, or persons with both. To comply  
6 with the requirements of subsection (k) of this Section, the  
7 Inspector General shall also review all reportable deaths for  
8 which there is no allegation of abuse or neglect. Nothing in  
9 this Section shall preempt any duties of the Medical Review  
10 Board set forth in the Mental Health and Developmental  
11 Disabilities Code. The Inspector General shall have no  
12 authority to investigate alleged violations of the State  
13 Officials and Employees Ethics Act. Allegations of misconduct  
14 under the State Officials and Employees Ethics Act shall be  
15 referred to the Office of the Governor's Executive Inspector  
16 General for investigation.

17 (f) Limitations. The Inspector General shall not conduct an  
18 investigation within an agency or facility if that  
19 investigation would be redundant to or interfere with an  
20 investigation conducted by another State agency. The Inspector  
21 General shall have no supervision over, or involvement in, the  
22 routine programmatic, licensing, funding, or certification  
23 operations of the Department. Nothing in this subsection limits  
24 investigations by the Department that may otherwise be required  
25 by law or that may be necessary in the Department's capacity as  
26 central administrative authority responsible for the operation

1 of the State's mental health and developmental disabilities  
2 facilities.

3 (g) Rulemaking authority. The Inspector General shall  
4 promulgate rules establishing minimum requirements for  
5 reporting allegations as well as for initiating, conducting,  
6 and completing investigations based upon the nature of the  
7 allegation or allegations. The rules shall clearly establish  
8 that if 2 or more State agencies could investigate an  
9 allegation, the Inspector General shall not conduct an  
10 investigation that would be redundant to, or interfere with, an  
11 investigation conducted by another State agency. The rules  
12 shall further clarify the method and circumstances under which  
13 the Office of Inspector General may interact with the  
14 licensing, funding, or certification units of the Department in  
15 preventing further occurrences of mental abuse, physical  
16 abuse, sexual abuse, neglect, egregious neglect, and financial  
17 exploitation.

18 (h) Training programs. The Inspector General shall (i)  
19 establish a comprehensive program to ensure that every person  
20 authorized to conduct investigations receives ongoing training  
21 relative to investigation techniques, communication skills,  
22 and the appropriate means of interacting with persons receiving  
23 treatment for mental illness, developmental disability, or  
24 both mental illness and developmental disability, and (ii)  
25 establish and conduct periodic training programs for facility  
26 and agency employees concerning the prevention and reporting of



1 any one or more of the following: mental abuse, physical abuse,  
2 sexual abuse, neglect, egregious neglect, or financial  
3 exploitation. Nothing in this Section shall be deemed to  
4 prevent the Office of Inspector General from conducting any  
5 other training as determined by the Inspector General to be  
6 necessary or helpful.

7 (i) Duty to cooperate.

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

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

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

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

24 (k) Reporting allegations and deaths.

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

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

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

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

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

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

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

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

4           (1) Reporting to law enforcement.

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

18                 (2) Reporting allegations of adult students with  
19          disabilities. Upon receipt of a reportable allegation  
20          regarding an adult student with a disability, the  
21          Department's Office of the Inspector General shall  
22          determine whether the allegation meets the criteria for the  
23          Domestic Abuse Program under the Abuse of Adults with  
24          Disabilities Intervention Act. If the allegation is  
25          reportable to that program, the Office of the Inspector  
26          General shall initiate an investigation. If the allegation

1 is not reportable to the Domestic Abuse Program, the Office  
2 of the Inspector General shall make an expeditious referral  
3 to the respective law enforcement entity. If the alleged  
4 victim is already receiving services from the Department,  
5 the Office of the Inspector General shall also make a  
6 referral to the respective Department of Human Services'  
7 Division or Bureau.

8 (m) Investigative reports. Upon completion of an  
9 investigation, the Office of Inspector General shall issue an  
10 investigative report identifying whether the allegations are  
11 substantiated, unsubstantiated, or unfounded. Within 10  
12 business days after the transmittal of a completed  
13 investigative report substantiating an allegation, or if a  
14 recommendation is made, the Inspector General shall provide the  
15 investigative report on the case to the Secretary and to the  
16 director of the facility or agency where any one or more of the  
17 following occurred: mental abuse, physical abuse, sexual  
18 abuse, neglect, egregious neglect, or financial exploitation.  
19 In a substantiated case, the investigative report shall include  
20 any mitigating or aggravating circumstances that were  
21 identified during the investigation. If the case involves  
22 substantiated neglect, the investigative report shall also  
23 state whether egregious neglect was found. An investigative  
24 report may also set forth recommendations. All investigative  
25 reports prepared by the Office of the Inspector General shall  
26 be considered confidential and shall not be released except as

1 provided by the law of this State or as required under  
2 applicable federal law. Unsubstantiated and unfounded reports  
3 shall not be disclosed except as allowed under Section 6 of the  
4 Abused and Neglected Long Term Care Facility Residents  
5 Reporting Act. Raw data used to compile the investigative  
6 report shall not be subject to release unless required by law  
7 or a court order. "Raw data used to compile the investigative  
8 report" includes, but is not limited to, any one or more of the  
9 following: the initial complaint, witness statements,  
10 photographs, investigator's notes, police reports, or incident  
11 reports. If the allegations are substantiated, the accused  
12 shall be provided with a redacted copy of the investigative  
13 report. Death reports where there was no allegation of abuse or  
14 neglect shall only be released pursuant to applicable State or  
15 federal law or a valid court order.

16 (n) Written responses and reconsideration requests.

17 (1) Written responses. Within 30 calendar days from  
18 receipt of a substantiated investigative report or an  
19 investigative report which contains recommendations,  
20 absent a reconsideration request, the facility or agency  
21 shall file a written response that addresses, in a concise  
22 and reasoned manner, the actions taken to: (i) protect the  
23 individual; (ii) prevent recurrences; and (iii) eliminate  
24 the problems identified. The response shall include the  
25 implementation and completion dates of such actions. If the  
26 written response is not filed within the allotted 30

1 calendar day period, the Secretary shall determine the  
2 appropriate corrective action to be taken.

3 (2) Reconsideration requests. The facility, agency,  
4 victim or guardian, or the subject employee may request  
5 that the Office of Inspector General reconsider or clarify  
6 its finding based upon additional information.

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

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

25 (q) Action by facility or agency. Within 30 days of the  
26 date the Secretary approves the written response or directs

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

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

22 (1) Appointment of on-site monitors.

23 (2) Transfer or relocation of an individual or  
24 individuals.

25 (3) Closure of units.

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



1 (i) Department licensing, (ii) funding, or (iii)  
2 certification.

3 The Inspector General may seek the assistance of the  
4 Illinois Attorney General or the office of any State's Attorney  
5 in implementing sanctions.

6 (s) Health care worker registry.

7 (1) Reporting to the registry. The Inspector General  
8 shall report to the Department of Public Health's health  
9 care worker registry, a public registry, the identity and  
10 finding of each employee of a facility or agency against  
11 whom there is a final investigative report containing a  
12 substantiated allegation of physical or sexual abuse or  
13 egregious neglect of an individual.

14 (2) Notice to employee. Prior to reporting the name of  
15 an employee, the employee shall be notified of the  
16 Department's obligation to report and shall be granted an  
17 opportunity to request an administrative hearing, the sole  
18 purpose of which is to determine if the substantiated  
19 finding warrants reporting to the registry. Notice to the  
20 employee shall contain a clear and concise statement of the  
21 grounds on which the report to the registry is based, offer  
22 the employee an opportunity for a hearing, and identify the  
23 process for requesting such a hearing. Notice is sufficient  
24 if provided by certified mail to the employee's last known  
25 address. If the employee fails to request a hearing within  
26 30 days from the date of the notice, the Inspector General

1 shall report the name of the employee to the registry.  
2 Nothing in this subdivision (s) (2) shall diminish or impair  
3 the rights of a person who is a member of a collective  
4 bargaining unit under the Illinois Public Labor Relations  
5 Act or under any other federal labor statute.

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

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

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

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

25 (6) Removal from registry. At any time after the report  
26 to the registry, but no more than once in any 12-month

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

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

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

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

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

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

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

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

26 (2) Review existing regulations relating to the

1 operation of facilities.

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

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

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

26 (w) Program audit. The Auditor General shall conduct a

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

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

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

24 (Source: P.A. 95-545, eff. 8-28-07; 96-339, eff. 7-1-10;  
25 96-407, eff. 8-13-09; 96-555, eff. 8-18-09; 96-1000, eff.  
26 7-2-10; 96-1446, eff. 8-20-10.)

1 (20 ILCS 2435/Act rep.)

2 Section 50. The Abuse of Adults with Disabilities  
3 Intervention Act is repealed.

4 Section 55. The Illinois Police Training Act is amended by  
5 changing Section 7 as follows:

6 (50 ILCS 705/7) (from Ch. 85, par. 507)

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

10 a. The curriculum for probationary police officers which  
11 shall be offered by all certified schools shall include but not  
12 be limited to courses of arrest, search and seizure, civil  
13 rights, human relations, cultural diversity, including racial  
14 and ethnic sensitivity, criminal law, law of criminal  
15 procedure, vehicle and traffic law including uniform and  
16 non-discriminatory enforcement of the Illinois Vehicle Code,  
17 traffic control and accident investigation, techniques of  
18 obtaining physical evidence, court testimonies, statements,  
19 reports, firearms training, first-aid (including  
20 cardiopulmonary resuscitation), handling of juvenile  
21 offenders, recognition of mental conditions which require  
22 immediate assistance and methods to safeguard and provide  
23 assistance to a person in need of mental treatment, recognition



1 of ~~elder~~ abuse, ~~and~~ neglect, financial exploitation, and  
2 self-neglect of adults with disabilities and older adults, as  
3 defined in Section 2 of the Adult Protective Services Act ~~Elder~~  
4 ~~Abuse and Neglect Act,~~ crimes against the elderly, law of  
5 evidence, the hazards of high-speed police vehicle chases with  
6 an emphasis on alternatives to the high-speed chase, and  
7 physical training. The curriculum shall include specific  
8 training in techniques for immediate response to and  
9 investigation of cases of domestic violence and of sexual  
10 assault of adults and children. The curriculum shall include  
11 training in techniques designed to promote effective  
12 communication at the initial contact with crime victims and  
13 ways to comprehensively explain to victims and witnesses their  
14 rights under the Rights of Crime Victims and Witnesses Act and  
15 the Crime Victims Compensation Act. The curriculum shall also  
16 include a block of instruction aimed at identifying and  
17 interacting with persons with autism and other developmental  
18 disabilities, reducing barriers to reporting crimes against  
19 persons with autism, and addressing the unique challenges  
20 presented by cases involving victims or witnesses with autism  
21 and other developmental disabilities. The curriculum for  
22 permanent police officers shall include but not be limited to  
23 (1) refresher and in-service training in any of the courses  
24 listed above in this subparagraph, (2) advanced courses in any  
25 of the subjects listed above in this subparagraph, (3) training  
26 for supervisory personnel, and (4) specialized training in

1 subjects and fields to be selected by the board.

2 b. Minimum courses of study, attendance requirements and  
3 equipment requirements.

4 c. Minimum requirements for instructors.

5 d. Minimum basic training requirements, which a  
6 probationary police officer must satisfactorily complete  
7 before being eligible for permanent employment as a local law  
8 enforcement officer for a participating local governmental  
9 agency. Those requirements shall include training in first aid  
10 (including cardiopulmonary resuscitation).

11 e. Minimum basic training requirements, which a  
12 probationary county corrections officer must satisfactorily  
13 complete before being eligible for permanent employment as a  
14 county corrections officer for a participating local  
15 governmental agency.

16 f. Minimum basic training requirements which a  
17 probationary court security officer must satisfactorily  
18 complete before being eligible for permanent employment as a  
19 court security officer for a participating local governmental  
20 agency. The Board shall establish those training requirements  
21 which it considers appropriate for court security officers and  
22 shall certify schools to conduct that training.

23 A person hired to serve as a court security officer must  
24 obtain from the Board a certificate (i) attesting to his or her  
25 successful completion of the training course; (ii) attesting to  
26 his or her satisfactory completion of a training program of

1 similar content and number of hours that has been found  
2 acceptable by the Board under the provisions of this Act; or  
3 (iii) attesting to the Board's determination that the training  
4 course is unnecessary because of the person's extensive prior  
5 law enforcement experience.

6 Individuals who currently serve as court security officers  
7 shall be deemed qualified to continue to serve in that capacity  
8 so long as they are certified as provided by this Act within 24  
9 months of the effective date of this amendatory Act of 1996.  
10 Failure to be so certified, absent a waiver from the Board,  
11 shall cause the officer to forfeit his or her position.

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

17 The Sheriff's Merit Commission, if one exists, or the  
18 Sheriff's Office if there is no Sheriff's Merit Commission,  
19 shall maintain a list of all individuals who have filed  
20 applications to become court security officers and who meet the  
21 eligibility requirements established under this Act. Either  
22 the Sheriff's Merit Commission, or the Sheriff's Office if no  
23 Sheriff's Merit Commission exists, shall establish a schedule  
24 of reasonable intervals for verification of the applicants'  
25 qualifications under this Act and as established by the Board.

26 (Source: P.A. 97-815, eff. 1-1-13; 97-862, eff. 1-1-13; revised

1 8-3-12.)

2 Section 60. The Illinois Banking Act is amended by changing  
3 Section 48.1 as follows:

4 (205 ILCS 5/48.1) (from Ch. 17, par. 360)

5 Sec. 48.1. Customer financial records; confidentiality.

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

8 (1) a document granting signature authority over a  
9 deposit or account;

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

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

15 (4) any other item containing information pertaining  
16 to any relationship established in the ordinary course of a  
17 bank's business between a bank and its customer, including  
18 financial statements or other financial information  
19 provided by the customer.

20 (b) This Section does not prohibit:

21 (1) The preparation, examination, handling or  
22 maintenance of any financial records by any officer,  
23 employee or agent of a bank having custody of the records,  
24 or the examination of the records by a certified public

1 accountant engaged by the bank to perform an independent  
2 audit.

3 (2) The examination of any financial records by, or the  
4 furnishing of financial records by a bank to, any officer,  
5 employee or agent of (i) the Commissioner of Banks and Real  
6 Estate, (ii) after May 31, 1997, a state regulatory  
7 authority authorized to examine a branch of a State bank  
8 located in another state, (iii) the Comptroller of the  
9 Currency, (iv) the Federal Reserve Board, or (v) the  
10 Federal Deposit Insurance Corporation for use solely in the  
11 exercise of his duties as an officer, employee, or agent.

12 (3) The publication of data furnished from financial  
13 records relating to customers where the data cannot be  
14 identified to any particular customer 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 a bank and other banks or  
22 financial institutions or commercial enterprises, directly  
23 or through a consumer reporting agency or (ii) financial  
24 records or information derived from financial records  
25 between a bank and other banks or financial institutions or  
26 commercial enterprises for the purpose of conducting due

1 diligence pursuant to a purchase or sale involving the bank  
2 or assets or liabilities of the bank.

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

6 (8) The furnishing of information under the Uniform  
7 Disposition of Unclaimed Property Act.

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

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

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

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

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

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

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

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

21 (16) The furnishing of information to law enforcement  
22 authorities, the Illinois Department on Aging and its  
23 regional administrative and provider agencies, the  
24 Department of Human Services Office of Inspector General,  
25 or public guardians: (i) upon subpoena by the investigatory  
26 entity or the guardian, or (ii) if there is suspicion by

1 the bank that a customer who is an elderly or disabled  
2 person has been or may become the victim of financial  
3 exploitation. For the purposes of this item (16), the term:

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

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

26 (A) servicing or processing a financial product or



1 service requested or authorized by the customer;

2 (B) maintaining or servicing a customer's account  
3 with the bank; or

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

7 Nothing in this item (17), however, authorizes the sale  
8 of the financial records or information of a customer  
9 without the consent of the customer.

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

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

22 (b) (1) For purposes of this paragraph (19) of  
23 subsection (b) of Section 48.1, a "private label credit  
24 program" means a credit program involving a financial  
25 institution and a private label party that is used by a  
26 customer of the financial institution and the private label

1 party primarily for payment for goods or services sold,  
2 manufactured, or distributed by a private label party.

3 (2) For purposes of this paragraph (19) of subsection  
4 (b) of Section 48.1, a "private label party" means, with  
5 respect to a private label credit program, any of the  
6 following: a retailer, a merchant, a manufacturer, a trade  
7 group, or any such person's affiliate, subsidiary, member,  
8 agent, or service provider.

9 (c) Except as otherwise provided by this Act, a bank may  
10 not disclose to any person, except to the customer or his duly  
11 authorized agent, any financial records or financial  
12 information obtained from financial records relating to that  
13 customer of that bank unless:

14 (1) the customer has authorized disclosure to the  
15 person;

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

20 (3) the bank is attempting to collect an obligation  
21 owed to the bank and the bank complies with the provisions  
22 of Section 2I of the Consumer Fraud and Deceptive Business  
23 Practices Act.

24 (d) A bank shall disclose financial records under paragraph  
25 (2) of subsection (c) of this Section under a lawful subpoena,  
26 summons, warrant, citation to discover assets, or court order

1 only after the bank mails a copy of the subpoena, summons,  
2 warrant, citation to discover assets, or court order to the  
3 person establishing the relationship with the bank, if living,  
4 and, otherwise his personal representative, if known, at his  
5 last known address by first class mail, postage prepaid, unless  
6 the bank is specifically prohibited from notifying the person  
7 by order of court or by applicable State or federal law. A bank  
8 shall not mail a copy of a subpoena to any person pursuant to  
9 this subsection if the subpoena was issued by a grand jury  
10 under the Statewide Grand Jury Act.

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

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

20 (g) A bank shall be reimbursed for costs that are  
21 reasonably necessary and that have been directly incurred in  
22 searching for, reproducing, or transporting books, papers,  
23 records, or other data of a customer required or requested to  
24 be produced pursuant to a lawful subpoena, summons, warrant,  
25 citation to discover assets, or court order. The Commissioner  
26 shall determine the rates and conditions under which payment

1 may be made.

2 (Source: P.A. 94-495, eff. 8-8-05; 94-851, eff. 6-13-06;  
3 95-661, eff. 1-1-08.)

4 Section 65. The Illinois Savings and Loan Act of 1985 is  
5 amended by changing Section 3-8 as follows:

6 (205 ILCS 105/3-8) (from Ch. 17, par. 3303-8)

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

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

16 (b) For the purpose of this Section, the term "financial  
17 records" means any original, any copy, or any summary of (i) a  
18 document granting signature authority over a deposit or  
19 account; (ii) a statement, ledger card, or other record on any  
20 deposit or account that shows each transaction in or with  
21 respect to that account; (iii) a check, draft, or money order  
22 drawn on an association or issued and payable by an  
23 association; or (iv) any other item containing information  
24 pertaining to any relationship established in the ordinary

1 course of an association's business between an association and  
2 its customer, including financial statements or other  
3 financial information provided by the member or holder of  
4 capital.

5 (c) This Section does not prohibit:

6 (1) The preparation, examination, handling, or  
7 maintenance of any financial records by any officer,  
8 employee, or agent of an association having custody of  
9 those records or the examination of those records by a  
10 certified public accountant engaged by the association to  
11 perform an independent audit.

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

18 (3) The publication of data furnished from financial  
19 records relating to members or holders of capital where the  
20 data cannot be identified to any particular member, holder  
21 of capital, or account.

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

24 (5) Furnishing information concerning the dishonor of  
25 any negotiable instrument permitted to be disclosed under  
26 the Uniform Commercial Code.

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

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

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

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

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

22          (11) The furnishing of information pursuant to any  
23          other statute that by its terms or by regulations  
24          promulgated thereunder requires the disclosure of  
25          financial records other than by subpoena, summons,  
26          warrant, or court order.

1           (12) The exchange of information between an  
2 association and an affiliate of the association; as used in  
3 this item, "affiliate" includes any company, partnership,  
4 or organization that controls, is controlled by, or is  
5 under common control with an association.

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

25           (14) The furnishing of information to law enforcement  
26 authorities, the Illinois Department on Aging and its

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



1           (15) The disclosure of financial records or  
2 information as necessary to effect, administer, or enforce  
3 a transaction requested or authorized by the member or  
4 holder of capital, or in connection with:

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

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

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

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

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

22          (17) (a) The disclosure of financial records or  
23 information related to a private label credit program  
24 between a financial institution and a private label party  
25 in connection with that private label credit program. Such  
26 information is limited to outstanding balance, available

1 credit, payment and performance and account history,  
2 product references, purchase information, and information  
3 related to the identity of the customer.

4 (b) (1) For purposes of this paragraph (17) of  
5 subsection (c) of Section 3-8, a "private label credit  
6 program" means a credit program involving a financial  
7 institution and a private label party that is used by a  
8 customer of the financial institution and the private label  
9 party primarily for payment for goods or services sold,  
10 manufactured, or distributed by a private label party.

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

17 (d) An association may not disclose to any person, except  
18 to the member or holder of capital or his duly authorized  
19 agent, any financial records relating to that member or holder  
20 of capital of that association unless:

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

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

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

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

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

21 (g) However, if any member desires to communicate with the  
22 other members of the association with reference to any question  
23 pending or to be presented at a meeting of the members, the  
24 association shall give him upon request a statement of the  
25 approximate number of members entitled to vote at the meeting  
26 and an estimate of the cost of preparing and mailing the

1 communication. The requesting member then shall submit the  
2 communication to the Commissioner who, if he finds it to be  
3 appropriate and truthful, shall direct that it be prepared and  
4 mailed to the members upon the requesting member's payment or  
5 adequate provision for payment of the expenses of preparation  
6 and mailing.

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

13 (Source: P.A. 94-495, eff. 8-8-05; 94-851, eff. 6-13-06;  
14 95-661, eff. 1-1-08.)

15 Section 70. The Savings Bank Act is amended by changing  
16 Section 4013 as follows:

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

18 Sec. 4013. Access to books and records; communication with  
19 members and shareholders.

20 (a) Every member or shareholder shall have the right to  
21 inspect books and records of the savings bank that pertain to  
22 his accounts. Otherwise, the right of inspection and  
23 examination of the books and records shall be limited as  
24 provided in this Act, and no other person shall have access to

1 the books and records nor shall be entitled to a list of the  
2 members or shareholders.

3 (b) For the purpose of this Section, the term "financial  
4 records" means any original, any copy, or any summary of (1) a  
5 document granting signature authority over a deposit or  
6 account; (2) a statement, ledger card, or other record on any  
7 deposit or account that shows each transaction in or with  
8 respect to that account; (3) a check, draft, or money order  
9 drawn on a savings bank or issued and payable by a savings  
10 bank; or (4) any other item containing information pertaining  
11 to any relationship established in the ordinary course of a  
12 savings bank's business between a savings bank and its  
13 customer, including financial statements or other financial  
14 information provided by the member or shareholder.

15 (c) 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 savings bank having custody of  
19 records or examination of records by a certified public  
20 accountant engaged by the savings bank to perform an  
21 independent audit.

22 (2) The examination of any financial records by, or the  
23 furnishing of financial records by a savings bank to, any  
24 officer, employee, or agent of the Commissioner of Banks  
25 and Real Estate or the federal depository institution  
26 regulator for use solely in the exercise of his duties as

1 an officer, employee, or agent.

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

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

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

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

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

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

26 (9) The furnishing of information pursuant to the

1 Illinois Income Tax Act and the Illinois Estate and  
2 Generation-Skipping Transfer Tax Act.

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

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

11 (12) The furnishing of information in accordance with  
12 the federal Personal Responsibility and Work Opportunity  
13 Reconciliation Act of 1996. Any savings bank governed by  
14 this Act shall enter into an agreement for data exchanges  
15 with a State agency provided the State agency pays to the  
16 savings bank a reasonable fee not to exceed its actual cost  
17 incurred. A savings bank providing information in  
18 accordance with this item shall not be liable to any  
19 account holder or other person for any disclosure of  
20 information to a State agency, for encumbering or  
21 surrendering any assets held by the savings bank in  
22 response to a lien or order to withhold and deliver issued  
23 by a State agency, or for any other action taken pursuant  
24 to this item, including individual or mechanical errors,  
25 provided the action does not constitute gross negligence or  
26 willful misconduct. A savings bank shall have no obligation

1 to hold, encumber, or surrender assets until it has been  
2 served with a subpoena, summons, warrant, court or  
3 administrative order, lien, or levy.

4 (13) The furnishing of information to law enforcement  
5 authorities, the Illinois Department on Aging and its  
6 regional administrative and provider agencies, the  
7 Department of Human Services Office of Inspector General,  
8 or public guardians: (i) upon subpoena by the investigatory  
9 entity or the guardian, or (ii) if there is suspicion by  
10 the savings bank that a customer who is an elderly or  
11 disabled person has been or may become the victim of  
12 financial exploitation. For the purposes of this item (13),  
13 the term: (i) "elderly person" means a person who is 60 or  
14 more years of age, (ii) "disabled person" means a person  
15 who has or reasonably appears to the savings bank to have a  
16 physical or mental disability that impairs his or her  
17 ability to seek or obtain protection from or prevent  
18 financial exploitation, and (iii) "financial exploitation"  
19 means tortious or illegal use of the assets or resources of  
20 an elderly or disabled person, and includes, without  
21 limitation, misappropriation of the elderly or disabled  
22 person's assets or resources by undue influence, breach of  
23 fiduciary relationship, intimidation, fraud, deception,  
24 extortion, or the use of assets or resources in any manner  
25 contrary to law. A savings bank or person furnishing  
26 information pursuant to this item (13) shall be entitled to



1 the same rights and protections as a person furnishing  
2 information under the Adult Protective Services Act and  
3 ~~Elder Abuse and Neglect Act~~, the Illinois Domestic Violence  
4 Act of 1986, ~~and the Abuse of Adults with Disabilities~~  
5 ~~Intervention Act~~.

6 (14) The disclosure of financial records or  
7 information as necessary to effect, administer, or enforce  
8 a transaction requested or authorized by the member or  
9 holder of capital, or in connection with:

10 (A) servicing or processing a financial product or  
11 service requested or authorized by the member or holder  
12 of capital;

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

15 (C) a proposed or actual securitization or  
16 secondary market sale (including sales of servicing  
17 rights) related to a transaction of a member or holder  
18 of capital.

19 Nothing in this item (14), however, authorizes the sale  
20 of the financial records or information of a member or  
21 holder of capital without the consent of the member or  
22 holder of capital.

23 (15) The exchange in the regular course of business of  
24 information between a savings bank and any commonly owned  
25 affiliate of the savings bank, subject to the provisions of  
26 the Financial Institutions Insurance Sales Law.

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

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

13           (b)(1) For purposes of this paragraph (17) of  
14 subsection (c) of Section 4013, a "private label credit  
15 program" means a credit program involving a financial  
16 institution and a private label party that is used by a  
17 customer of the financial institution and the private label  
18 party primarily for payment for goods or services sold,  
19 manufactured, or distributed by a private label party.

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

26           (d) A savings bank may not disclose to any person, except

1 to the member or holder of capital or his duly authorized  
2 agent, any financial records relating to that member or  
3 shareholder of the savings bank unless:

4 (1) the member or shareholder has authorized  
5 disclosure to the person; or

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

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

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

24 (g) Any person who knowingly and willfully induces or  
25 attempts to induce any officer or employee of a savings bank to  
26 disclose financial records in violation of this Section is

1 guilty of a business offense and, upon conviction, shall be  
2 fined not more than \$1,000.

3 (h) If any member or shareholder desires to communicate  
4 with the other members or shareholders of the savings bank with  
5 reference to any question pending or to be presented at an  
6 annual or special meeting, the savings bank shall give that  
7 person, upon request, a statement of the approximate number of  
8 members or shareholders entitled to vote at the meeting and an  
9 estimate of the cost of preparing and mailing the  
10 communication. The requesting member shall submit the  
11 communication to the Commissioner who, upon finding it to be  
12 appropriate and truthful, shall direct that it be prepared and  
13 mailed to the members upon the requesting member's or  
14 shareholder's payment or adequate provision for payment of the  
15 expenses of preparation and mailing.

16 (i) A savings bank shall be reimbursed for costs that are  
17 necessary and that have been directly incurred in searching  
18 for, reproducing, or transporting books, papers, records, or  
19 other data of a customer required to be reproduced pursuant to  
20 a lawful subpoena, warrant, citation to discover assets, or  
21 court order.

22 (j) Notwithstanding the provisions of this Section, a  
23 savings bank may sell or otherwise make use of lists of  
24 customers' names and addresses. All other information  
25 regarding a customer's account are subject to the disclosure  
26 provisions of this Section. At the request of any customer,

1 that customer's name and address shall be deleted from any list  
2 that is to be sold or used in any other manner beyond  
3 identification of the customer's accounts.

4 (Source: P.A. 94-495, eff. 8-8-05; 94-851, eff. 6-13-06;  
5 95-661, eff. 1-1-08.)

6 Section 75. The Illinois Credit Union Act is amended by  
7 changing Section 10 as follows:

8 (205 ILCS 305/10) (from Ch. 17, par. 4411)

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

10 (1) A credit union shall establish and maintain books,  
11 records, accounting systems and procedures which accurately  
12 reflect its operations and which enable the Department to  
13 readily ascertain the true financial condition of the credit  
14 union and whether it is complying with this Act.

15 (2) A photostatic or photographic reproduction of any  
16 credit union records shall be admissible as evidence of  
17 transactions with the credit union.

18 (3) (a) For the purpose of this Section, the term "financial  
19 records" means any original, any copy, or any summary of (1) a  
20 document granting signature authority over an account, (2) a  
21 statement, ledger card or other record on any account which  
22 shows each transaction in or with respect to that account, (3)  
23 a check, draft or money order drawn on a financial institution  
24 or other entity or issued and payable by or through a financial

1 institution or other entity, or (4) any other item containing  
2 information pertaining to any relationship established in the  
3 ordinary course of business between a credit union and its  
4 member, including financial statements or other financial  
5 information provided by the member.

6 (b) This Section does not prohibit:

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

13 (2) The examination of any financial records by or the  
14 furnishing of financial records by a credit union to any  
15 officer, employee or agent of the Department, the National  
16 Credit Union Administration, Federal Reserve board or any  
17 insurer of share accounts for use solely in the exercise of  
18 his duties as an officer, employee or agent.

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

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

24 (5) Furnishing information concerning the dishonor of  
25 any negotiable instrument permitted to be disclosed under  
26 the Uniform Commercial Code.

1           (6) The exchange in the regular course of business of  
2           (i) credit information between a credit union and other  
3           credit unions or financial institutions or commercial  
4           enterprises, directly or through a consumer reporting  
5           agency or (ii) financial records or information derived  
6           from financial records between a credit union and other  
7           credit unions or financial institutions or commercial  
8           enterprises for the purpose of conducting due diligence  
9           pursuant to a merger or a purchase or sale of assets or  
10          liabilities of the credit union.

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

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

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

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

22          (11) The furnishing of information pursuant to any  
23          other statute which by its terms or by regulations  
24          promulgated thereunder requires the disclosure of  
25          financial records other than by subpoena, summons, warrant  
26          or court order.

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

20          (13) The furnishing of information to law enforcement  
21          authorities, the Illinois Department on Aging and its  
22          regional administrative and provider agencies, the  
23          Department of Human Services Office of Inspector General,  
24          or public guardians: (i) upon subpoena by the investigatory  
25          entity or the guardian, or (ii) if there is suspicion by  
26          the credit union that a member who is an elderly or



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

22 (14) The disclosure of financial records or  
23 information as necessary to effect, administer, or enforce  
24 a transaction requested or authorized by the member, or in  
25 connection with:

26 (A) servicing or processing a financial product or

1 service requested or authorized by the member;

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

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

7 Nothing in this item (14), however, authorizes the sale  
8 of the financial records or information of a member without  
9 the consent of the member.

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

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

22 (b)(1) For purposes of this paragraph (16) of  
23 subsection (b) of Section 10, a "private label credit  
24 program" means a credit program involving a financial  
25 institution and a private label party that is used by a  
26 customer of the financial institution and the private label

1 party primarily for payment for goods or services sold,  
2 manufactured, or distributed by a private label party.

3 (2) For purposes of this paragraph (16) of subsection  
4 (b) of Section 10, a "private label party" means, with  
5 respect to a private label credit program, any of the  
6 following: a retailer, a merchant, a manufacturer, a trade  
7 group, or any such person's affiliate, subsidiary, member,  
8 agent, or service provider.

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

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

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

18 (3) the credit union is attempting to collect an  
19 obligation owed to the credit union and the credit union  
20 complies with the provisions of Section 2I of the Consumer  
21 Fraud and Deceptive Business Practices Act.

22 (d) A credit union shall disclose financial records under  
23 subparagraph (c)(2) of this Section pursuant to a lawful  
24 subpoena, summons, warrant, citation to discover assets, or  
25 court order only after the credit union mails a copy of the  
26 subpoena, summons, warrant, citation to discover assets, or

1 court order to the person establishing the relationship with  
2 the credit union, if living, and otherwise his personal  
3 representative, if known, at his last known address by first  
4 class mail, postage prepaid unless the credit union is  
5 specifically prohibited from notifying the person by order of  
6 court or by applicable State or federal law. In the case of a  
7 grand jury subpoena, a credit union shall not mail a copy of a  
8 subpoena to any person pursuant to this subsection if the  
9 subpoena was issued by a grand jury under the Statewide Grand  
10 Jury Act or notifying the person would constitute a violation  
11 of the federal Right to Financial Privacy Act of 1978.

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

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

21 (f) A credit union shall be reimbursed for costs which are  
22 reasonably necessary and which have been directly incurred in  
23 searching for, reproducing or transporting books, papers,  
24 records or other data of a member required or requested to be  
25 produced pursuant to a lawful subpoena, summons, warrant,  
26 citation to discover assets, or court order. The Secretary and

1 the Director may determine, by rule, the rates and conditions  
2 under which payment shall be made. Delivery of requested  
3 documents may be delayed until final reimbursement of all costs  
4 is received.

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

6 Section 80. The Home Health, Home Services, and Home  
7 Nursing Agency Licensing Act is amended by changing Sections  
8 6.3 and 6.7 as follows:

9 (210 ILCS 55/6.3)

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

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

1 regulation of home services agencies. Requirements for  
2 licensure as a home services agency shall include the  
3 following:

4 (1) Compliance with the requirements of the Health Care  
5 Worker Background Check Act.

6 (2) Notification, in a form and manner established by  
7 the Department by rule, to home services workers and  
8 consumers as to the party or parties responsible under  
9 State and federal laws for payment of employment taxes,  
10 social security taxes, and workers' compensation,  
11 liability, the day-to-day supervision of workers, and the  
12 hiring, firing, and discipline of workers with the  
13 placement arrangement for home services.

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

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

26 (b) The Department may establish fees for home services

1 agency licensure in rules in a manner that will make the  
2 program self-supporting. The amount of the licensure fees shall  
3 be based on the funding required for operation of the licensure  
4 program. Notwithstanding any other provision of this Section,  
5 the Department may not charge any fee to a certified local  
6 health department in connection with the licensure of a home  
7 services agency.

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

9 (210 ILCS 55/6.7)

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

11 (a) Before January 1, 2008, the Department shall adopt  
12 standards for the licensure and operation of home nursing  
13 agencies operated in this State. After consideration and  
14 recommendations by the Home Health and Home Services Advisory  
15 Committee, the Department shall adopt such rules as are  
16 necessary for the proper regulation of home nursing agencies.  
17 Requirements for licensure as a home nursing agency shall  
18 include the following:

19 (1) Compliance with the requirements of the Health Care  
20 Worker Background Check Act.

21 (2) Notification, in a form and manner established by  
22 the Department by rule, to home nursing agency workers and  
23 consumers as to the party or parties responsible under  
24 State and federal laws for payment of employment taxes,  
25 social security taxes, and workers' compensation,

1 liability, the day-to-day supervision of workers, and the  
2 hiring, firing, and discipline of workers with the  
3 placement arrangement for home nursing services.

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

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

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

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

25 Section 85. The Clinical Social Work and Social Work



1 Practice Act is amended by changing Section 16 as follows:

2 (225 ILCS 20/16) (from Ch. 111, par. 6366)

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

4 Sec. 16. Privileged Communications and Exceptions.

5 1. No licensed clinical social worker or licensed social  
6 worker shall disclose any information acquired from persons  
7 consulting the social worker in a professional capacity, except  
8 that which may be voluntarily disclosed under the following  
9 circumstances:

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

17 (b) With the written consent of the person who provided  
18 the information;

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

23 (d) When a communication reveals the intended  
24 commission of a crime or harmful act and such disclosure is  
25 judged necessary by the licensed clinical social worker or

1 licensed social worker to protect any person from a clear,  
2 imminent risk of serious mental or physical harm or injury,  
3 or to forestall a serious threat to the public safety;

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

6 (f) When the information is acquired during the course  
7 of investigating a report or working on a case of ~~elder~~  
8 abuse, neglect, ~~or~~ financial exploitation, or self-neglect  
9 of an eligible adult by a designated adult protective  
10 services agency ~~Elder Abuse Provider Agency~~ and disclosure  
11 of the information is in accordance with the provisions of  
12 Section 8 of the Adult Protective Services Act ~~Elder Abuse~~  
13 ~~and Neglect Act~~.

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

1 Neglected Child Reporting Act.

2 3. Any person having access to records or any one who  
3 participates in providing social work services or who, in  
4 providing any human services, is supervised by a licensed  
5 clinical social worker or licensed social worker, is similarly  
6 bound to regard all information and communications as  
7 privileged in accord with this Section.

8 4. Nothing shall be construed to prohibit a licensed  
9 clinical social worker or licensed social worker from  
10 voluntarily testifying in court hearings concerning matters of  
11 adoption, child abuse, child neglect or other matters  
12 pertaining to children, except as provided under the Abused and  
13 Neglected Child Reporting Act.

14 5. The Mental Health and Developmental Disabilities  
15 Confidentiality Act, as now or hereafter amended, is  
16 incorporated herein as if all of its provisions were included  
17 in this Act.

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

19 Section 90. The Respiratory Care Practice Act is amended by  
20 changing Section 95 as follows:

21 (225 ILCS 106/95)

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

23 Sec. 95. Grounds for discipline.

24 (a) The Department may refuse to issue, renew, or may

1     revoke, suspend, place on probation, reprimand, or take other  
2     disciplinary action as the Department considers appropriate,  
3     including the issuance of fines not to exceed \$5,000 for each  
4     violation, with regard to any license for any one or more of  
5     the following:

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

8             (2) Violations of this Act, or any of its rules.

9             (3) Conviction of any crime under the laws of the  
10    United States or any state or territory thereof that is a  
11    felony or a misdemeanor, an essential element of which is  
12    dishonesty, or of any crime that is directly related to the  
13    practice of the profession.

14            (4) Making any misrepresentation for the purpose of  
15    obtaining a license.

16            (5) Professional incompetence or negligence in the  
17    rendering of respiratory care services.

18            (6) Malpractice.

19            (7) Aiding or assisting another person in violating any  
20    rules or provisions of this Act.

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

23            (9) Engaging in dishonorable, unethical, or  
24    unprofessional conduct of a character likely to deceive,  
25    defraud, or harm the public.

26            (10) Violating the rules of professional conduct

1           adopted by the Department.

2           (11) Discipline by another jurisdiction, if at least  
3 one of the grounds for the discipline is the same or  
4 substantially equivalent to those set forth in this Act.

5           (12) Directly or indirectly giving to or receiving from  
6 any person, firm, corporation, partnership, or association  
7 any fee, commission, rebate, or other form of compensation  
8 for any professional services not actually rendered.  
9 Nothing in this paragraph (12) affects any bona fide  
10 independent contractor or employment arrangements among  
11 health care professionals, health facilities, health care  
12 providers, or other entities, except as otherwise  
13 prohibited by law. Any employment arrangements may include  
14 provisions for compensation, health insurance, pension, or  
15 other employment benefits for the provision of services  
16 within the scope of the licensee's practice under this Act.  
17 Nothing in this paragraph (12) shall be construed to  
18 require an employment arrangement to receive professional  
19 fees for services rendered.

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

23           (14) Abandonment of a patient.

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

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

4           (17) Providing respiratory care, other than pursuant  
5 to an order.

6           (18) Physical or mental disability including, but not  
7 limited to, deterioration through the aging process or loss  
8 of motor skills that results in the inability to practice  
9 the profession with reasonable judgment, skill, or safety.

10          (19) Solicitation of professional services by using  
11 false or misleading advertising.

12          (20) Failure to file a tax return, or to pay the tax,  
13 penalty, or interest shown in a filed return, or to pay any  
14 final assessment of tax penalty, or interest, as required  
15 by any tax Act administered by the Illinois Department of  
16 Revenue or any successor agency or the Internal Revenue  
17 Service or any successor agency.

18          (21) Irregularities in billing a third party for  
19 services rendered or in reporting charges for services not  
20 rendered.

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

1 Child Reporting Act.

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

6 (24) Being named as a perpetrator in an indicated  
7 report by the Department on Aging under the Adult  
8 Protective Services Act ~~Elder Abuse and Neglect Act~~, and  
9 upon proof by clear and convincing evidence that the  
10 licensee has caused an adult with disabilities or an older  
11 adult ~~elderly person~~ to be abused or neglected as defined  
12 in the Adult Protective Services Act ~~Elder Abuse and~~  
13 ~~Neglect Act~~.

14 (25) Willfully failing to report an instance of  
15 suspected ~~elder~~ abuse, ~~or~~ neglect, financial exploitation,  
16 or self-neglect of an adult with disabilities or an older  
17 adult as required by the Adult Protective Services Act  
18 ~~Elder Abuse and Neglect Act~~.

19 (b) The determination by a court that a licensee is subject  
20 to involuntary admission or judicial admission as provided in  
21 the Mental Health and Developmental Disabilities Code will  
22 result in an automatic suspension of his or her license. The  
23 suspension will end upon a finding by a court that the licensee  
24 is no longer subject to involuntary admission or judicial  
25 admission, the issuance of an order so finding and discharging  
26 the patient, and the recommendation of the Board to the

1 Director that the licensee be allowed to resume his or her  
2 practice.

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

4 Section 95. The Professional Counselor and Clinical  
5 Professional Counselor Licensing and Practice Act is amended by  
6 changing Sections 75 and 80 as follows:

7 (225 ILCS 107/75)

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

9 Sec. 75. Privileged communications and exceptions.

10 (a) No licensed professional counselor or licensed  
11 clinical professional counselor shall disclose any information  
12 acquired from persons consulting the counselor in a  
13 professional capacity, except that which may be voluntarily  
14 disclosed under the following circumstances:

15 (1) In the course of formally reporting, conferring, or  
16 consulting with administrative superiors, colleagues, or  
17 consultants who share professional responsibility, in  
18 which instance all recipients of the information are  
19 similarly bound to regard the communication as privileged;

20 (2) With the written consent of the person who provided  
21 the information;

22 (3) In the case of death or disability, with the  
23 written consent of a personal representative, other person  
24 authorized to sue, or the beneficiary of an insurance



1 policy on the person's life, health or physical condition;

2 (4) When a communication reveals the intended  
3 commission of a crime or harmful act and such disclosure is  
4 judged necessary by the licensed professional counselor or  
5 licensed clinical professional counselor to protect any  
6 person from a clear, imminent risk of serious mental or  
7 physical harm or injury, or to forestall a serious threat  
8 to the public safety; or

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

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

26 (c) Any person having access to records or anyone who

1 participates in providing professional counseling or clinical  
2 professional counseling services, or, in providing any human  
3 services, is supervised by a licensed professional counselor or  
4 licensed clinical professional counselor, is similarly bound  
5 to regard all information and communications as privileged in  
6 accord with this Section.

7 (d) Nothing in this Act shall be construed to prohibit a  
8 licensed professional counselor or licensed clinical  
9 professional counselor from voluntarily testifying in court  
10 hearings concerning matters of adoption, child abuse, child  
11 neglect or other matters pertaining to children, except as  
12 provided under the Abused and Neglected Child Reporting Act and  
13 matters pertaining to adults with disabilities and older adults  
14 ~~elders~~ as set forth in the Adult Protective Services Act ~~Elder~~  
15 ~~Abuse and Neglect Act~~.

16 (e) The Mental Health and Developmental Disabilities  
17 Confidentiality Act is incorporated herein as if all of its  
18 provisions were included in this Act. In the event of a  
19 conflict between the application of this Section and the Mental  
20 Health and Developmental Disabilities Confidentiality Act to a  
21 specific situation, the provisions of the Mental Health and  
22 Developmental Disabilities Confidentiality Act shall control.

23 (f) Licensed professional counselors and licensed clinical  
24 professional counselors when performing professional  
25 counseling services or clinical professional counseling  
26 services shall comply with counselor licensure rules and laws

1 contained in this Section and Section 80 of this Act regardless  
2 of their employment or work setting.

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

4 (225 ILCS 107/80)

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

6 Sec. 80. Grounds for discipline.

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

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

15 (2) Violations or negligent or intentional disregard  
16 of this Act or rules adopted under this Act.

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

1           (4) Fraud or any misrepresentation in applying for or  
2           procuring a license under this Act or in connection with  
3           applying for renewal of a license under this Act.

4           (5) Professional incompetence or gross negligence in  
5           the rendering of professional counseling or clinical  
6           professional counseling services.

7           (6) Malpractice.

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

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

12          (9) Engaging in dishonorable, unethical, or  
13          unprofessional conduct of a character likely to deceive,  
14          defraud, or harm the public and violating the rules of  
15          professional conduct adopted by the Department.

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

20          (11) Discipline by another jurisdiction, the District  
21          of Columbia, territory, county, or governmental agency, if  
22          at least one of the grounds for the discipline is the same  
23          or substantially equivalent to those set forth in this  
24          Section.

25          (12) Directly or indirectly giving to or receiving from  
26          any person, firm, corporation, partnership, or association

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

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

17 (14) Abandonment of a client.

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

22 (16) Willfully failing to report an instance of  
23 suspected child abuse or neglect as required by the Abused  
24 and Neglected Child Reporting Act and in matters pertaining  
25 to ~~elders or~~ suspected ~~elder~~ abuse, neglect, financial  
26 exploitation, or self-neglect of adults with disabilities

1        and older adults as set forth in the Adult Protective  
2        Services Act ~~Elder Abuse and Neglect Act~~.

3            (17) Being named as a perpetrator in an indicated  
4        report by the Department of Children and Family Services  
5        pursuant to the Abused and Neglected Child Reporting Act,  
6        and upon proof by clear and convincing evidence that the  
7        licensee has caused a child to be an abused child or  
8        neglected child as defined in the Abused and Neglected  
9        Child Reporting Act.

10           (18) Physical or mental illness or disability,  
11        including, but not limited to, deterioration through the  
12        aging process or loss of abilities and skills which results  
13        in the inability to practice the profession with reasonable  
14        judgment, skill, or safety.

15           (19) Solicitation of professional services by using  
16        false or misleading advertising.

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

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

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

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

26           (24) Rendering professional counseling or clinical

1 professional counseling services without a license or  
2 practicing outside the scope of a license.

3 (25) Clinical supervisors failing to adequately and  
4 responsibly monitor supervisees.

5 All fines imposed under this Section shall be paid within  
6 60 days after the effective date of the order imposing the  
7 fine.

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

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

26 (b-10) In cases where the Department of Healthcare and

1 Family Services has previously determined a licensee or a  
2 potential licensee is more than 30 days delinquent in the  
3 payment of child support and has subsequently certified the  
4 delinquency to the Department, the Department may refuse to  
5 issue or renew or may revoke or suspend that person's license  
6 or may take other disciplinary action against that person based  
7 solely upon the certification of delinquency made by the  
8 Department of Healthcare and Family Services in accordance with  
9 item (5) of subsection (a) of Section 2105-15 of the Department  
10 of Professional Regulation Law of the Civil Administrative Code  
11 of Illinois.

12 (c) 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 Secretary that the licensee be allowed to resume professional  
21 practice.

22 (c-5) In enforcing this Act, the Department, upon a showing  
23 of a possible violation, may compel an individual licensed to  
24 practice under this Act, or who has applied for licensure under  
25 this Act, to submit to a mental or physical examination, or  
26 both, as required by and at the expense of the Department. The



1 Department may order the examining physician to present  
2 testimony concerning the mental or physical examination of the  
3 licensee or applicant. No information shall be excluded by  
4 reason of any common law or statutory privilege relating to  
5 communications between the licensee or applicant and the  
6 examining physician. The examining physicians shall be  
7 specifically designated by the Department. The individual to be  
8 examined may have, at his or her own expense, another physician  
9 of his or her choice present during all aspects of this  
10 examination. The examination shall be performed by a physician  
11 licensed to practice medicine in all its branches. Failure of  
12 an individual to submit to a mental or physical examination,  
13 when directed, shall result in an automatic suspension without  
14 hearing.

15 A person holding a license under this Act or who has  
16 applied for a license under this Act who, because of a physical  
17 or mental illness or disability, including, but not limited to,  
18 deterioration through the aging process or loss of motor skill,  
19 is unable to practice the profession with reasonable judgment,  
20 skill, or safety, may be required by the Department to submit  
21 to care, counseling, or treatment by physicians approved or  
22 designated by the Department as a condition, term, or  
23 restriction for continued, reinstated, or renewed licensure to  
24 practice. Submission to care, counseling, or treatment as  
25 required by the Department shall not be considered discipline  
26 of a license. If the licensee refuses to enter into a care,

1 counseling, or treatment agreement or fails to abide by the  
2 terms of the agreement, the Department may file a complaint to  
3 revoke, suspend, or otherwise discipline the license of the  
4 individual. The Secretary may order the license suspended  
5 immediately, pending a hearing by the Department. Fines shall  
6 not be assessed in disciplinary actions involving physical or  
7 mental illness or impairment.

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

17 An individual licensed under this Act and affected under  
18 this Section shall be afforded an opportunity to demonstrate to  
19 the Department that he or she can resume practice in compliance  
20 with acceptable and prevailing standards under the provisions  
21 of his or her license.

22 (d) (Blank).

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

24 Section 100. The Elder Abuse and Neglect Act is amended by  
25 changing the title of the Act and by changing Sections 1, 2, 3,

1 3.5, 4, 4.1, 5, 8, 9, and 15 and by adding Sections 7.1, 7.5,  
2 and 15.5 as follows:

3 (320 ILCS 20/Act title)

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

6 (320 ILCS 20/1) (from Ch. 23, par. 6601)

7 Sec. 1. Short title. This Act shall be known and may be  
8 cited as the Adult Protective Services Act ~~"Elder Abuse and~~  
9 ~~Neglect Act"~~.

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

11 (320 ILCS 20/2) (from Ch. 23, par. 6602)

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

14 (a) "Abuse" means causing any physical, mental or sexual  
15 injury to an eligible adult, including exploitation of such  
16 adult's financial resources.

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

23 Nothing in this Act shall be construed to mean that an

1 eligible adult is a victim of abuse because of health care  
2 services provided or not provided by licensed health care  
3 professionals.

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

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

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

15 (b) "Department" means the Department on Aging of the State  
16 of Illinois.

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

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

23 (d) "Domestic living situation" means a residence where the  
24 eligible adult at the time of the report lives alone or with  
25 his or her family or a caregiver, or others, or ~~a board and~~  
26 ~~care home or~~ other community-based unlicensed facility, but is

1 not:

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

4 (1.5) A facility licensed under the ID/DD Community  
5 Care Act;

6 (1.7) A facility licensed under the Specialized Mental  
7 Health Rehabilitation Act;

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

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

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

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

21 (6) (Blank);

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

26 (8) An assisted living or shared housing establishment

1 as defined in the Assisted Living and Shared Housing Act;  
2 or

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

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

25 (g) "Neglect" means another individual's failure to  
26 provide an eligible adult with or willful withholding from an



1 eligible adult the necessities of life including, but not  
2 limited to, food, clothing, shelter or health care. This  
3 subsection does not create any new affirmative duty to provide  
4 support to eligible adults. Nothing in this Act shall be  
5 construed to mean that an eligible adult is a victim of neglect  
6 because of health care services provided or not provided by  
7 licensed health care professionals.

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

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

21 (i-5) "Self-neglect" means a condition that is the result  
22 of an eligible adult's inability, due to physical or mental  
23 impairments, or both, or a diminished capacity, to perform  
24 essential self-care tasks that substantially threaten his or  
25 her own health, including: providing essential food, clothing,  
26 shelter, and health care; and obtaining goods and services

1 necessary to maintain physical health, mental health,  
2 emotional well-being, and general safety. The term includes  
3 compulsive hoarding, which is characterized by the acquisition  
4 and retention of large quantities of items and materials that  
5 produce an extensively cluttered living space, which  
6 significantly impairs the performance of essential self-care  
7 tasks or otherwise substantially threatens life or safety.

8 (j) "Substantiated case" means a reported case of alleged  
9 or suspected abuse, neglect, financial exploitation, or  
10 self-neglect in which a provider agency, after assessment,  
11 determines that there is reason to believe abuse, neglect, or  
12 financial exploitation has occurred.

13 (Source: P.A. 96-339, eff. 7-1-10; 96-526, eff. 1-1-10; 96-572,  
14 eff. 1-1-10; 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227,  
15 eff. 1-1-12; 97-300, eff. 8-11-11; 97-706, eff. 6-25-12;  
16 97-813, eff. 7-13-12; 97-1141, eff. 12-28-12.)

17 (320 ILCS 20/3) (from Ch. 23, par. 6603)

18 Sec. 3. Responsibilities.

19 (a) The Department shall establish, design, and manage a  
20 protective services program ~~of response and services~~ for  
21 eligible adults ~~persons 60 years of age and older~~ who have  
22 been, or are alleged to be, victims of abuse, neglect,  
23 financial exploitation, or self-neglect. The Department shall  
24 contract with or fund, or ~~or~~ contract with and fund, regional  
25 administrative agencies, provider agencies, or both, for the

1 provision of those functions, and, contingent on adequate  
2 funding, with attorneys or legal services provider agencies for  
3 the provision of legal assistance pursuant to this Act. For  
4 self-neglect, the ~~The~~ program shall include the following  
5 services for eligible adults who have been removed from their  
6 residences for the purpose of cleanup or repairs: temporary  
7 housing; counseling; and caseworker services to try to ensure  
8 that the conditions necessitating the removal do not reoccur.

9 (a-1) The Department shall by rule develop standards for  
10 minimum staffing levels and staff qualifications. The  
11 Department shall by rule establish mandatory standards for the  
12 investigation of abuse, neglect, financial exploitation, or  
13 self-neglect of eligible adults and mandatory procedures for  
14 linking eligible adults to appropriate services and supports.

15 (a-5) A provider agency shall, in accordance with rules  
16 promulgated by the Department, establish a multi-disciplinary  
17 team to act in an advisory role for the purpose of providing  
18 professional knowledge and expertise in the handling of complex  
19 abuse cases involving eligible adults. Each multi-disciplinary  
20 team shall consist of one volunteer representative from the  
21 following professions: banking or finance; disability care;  
22 health care; law; law enforcement; mental health care; and  
23 clergy. A provider agency may also choose to add  
24 representatives from the fields of substance abuse, domestic  
25 violence, sexual assault, or other related fields. To support  
26 multi-disciplinary teams in this role, law enforcement

1 agencies and coroners or medical examiners shall supply records  
2 as may be requested in particular cases.

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

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

1 and on weekends.

2 (c-5) Where a provider agency has reason to believe that  
3 the death of an eligible adult may be the result of abuse or  
4 neglect, including any reports made after death, the agency  
5 shall immediately report the matter to both the appropriate law  
6 enforcement agency and the coroner or medical examiner. Between  
7 30 and 45 days after making such a report, the provider agency  
8 again shall contact the law enforcement agency and coroner or  
9 medical examiner to determine whether any further action was  
10 taken. Upon request by a provider agency, a law enforcement  
11 agency and coroner or medical examiner shall supply a summary  
12 of its action in response to a reported death of an eligible  
13 adult. A copy of the report shall be maintained and all  
14 subsequent follow-up with the law enforcement agency and  
15 coroner or medical examiner shall be documented in the case  
16 record of the eligible adult.

17 (d) Upon sufficient appropriations to implement a  
18 statewide program, the Department shall implement a program,  
19 based on the recommendations of the ~~Elder~~ Self-Neglect Steering  
20 Committee, for (i) responding to reports of possible  
21 self-neglect, (ii) protecting the autonomy, rights, privacy,  
22 and privileges of adults during investigations of possible  
23 self-neglect and consequential judicial proceedings regarding  
24 competency, (iii) collecting and sharing relevant information  
25 and data among the Department, provider agencies, regional  
26 administrative agencies, and relevant seniors, (iv) developing

1 working agreements between provider agencies and law  
2 enforcement, where practicable, and (v) developing procedures  
3 for collecting data regarding incidents of self-neglect.

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

6 (320 ILCS 20/3.5)

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

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

21 (b) coordination of efforts with other agencies, councils,  
22 and like entities, to include but not be limited to, the  
23 Administrative Office of the Illinois Courts, the Office of the  
24 Attorney General, the State Police, the Illinois Law  
25 Enforcement Training Standards Board, the State Triad, the

1 Illinois Criminal Justice Information Authority, the  
2 Departments of Public Health, Healthcare and Family Services,  
3 ~~Public Aid,~~ and Human Services, the Illinois Guardianship and  
4 Advocacy Commission, the Family Violence Coordinating Council,  
5 the Illinois Violence Prevention Authority, and other entities  
6 which may impact awareness of, and response to, ~~elder~~ abuse,  
7 neglect, financial exploitation, and self-neglect;

8 (c) collection and analysis of data;

9 (d) monitoring of the performance of regional  
10 administrative agencies and adult protective services ~~elder~~  
11 ~~abuse provider~~ agencies;

12 (e) promotion of prevention activities;

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

1 (g) solicitation of financial institutions for the purpose  
2 of making information available to the general public warning  
3 of financial exploitation of adults ~~the elderly~~ and related  
4 financial fraud or abuse, including such information and  
5 warnings available through signage or other written materials  
6 provided by the Department on the premises of such financial  
7 institutions, provided that the manner of displaying or  
8 distributing such information is subject to the sole discretion  
9 of each financial institution;

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

20 (h) coordinating efforts with utility and electric  
21 companies to send notices in utility bills to explain to  
22 persons 60 years of age or older their rights regarding  
23 telemarketing and home repair fraud.

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



1           Sec. 4. Reports of abuse or neglect.

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

6           (a-5) If any mandated reporter has reason to believe that  
7 an eligible adult, who because of a disability or other  
8 condition or impairment ~~dysfunction~~ is unable to seek  
9 assistance for himself or herself, has, within the previous 12  
10 months, been subjected to abuse, neglect, or financial  
11 exploitation, the mandated reporter shall, within 24 hours  
12 after developing such belief, report this suspicion to an  
13 agency designated to receive such reports under this Act or to  
14 the Department. The agency designated to receive such reports  
15 under this Act or the Department may establish a manner in  
16 which a mandated reporter can make the required report through  
17 an Internet reporting tool. Information sent and received  
18 through the Internet reporting tool is subject to the same  
19 rules in this Act as other types of confidential reporting  
20 established by the designated agency or the Department.  
21 Whenever a mandated reporter is required to report under this  
22 Act in his or her capacity as a member of the staff of a medical  
23 or other public or private institution, facility, ~~board and~~  
24 ~~care home,~~ or agency, he or she shall make a report to an  
25 agency designated to receive such reports under this Act or to  
26 the Department in accordance with the provisions of this Act

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

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

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

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

23           (c) The identity of a person making a report of alleged or  
24 suspected abuse, neglect, financial exploitation, or  
25 self-neglect under this Act may be disclosed by the Department  
26 or other agency provided for in this Act only with such

1 person's written consent or by court order, but is otherwise  
2 confidential.

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

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

21 (Source: P.A. 96-378, eff. 1-1-10; 96-526, eff. 1-1-10;  
22 96-1000, eff. 7-2-10; 97-860, eff. 7-30-12.)

23 (320 ILCS 20/4.1)

24 Sec. 4.1. Employer discrimination. No employer shall  
25 discharge, demote or suspend, or threaten to discharge, demote

1 or suspend, or in any manner discriminate against any employee  
2 who makes any good faith oral or written report of suspected  
3 ~~elder~~ abuse, neglect, or financial exploitation or who is or  
4 will be a witness or testify in any investigation or proceeding  
5 concerning a report of suspected ~~elder~~ abuse, neglect, or  
6 financial exploitation.

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

8 (320 ILCS 20/5) (from Ch. 23, par. 6605)

9 Sec. 5. Procedure.

10 (a) A provider agency designated to receive reports of  
11 alleged or suspected abuse, neglect, financial exploitation,  
12 or self-neglect under this Act shall, upon receiving such a  
13 report, conduct a face-to-face assessment with respect to such  
14 report, in accord with established law and Department  
15 protocols, procedures, and policies. Face-to-face assessments,  
16 casework, and follow-up of reports of self-neglect by the  
17 provider agencies designated to receive reports of  
18 self-neglect shall be subject to sufficient appropriation for  
19 statewide implementation of assessments, casework, and  
20 follow-up of reports of self-neglect. In the absence of  
21 sufficient appropriation for statewide implementation of  
22 assessments, casework, and follow-up of reports of  
23 self-neglect, the designated adult protective services ~~elder~~  
24 ~~abuse~~ provider agency shall refer all reports of self-neglect  
25 to the appropriate agency or agencies as designated by the

1 Department for any follow-up. The assessment shall include, but  
2 not be limited to, a visit to the residence of the eligible  
3 adult who is the subject of the report and may include  
4 interviews or consultations with service agencies or  
5 individuals who may have knowledge of the eligible adult's  
6 circumstances. If, after the assessment, the provider agency  
7 determines that the case is substantiated it shall develop a  
8 service care plan for the eligible adult and may report its  
9 findings to the appropriate law enforcement agency in accord  
10 with established law and Department protocols, procedures, and  
11 policies. In developing a case ~~the~~ plan, the provider agency  
12 may consult with any other appropriate provider of services,  
13 and such providers shall be immune from civil or criminal  
14 liability on account of such acts. The plan shall include  
15 alternative suggested or recommended services which are  
16 appropriate to the needs of the eligible adult and which  
17 involve the least restriction of the eligible adult's  
18 activities commensurate with his or her needs. Only those  
19 services to which consent is provided in accordance with  
20 Section 9 of this Act shall be provided, contingent upon the  
21 availability of such services.

22 (b) A provider agency shall refer evidence of crimes  
23 against an eligible adult to the appropriate law enforcement  
24 agency according to Department policies. A referral to law  
25 enforcement may be made at intake or any time during the case.  
26 Where a provider agency has reason to believe the death of an

1 eligible adult may be the result of abuse or neglect, the  
2 agency shall immediately report the matter to the coroner or  
3 medical examiner and shall cooperate fully with any subsequent  
4 investigation.

5 (c) If any person other than the alleged victim refuses to  
6 allow the provider agency to begin an investigation, interferes  
7 with the provider agency's ability to conduct an investigation,  
8 or refuses to give access to an eligible adult, the appropriate  
9 law enforcement agency must be consulted regarding the  
10 investigation.

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

12 (320 ILCS 20/7.1 new)

13 Sec. 7.1. Final investigative report. A provider agency  
14 shall prepare a final investigative report in which there is a  
15 substantiated finding of abuse, neglect, financial  
16 exploitation, or self-neglect of an eligible adult.

17 (320 ILCS 20/7.5 new)

18 Sec. 7.5. Health Care Worker Registry.

19 (a) Study Committee for the Health Care Worker Registry.  
20 The Department on Aging shall, within 6 months after the  
21 effective date of this amendatory Act of the 98th General  
22 Assembly, convene and lead a committee together with the  
23 Department of Human Services and the Department of Public  
24 Health to study access, use, and possible expansion of the

1 Health Care Worker Registry for reporting abuse, neglect, or  
2 financial exploitation of an eligible adult under this Act. The  
3 committee shall issue a report to the Governor and the General  
4 Assembly with its findings and recommendations within 12 months  
5 after the effective date of this amendatory Act of the 98th  
6 General Assembly.

7 (a-1) Reporting to the registry. The Department on Aging  
8 shall report to the Department of Public Health's Health Care  
9 Worker Registry the identity and administrative finding of a  
10 verified and substantiated decision of abuse, neglect, or  
11 financial exploitation of an eligible adult under this Act that  
12 is made against any caregiver, including consultants and  
13 volunteers, employed by a provider licensed, certified, or  
14 regulated by the Department of Public Health, Healthcare and  
15 Family Services, or Human Services, or the Department on Aging.  
16 For uncompensated or privately paid caregivers, the Department  
17 on Aging shall report only a verified and substantiated  
18 decision of significant abuse, neglect, or financial  
19 exploitation of an eligible adult under this Act. An  
20 administrative finding placed in the registry shall preclude  
21 any caregiver from providing direct care in exchange for  
22 compensation paid by the State of Illinois, or any Department  
23 thereof, or by a provider licensed, certified, or regulated by  
24 the Department of Public Health, Healthcare and Family  
25 Services, or Human Services, or the Department on Aging.

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



1       "Direct care" includes, but is not limited to, direct  
2 access to an individual, his or her living quarters, or his or  
3 her personal, financial, or medical records for the purpose of  
4 providing nursing care or assistance with feeding, dressing,  
5 movement, bathing, toileting, other personal needs and  
6 activities of daily living, or assistance with financial  
7 transactions.

8       "Significant" means a finding of abuse, neglect, or  
9 financial exploitation as determined by the Department that (i)  
10 represents a meaningful failure to adequately provide for, or a  
11 material indifference to, the financial, health, safety, or  
12 medical needs of an eligible adult or (ii) results in an  
13 eligible adult's death or other serious deterioration of an  
14 eligible adult's financial resources, physical condition, or  
15 mental condition.

16       (c) Access to and use of the Registry. Access to the  
17 registry shall be limited to licensed, certified, or regulated  
18 providers by the Department of Public Health, Healthcare and  
19 Family Service, or Human Services, or the Department on Aging.  
20 The State of Illinois, any Department thereof, or a provider  
21 licensed, certified, or regulated by the Department of Public  
22 Health, Healthcare and Family Services, or Human Services, or  
23 the Department on Aging shall not hire or compensate any person  
24 seeking employment, retain any contractors, or accept any  
25 volunteers to provide direct care without first conducting an  
26 online check of the person through the Department of Public

1 Health's Health Care Worker Registry. The provider shall  
2 maintain a copy of the results of the online check to  
3 demonstrate compliance with this requirement. Failure to  
4 comply with this requirement may subject such a provider to  
5 corrective action by the appropriate regulatory agency or other  
6 lawful remedies provided under the applicable licensure,  
7 certification, or regulatory laws and rules.

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

23 (e) Notification to eligible adults, guardians, or agents.  
24 As part of its investigation, the Department on Aging shall  
25 notify an eligible adult, or an eligible adult's guardian or  
26 agent, that a caregiver's name may be placed on the registry if

1 significant abuse is found and the case substantiated.

2 (f) Notification to employer. A provider licensed,  
3 certified, or regulated by the Department of Public Health,  
4 Healthcare and Family Services, or Human Services, or the  
5 Department on Aging shall be notified of an administrative  
6 finding against any employed caregiver of a verified and  
7 substantiated decision of abuse, neglect, or financial  
8 exploitation of an eligible adult under this Act. If there is  
9 an imminent risk of danger to the eligible adult, the caregiver  
10 shall immediately be barred from direct access to the eligible  
11 adult, his or her living quarters, or his or her personal,  
12 financial, or medical records, pending the outcome of any  
13 registry challenge, criminal prosecution, or other type of  
14 collateral action.

15 (g) Report challenges. The process by which a challenge to  
16 reporting is filed shall be established through the  
17 Department's administrative rules. Upon receiving a timely  
18 challenge by a caregiver in response to the notice of a  
19 registry report, the Department shall review the content of the  
20 challenge and issue an administrative decision as to whether  
21 the verified and substantiated decision warrants reporting the  
22 caregiver's name to the registry. A written copy of the  
23 decision shall be provided to the caregiver.

24 (h) Registry hearings. If a caregiver's report challenge is  
25 not successful, then he or she may request an administrative  
26 hearing within 60 calendar days after the date of the decision

1 or submit a written response in lieu of an administrative  
2 hearing. If the request is timely, the Department on Aging  
3 shall not make a report to the registry and the caregiver shall  
4 be granted an opportunity to appear in person if a hearing is  
5 requested. The caregiver shall present reasons why the abuse,  
6 neglect, or financial exploitation is not significant or should  
7 not otherwise be reported to the registry. The administrative  
8 law judge considering the written response or presiding over  
9 the hearing shall summarize pertinent findings of fact and  
10 conclusions of law and make a recommendation to the Director of  
11 the Department on Aging as to whether the verified and  
12 substantiated finding warrants reporting the name of the  
13 caregiver to the registry. The Director shall render and adopt  
14 the final decision. The parties may jointly request that the  
15 administrative law judge consider a stipulated disposition of  
16 these proceedings.

17 (i) Caregiver's rights to collateral action. The  
18 Department on Aging shall not make any report to the registry  
19 if a caregiver notifies the Department in writing, including  
20 any supporting documentation, that he or she is formally  
21 challenging an adverse employment action resulting from a  
22 verified and substantiated finding of abuse, neglect, or  
23 financial exploitation by complaint filed with the Illinois  
24 Civil Service Commission, or by another means which seeks to  
25 enforce the caregiver's rights pursuant to any applicable  
26 collective bargaining agreement. If an action taken by an

1 employer against a caregiver as a result of a finding of abuse,  
2 neglect, or financial exploitation is overturned through an  
3 action filed with the Illinois Civil Service Commission or  
4 under any applicable collective bargaining agreement after  
5 that caregiver's name has already been sent to the registry,  
6 the caregiver's name shall be removed from the registry.

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

24 (k) Referral of registry reports to health care facilities.  
25 In the event an eligible adult receiving services from a  
26 provider agency changes his or her residence from a domestic

1 living situation to that of a health care facility, the  
2 provider agency shall use reasonable efforts to promptly inform  
3 the health care facility and the appropriate Regional Long Term  
4 Care Ombudsman about any registry reports relating to the  
5 eligible adult. For purposes of this Section, a health care  
6 facility includes, but is not limited to, any residential  
7 facility licensed, certified, or regulated by the Department of  
8 Public Health, Healthcare and Family Services, or Human  
9 Services.

10 (320 ILCS 20/8) (from Ch. 23, par. 6608)

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

23 (1) Department staff, provider agency staff, other  
24 aging network staff, and regional administrative agency  
25 staff, including staff of the Chicago Department on Aging

1 while that agency is designated as a regional  
2 administrative agency, in the furtherance of their  
3 responsibilities under this Act;

4 (2) A law enforcement agency investigating known or  
5 suspected ~~elder~~ abuse, neglect, financial exploitation, or  
6 self-neglect. Where a provider agency has reason to believe  
7 that the death of an eligible adult may be the result of  
8 abuse or neglect, including any reports made after death,  
9 the agency shall immediately provide the appropriate law  
10 enforcement agency with all records pertaining to the  
11 eligible adult;

12 (2.5) A law enforcement agency, fire department  
13 agency, or fire protection district having proper  
14 jurisdiction pursuant to a written agreement between a  
15 provider agency and the law enforcement agency, fire  
16 department agency, or fire protection district under which  
17 the provider agency may furnish to the law enforcement  
18 agency, fire department agency, or fire protection  
19 district a list of all eligible adults who may be at  
20 imminent risk of ~~elder~~ abuse, neglect, financial  
21 exploitation, or self-neglect;

22 (3) A physician who has before him or her or who is  
23 involved in the treatment of an eligible adult whom he or  
24 she reasonably suspects may be abused, neglected,  
25 financially exploited, or self-neglected or who has been  
26 referred to the Adult Protective Services ~~Elder Abuse and~~

1 ~~Neglect~~ Program;

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

6 (4.5) An executor or administrator of the estate of an  
7 eligible adult who is deceased;

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

17 (5.5) In cases regarding self-neglect, a guardian ad  
18 litem;

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

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

24 (8) A coroner or medical examiner who has reason to  
25 believe that an eligible adult has died as the result of  
26 abuse, neglect, financial exploitation, or self-neglect.



1 The provider agency shall immediately provide the coroner  
2 or medical examiner with all records pertaining to the  
3 eligible adult;

4 (8.5) A coroner or medical examiner having proper  
5 jurisdiction, pursuant to a written agreement between a  
6 provider agency and the coroner or medical examiner, under  
7 which the provider agency may furnish to the office of the  
8 coroner or medical examiner a list of all eligible adults  
9 who may be at imminent risk of death as a result of abuse,  
10 neglect, financial exploitation, or self-neglect; ~~and~~

11 (9) Department of Financial and Professional  
12 Regulation staff and members of the Illinois Medical  
13 Disciplinary Board or the Social Work Examining and  
14 Disciplinary Board in the course of investigating alleged  
15 violations of the Clinical Social Work and Social Work  
16 Practice Act by provider agency staff or other licensing  
17 bodies at the discretion of the Director of the Department  
18 on Aging;

19 (9-a) Department of Healthcare and Family Services  
20 staff when that Department is funding services to the  
21 eligible adult, including access to the identity of the  
22 eligible adult;

23 (9-b) Department of Human Services staff when that  
24 Department is funding services to the eligible adult or is  
25 providing reimbursement for services provided by the  
26 abuser or alleged abuser, including access to the identity

1 of the eligible adult;

2 (10) Hearing officers in the course of conducting an  
3 administrative hearing to determine whether a verified and  
4 substantiated finding of significant abuse, neglect, or  
5 financial exploitation of an eligible adult by a caregiver  
6 warrants reporting to the Health Care Worker Registry; and

7 ▬

8 (11) The Illinois Guardianship and Advocacy Commission  
9 and the agency designated by the Governor under Section 1  
10 of the Protection and Advocacy for Developmentally  
11 Disabled Persons Act shall have access to all records,  
12 including the findings, pertaining to a completed  
13 investigation of a report of suspected abuse, neglect,  
14 financial exploitation, or self-neglect of an eligible  
15 audit, when it determines that access to such records is  
16 necessary to conduct its official business.

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

18 (320 ILCS 20/9) (from Ch. 23, par. 6609)

19 Sec. 9. Authority to consent to services.

20 (a) If an eligible adult consents to an assessment of a  
21 reported incident of suspected abuse, neglect, financial  
22 exploitation, or self-neglect and, following the assessment of  
23 such report, consents to services being provided according to  
24 the case plan, such services shall be arranged to meet the  
25 adult's needs, based upon the availability of resources to

1 provide such services. If an adult withdraws his or her consent  
2 for an assessment of the reported incident or withdraws his or  
3 her consent for services and ~~or~~ refuses to accept such  
4 services, the services shall not be provided.

5 (b) If it reasonably appears to the Department or other  
6 agency designated under this Act that a person is an eligible  
7 adult and lacks the capacity to consent to an assessment of a  
8 reported incident of suspected abuse, neglect, financial  
9 exploitation, or self-neglect or to necessary services,  
10 ~~including an assessment,~~ the Department or other agency shall  
11 notify the Illinois Guardianship and Advocacy Commission, the  
12 Office of State Guardian, or any other appropriate agency, of  
13 the potential need for ~~may seek the~~ appointment of a temporary  
14 guardian as provided in Article XIa of the Probate Act of 1975  
15 for the purpose of consenting to an assessment of the reported  
16 incident and such services, together with an order for an  
17 evaluation of the eligible adult's physical, psychological,  
18 and medical condition and decisional capacity.

19 (c) A guardian of the person of an eligible adult may  
20 consent to an assessment of the reported incident and to  
21 services being provided according to the case plan. If an  
22 eligible adult lacks capacity to consent ~~to services,~~ an agent  
23 having authority under a power of attorney may consent to an  
24 assessment of the reported incident and to services. If the  
25 guardian or agent is the suspected abuser and he or she  
26 withdraws ~~his or her~~ consent for the assessment of the reported

1 incident, or refuses to allow services to be provided to the  
2 eligible adult, the Department, an agency designated under this  
3 Act, or the office of the Attorney General may request a court  
4 order seeking appropriate remedies, and may in addition request  
5 removal of the guardian and appointment of a successor guardian  
6 or request removal of the agent and appointment of a guardian.

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

1       (d-5) For purposes of this Section, an eligible adult  
2 "lacks the capacity to consent" if qualified staff of an agency  
3 designated under this Act reasonably determine, in accordance  
4 with administrative rules promulgated by the Department, that  
5 he or she appears either (i) unable to receive and evaluate  
6 information related to the assessment or services or (ii)  
7 unable to communicate in any manner decisions related to the  
8 assessment of the reported incident or services.

9       (e) Within 15 days after the entry of the ex parte  
10 emergency order, the order shall expire, or, if the need for  
11 assessment of the reported incident or services continues, the  
12 provider agency shall petition for the appointment of a  
13 guardian as provided in Article XIa of the Probate Act of 1975  
14 for the purpose of consenting to such assessment or services or  
15 to protect the eligible adult from further harm.

16       (f) If the court enters an ex parte order under subsection  
17 (d) for an assessment of a reported incident ~~report~~ of alleged  
18 or suspected abuse, neglect, financial exploitation, or  
19 self-neglect, or for the provision of necessary services in  
20 connection with alleged or suspected self-neglect, or for both,  
21 the court, as soon as is practicable thereafter, shall appoint  
22 a guardian ad litem for the eligible adult who is the subject  
23 of the order, for the purpose of reviewing the reasonableness  
24 of the order. The guardian ad litem shall review the order and,  
25 if the guardian ad litem reasonably believes that the order is  
26 unreasonable, the guardian ad litem shall file a petition with

1 the court stating the guardian ad litem's belief and requesting  
2 that the order be vacated.

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

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

8 (320 ILCS 20/15)

9 Sec. 15. Abuse Fatality Review Teams ~~Elder abuse fatality~~  
10 ~~review teams.~~

11 (a) State policy. ~~In this Section, "review team" means a~~  
12 ~~regional interagency elder abuse fatality review team~~  
13 ~~established under this Section.~~

14 (1) Both the State and the community maintain a  
15 commitment to preventing the abuse, neglect, and financial  
16 exploitation of at-risk adults. This includes a charge to  
17 bring perpetrators of crimes against at-risk adults to  
18 justice and prevent untimely deaths in the community.

19 (2) When an at-risk adult dies, the response to the  
20 death by the community, law enforcement, and the State must  
21 include an accurate and complete determination of the cause  
22 of death, and the development and implementation of  
23 measures to prevent future deaths from similar causes.

24 (3) Multidisciplinary and multi-agency reviews of  
25 deaths can assist the State and counties in developing a

1 greater understanding of the incidence and causes of  
2 premature deaths and the methods for preventing those  
3 deaths, improving methods for investigating deaths, and  
4 identifying gaps in services to at-risk adults.

5 (4) Access to information regarding the deceased  
6 person and his or her family by multidisciplinary and  
7 multi-agency at-risk adult fatality review teams is  
8 necessary in order to fulfill their purposes and duties.

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

10 "Advisory Council" means the Illinois At-Risk Adult  
11 Fatality Review Team Advisory Council.

12 "Review Team" means a regional interagency at-risk  
13 adult fatality review team.

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

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

15 (b-5) Each such team shall be composed of representatives  
16 of entities and individuals including, but not limited to:

- 17 (1) the Department on Aging;
- 18 (2) coroners or medical examiners (or both);
- 19 (3) State's Attorneys;
- 20 (4) local police departments;
- 21 (5) forensic units;
- 22 (6) local health departments;
- 23 (7) a social service or health care agency that  
24 provides services to persons with mental illness, in a  
25 program whose accreditation to provide such services is  
26 recognized by the Division of Mental Health within the



1 Department of Human Services;

2 (8) a social service or health care agency that  
3 provides services to persons with developmental  
4 disabilities, in a program whose accreditation to provide  
5 such services is recognized by the Division of  
6 Developmental Disabilities within the Department of Human  
7 Services;

8 (9) a local hospital, trauma center, or provider of  
9 emergency medicine; and

10 (10) providers of services for eligible adults in  
11 domestic living situations; and

12 (11) a physician, psychiatrist, or other health care  
13 provider knowledgeable about abuse and neglect of at-risk  
14 adults , ~~the Department on Aging, coroners or medical~~  
15 ~~examiners (or both), State's Attorneys, local police~~  
16 ~~departments, forensic units, and providers of services for~~  
17 ~~persons 60 years of age or older in domestic living~~  
18 ~~situations.~~

19 (c) A review team shall review cases of deaths of at-risk  
20 adults occurring in its planning and service area ~~persons 60~~  
21 ~~years of age or older in domestic living situations~~ (i)  
22 involving blunt force trauma or an undetermined manner or  
23 suspicious cause of death, (ii) if requested by the deceased's  
24 attending physician or an emergency room physician, (iii) upon  
25 referral by a health care provider, (iv) upon referral by a  
26 coroner or medical examiner, (v) ~~or (iv)~~ constituting an open

1 or closed case from an adult ~~a senior~~ protective services  
2 agency, law enforcement agency, ~~or~~ State's Attorney's office,  
3 or the Department of Human Services' Office of the Inspector  
4 General that involves alleged or suspected abuse, neglect, or  
5 financial exploitation; or (vi) upon referral by a law  
6 enforcement agency or State's Attorney's office. If such a  
7 death occurs in a planning and service area where a review team  
8 has not yet been established, the Director shall request that  
9 the Advisory Council or another review team review that death.  
10 A team may also review ~~other cases of~~ deaths of at-risk adults  
11 ~~persons 60 years of age or older~~ if the alleged abuse or  
12 neglect occurred while the person was residing in a domestic  
13 living situation.

14 A review team shall meet not less than 6 times a year to  
15 discuss cases for its possible review. Each review team, with  
16 the advice and consent of the Department, shall establish  
17 criteria to be used ~~by review teams~~ in discussing cases of  
18 alleged, suspected, or substantiated abuse or neglect for  
19 review and shall conduct its activities in accordance with any  
20 applicable policies and procedures established by the  
21 Department.

22 (c-5) The Illinois At-Risk Adult Fatality Review Teams  
23 Advisory Council, consisting of one member from each review  
24 team in Illinois, shall be the coordinating and oversight body  
25 for review teams and activities in Illinois. The Director may  
26 appoint to the Advisory Council any ex-officio members deemed

1 necessary. Persons with expertise needed by the Advisory  
2 Council may be invited to meetings. The Advisory Council must  
3 select from its members a chairperson and a vice-chairperson,  
4 each to serve a 2-year term. The chairperson or  
5 vice-chairperson may be selected to serve additional,  
6 subsequent terms. The Advisory Council must meet at least 4  
7 times during each calendar year.

8 The Department may provide or arrange for the staff support  
9 necessary for the Advisory Council to carry out its duties. The  
10 Director, in cooperation and consultation with the Advisory  
11 Council, shall appoint, reappoint, and remove review team  
12 members.

13 The Advisory Council has, but is not limited to, the  
14 following duties:

15 (1) To serve as the voice of review teams in Illinois.

16 (2) To oversee the review teams in order to ensure that  
17 the review teams' work is coordinated and in compliance  
18 with State statutes and the operating protocol.

19 (3) To ensure that the data, results, findings, and  
20 recommendations of the review teams are adequately used in  
21 a timely manner to make any necessary changes to the  
22 policies, procedures, and State statutes in order to  
23 protect at-risk adults.

24 (4) To collaborate with the Department in order to  
25 develop any legislation needed to prevent unnecessary  
26 deaths of at-risk adults.

1           (5) To ensure that the review teams' review processes  
2           are standardized in order to convey data, findings, and  
3           recommendations in a usable format.

4           (6) To serve as a link with review teams throughout the  
5           country and to participate in national review team  
6           activities.

7           (7) To provide the review teams with the most current  
8           information and practices concerning at-risk adult death  
9           review and related topics.

10           (8) To perform any other functions necessary to enhance  
11           the capability of the review teams to reduce and prevent  
12           at-risk adult fatalities.

13           The Advisory Council may prepare an annual report, in  
14           consultation with the Department, using aggregate data  
15           gathered by review teams and using the review teams'  
16           recommendations to develop education, prevention, prosecution,  
17           or other strategies designed to improve the coordination of  
18           services for at-risk adults and their families.

19           In any instance where a review team does not operate in  
20           accordance with established protocol, the Director, in  
21           consultation and cooperation with the Advisory Council, must  
22           take any necessary actions to bring the review team into  
23           compliance with the protocol.

24           (d) Any document or oral or written communication shared  
25           within or produced by the a review team relating to a case  
26           discussed or reviewed by the review team is confidential and is

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

8 Any document or oral or written communication provided to a  
9 review team by an individual or entity, and created by that  
10 individual or entity solely for the use of the review team, is  
11 confidential, ~~and~~ is not subject to disclosure to or  
12 discoverable by another party, and is not admissible as  
13 evidence in any civil or criminal proceeding, except for use by  
14 a State's Attorney's office in prosecuting a criminal case  
15 against a caregiver. Those records and information are,  
16 however, subject to discovery or subpoena, and are admissible  
17 as evidence, to the extent they are otherwise available to the  
18 public.

19 Each entity or individual represented on the ~~an elder~~ abuse  
20 fatality review team may share with other members of the team  
21 information in the entity's or individual's possession  
22 concerning the decedent who is the subject of the review or  
23 concerning any person who was in contact with the decedent, as  
24 well as any other information deemed by the entity or  
25 individual to be pertinent to the review. Any such information  
26 shared by an entity or individual with other members of the

1 review a team is confidential. The intent of this paragraph is  
2 to permit the disclosure to members of the review a team of any  
3 information deemed confidential or privileged or prohibited  
4 from disclosure by any other provision of law. Release of  
5 confidential communication between domestic violence advocates  
6 and a domestic violence victim shall follow subsection (d) of  
7 Section 227 of the Illinois Domestic Violence Act of 1986 which  
8 allows for the waiver of privilege afforded to guardians,  
9 executors, or administrators of the estate of the domestic  
10 violence victim. This provision relating to the release of  
11 confidential communication between domestic violence advocates  
12 and a domestic violence victim shall exclude adult protective  
13 service providers.

14 A coroner's or medical examiner's office may share with the  
15 a review team medical records that have been made available to  
16 the coroner's or medical examiner's office in connection with  
17 that office's investigation of a death.

18 Members of a review team and the Advisory Council are not  
19 subject to examination, in any civil or criminal proceeding,  
20 concerning information presented to members of the review team  
21 or the Advisory Council or opinions formed by members of the  
22 review team or the Advisory Council based on that information.  
23 A person may, however, be examined concerning information  
24 provided to a review team or the Advisory Council.

25 (d-5) Meetings of the review teams and the Advisory Council  
26 may be closed to the public under the Open Meetings Act.

1 Records and information provided to a review team and the  
2 Advisory Council, and records maintained by a team or the  
3 Advisory Council, are exempt from release under the Freedom of  
4 Information Act.

5 (e) A review team's recommendation in relation to a case  
6 discussed or reviewed by the review team, including, but not  
7 limited to, a recommendation concerning an investigation or  
8 prosecution ~~in relation to such a case~~, may be disclosed by the  
9 review team upon the completion of its review and at the  
10 discretion of a majority of its members who reviewed the case.

11 (e-5) The State shall indemnify and hold harmless members  
12 of a review team and the Advisory Council for all their acts,  
13 omissions, decisions, or other conduct arising out of the scope  
14 of their service on the review team or Advisory Council, except  
15 those involving willful or wanton misconduct. The method of  
16 providing indemnification shall be as provided in the State  
17 Employee Indemnification Act.

18 (f) The Department, in consultation with coroners, medical  
19 examiners, and law enforcement agencies, shall use aggregate  
20 data gathered by and ~~review teams and review teams'~~  
21 recommendations from the Advisory Council and the review teams  
22 to create an annual report and may use those data and  
23 recommendations to develop education, prevention, prosecution,  
24 or other strategies designed to improve the coordination of  
25 services for at-risk adults ~~persons 60 years of age or older~~  
26 and their families. The Department or other State or county

1 agency, in consultation with coroners, medical examiners, and  
2 law enforcement agencies, also may use aggregate data gathered  
3 by the review teams to create a database of at-risk  
4 individuals.

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

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

8 (320 ILCS 20/15.5 new)

9 Sec. 15.5. Independent monitor. Subject to appropriation,  
10 to ensure the effectiveness and accountability of the adult  
11 protective services system, the agency designated by the  
12 Governor under Section 1 of the Protection and Advocacy for  
13 Developmentally Disabled Persons Act shall monitor the system  
14 and provide to the Department review and evaluation of the  
15 system in accordance with administrative rules promulgated by  
16 the Department.

17 Section 105. The Code of Criminal Procedure of 1963 is  
18 amended by changing Sections 114-13.5 and 115-10.3 as follows:

19 (725 ILCS 5/114-13.5)

20 Sec. 114-13.5. Evidence deposition; elder abuse. In a  
21 prosecution for abuse, neglect, or financial exploitation of an  
22 eligible adult as defined in the Adult Protective Services Act  
23 ~~Elder Abuse and Neglect Act~~, the eligible adult may give



1 testimony in the form of an evidence deposition and not be  
2 required to appear in court to testify.

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

4 (725 ILCS 5/115-10.3)

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

6 (a) In a prosecution for a physical act, abuse, neglect, or  
7 financial exploitation perpetrated upon or against an eligible  
8 adult, as defined in the Adult Protective Services Act ~~Elder~~  
9 ~~Abuse and Neglect Act~~, who has been diagnosed by a physician to  
10 suffer from (i) any form of dementia, developmental disability,  
11 or other form of mental incapacity or (ii) any physical  
12 infirmity, including but not limited to prosecutions for  
13 violations of Sections 10-1, 10-2, 10-3, 10-3.1, 10-4, 11-1.20,  
14 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-11, 12-1, 12-2, 12-3,  
15 12-3.05, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.5, 12-4.6,  
16 12-4.7, 12-5, 12-6, 12-7.3, 12-7.4, 12-11, 12-11.1, 12-13,  
17 12-14, 12-15, 12-16, 12-21, 16-1, 16-1.3, 17-1, 17-3, 17-56,  
18 18-1, 18-2, 18-3, 18-4, 18-5, 18-6, 19-6, 20-1.1, 24-1.2, and  
19 33A-2, or subsection (b) of Section 12-4.4a of ~~, or subsection~~  
20 ~~(a) of Section 17-32, of the Criminal Code of 1961 or the~~  
21 Criminal Code of 2012, the following evidence shall be admitted  
22 as an exception to the hearsay rule:

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

1           (2) testimony of an out of court statement made by the  
2 eligible adult, describing any complaint of such act or  
3 matter or detail pertaining to any act which is an element  
4 of an offense which is the subject of a prosecution for a  
5 physical act, abuse, neglect, or financial exploitation  
6 perpetrated upon or against the eligible adult.

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

8           (1) The court finds in a hearing conducted outside the  
9 presence of the jury that the time, content, and  
10 circumstances of the statement provide sufficient  
11 safeguards of reliability; and

12           (2) The eligible adult either:

13                   (A) testifies at the proceeding; or

14                   (B) is unavailable as a witness and there is  
15 corroborative evidence of the act which is the subject  
16 of the statement.

17           (c) If a statement is admitted pursuant to this Section,  
18 the court shall instruct the jury that it is for the jury to  
19 determine the weight and credibility to be given the statement  
20 and that, in making the determination, it shall consider the  
21 condition of the eligible adult, the nature of the statement,  
22 the circumstances under which the statement was made, and any  
23 other relevant factor.

24           (d) The proponent of the statement shall give the adverse  
25 party reasonable notice of his or her intention to offer the  
26 statement and the particulars of the statement.

1 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;  
2 96-1551, Article 2, Section 1040, eff. 7-1-11; 96-1551, Article  
3 10, Section 10-145, eff. 7-1-11; 97-1108, eff. 1-1-13; 97-1109,  
4 eff. 1-1-13; 97-1150, eff. 1-25-13.)

5 Section 110. The Code of Civil Procedure is amended by  
6 changing Section 8-2701 as follows:

7 (735 ILCS 5/8-2701)

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

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

21 (1) the court conducts a hearing outside the presence  
22 of the jury and finds that the time, content, and  
23 circumstances of the statement provide sufficient  
24 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 (b) 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 to the  
9 statement and that, in making its determination, it shall  
10 consider the condition of the eligible adult, the nature of the  
11 statement, the circumstances under which the statement was  
12 made, and any other relevant factors.

13 (c) The proponent of the statement shall give the adverse  
14 party reasonable notice of an intention to offer the statement  
15 and the particulars of the statement.

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

17 Section 115. The Probate Act of 1975 is amended by changing  
18 Section 11a-10 as follows:

19 (755 ILCS 5/11a-10) (from Ch. 110 1/2, par. 11a-10)

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

21 (a) Upon the filing of a petition pursuant to Section  
22 11a-8, the court shall set a date and place for hearing to take  
23 place within 30 days. The court shall appoint a guardian ad  
24 litem to report to the court concerning the respondent's best

1 interests consistent with the provisions of this Section,  
2 except that the appointment of a guardian ad litem shall not be  
3 required when the court determines that such appointment is not  
4 necessary for the protection of the respondent or a reasonably  
5 informed decision on the petition. If the guardian ad litem is  
6 not a licensed attorney, he or she shall be qualified, by  
7 training or experience, to work with or advocate for the  
8 developmentally disabled, mentally ill, physically disabled,  
9 the elderly, or persons disabled because of mental  
10 deterioration, depending on the type of disability that is  
11 alleged in the petition. The court may allow the guardian ad  
12 litem reasonable compensation. The guardian ad litem may  
13 consult with a person who by training or experience is  
14 qualified to work with persons with a developmental disability,  
15 persons with mental illness, or physically disabled persons, or  
16 persons disabled because of mental deterioration, depending on  
17 the type of disability that is alleged. The guardian ad litem  
18 shall personally observe the respondent prior to the hearing  
19 and shall inform him orally and in writing of the contents of  
20 the petition and of his rights under Section 11a-11. The  
21 guardian ad litem shall also attempt to elicit the respondent's  
22 position concerning the adjudication of disability, the  
23 proposed guardian, a proposed change in residential placement,  
24 changes in care that might result from the guardianship, and  
25 other areas of inquiry deemed appropriate by the court.  
26 Notwithstanding any provision in the Mental Health and

1 Developmental Disabilities Confidentiality Act or any other  
2 law, a guardian ad litem shall have the right to inspect and  
3 copy any medical or mental health record of the respondent  
4 which the guardian ad litem deems necessary, provided that the  
5 information so disclosed shall not be utilized for any other  
6 purpose nor be redisclosed except in connection with the  
7 proceedings. At or before the hearing, the guardian ad litem  
8 shall file a written report detailing his or her observations  
9 of the respondent, the responses of the respondent to any of  
10 the inquires detailed in this Section, the opinion of the  
11 guardian ad litem or other professionals with whom the guardian  
12 ad litem consulted concerning the appropriateness of  
13 guardianship, and any other material issue discovered by the  
14 guardian ad litem. The guardian ad litem shall appear at the  
15 hearing and testify as to any issues presented in his or her  
16 report.

17 (b) The court (1) may appoint counsel for the respondent,  
18 if the court finds that the interests of the respondent will be  
19 best served by the appointment, and (2) shall appoint counsel  
20 upon respondent's request or if the respondent takes a position  
21 adverse to that of the guardian ad litem. The respondent shall  
22 be permitted to obtain the appointment of counsel either at the  
23 hearing or by any written or oral request communicated to the  
24 court prior to the hearing. The summons shall inform the  
25 respondent of this right to obtain appointed counsel. The court  
26 may allow counsel for the respondent reasonable compensation.

1 (c) If the respondent is unable to pay the fee of the  
2 guardian ad litem or appointed counsel, or both, the court may  
3 enter an order for the petitioner to pay all such fees or such  
4 amounts as the respondent or the respondent's estate may be  
5 unable to pay. However, in cases where the Office of State  
6 Guardian is the petitioner, consistent with Section 30 of the  
7 Guardianship and Advocacy Act, where the public guardian is the  
8 petitioner, consistent with Section 13-5 of the Probate Act of  
9 1975, where an adult protective services ~~elder abuse provider~~  
10 agency is the petitioner, pursuant to Section 9 of the Adult  
11 Protective Services Act ~~Elder Abuse and Neglect Act~~, or where  
12 ~~the Department of Human Services Office of Inspector General is~~  
13 ~~the petitioner, consistent with Section 45 of the Abuse of~~  
14 ~~Adults with Disabilities Intervention Act~~, no guardian ad litem  
15 or legal fees shall be assessed against the Office of State  
16 Guardian, the public guardian, or the adult protective services  
17 agency ~~the elder abuse provider agency, or the Department of~~  
18 ~~Human Services Office of Inspector General.~~

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

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

1 NOTICE OF RIGHTS OF RESPONDENT

2 You have been named as a respondent in a guardianship  
3 petition asking that you be declared a disabled person. If the  
4 court grants the petition, a guardian will be appointed for  
5 you. A copy of the guardianship petition is attached for your  
6 convenience.

7 The date and time of the hearing are:

8 The place where the hearing will occur is:

9 The Judge's name and phone number is:

10 If a guardian is appointed for you, the guardian may be  
11 given the right to make all important personal decisions for  
12 you, such as where you may live, what medical treatment you may  
13 receive, what places you may visit, and who may visit you. A  
14 guardian may also be given the right to control and manage your  
15 money and other property, including your home, if you own one.  
16 You may lose the right to make these decisions for yourself.

17 You have the following legal rights:

18 (1) You have the right to be present at the court  
19 hearing.

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

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

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

26 (5) You have the right to ask the Judge to appoint an



1 independent expert to examine you and give an opinion about  
2 your need for a guardian.

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

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

7 You do not have to attend the court hearing if you do not  
8 want to be there. If you do not attend, the Judge may appoint a  
9 guardian if the Judge finds that a guardian would be of benefit  
10 to you. The hearing will not be postponed or canceled if you do  
11 not attend.

12 IT IS VERY IMPORTANT THAT YOU ATTEND THE HEARING IF YOU DO  
13 NOT WANT A GUARDIAN OR IF YOU WANT SOMEONE OTHER THAN THE  
14 PERSON NAMED IN THE GUARDIANSHIP PETITION TO BE YOUR GUARDIAN.  
15 IF YOU DO NOT WANT A GUARDIAN OR IF YOU HAVE ANY OTHER  
16 PROBLEMS, YOU SHOULD CONTACT AN ATTORNEY OR COME TO COURT AND  
17 TELL THE JUDGE.

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

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

26 (Source: P.A. 96-1052, eff. 7-14-10; 97-375, eff. 8-15-11;

1 97-1095, eff. 8-24-12.)

2 Section 120. The Illinois Power of Attorney Act is amended  
3 by changing Sections 2-7 and 2-10 as follows:

4 (755 ILCS 45/2-7) (from Ch. 110 1/2, par. 802-7)

5 Sec. 2-7. Duty - standard of care - record-keeping -  
6 exoneration.

7 (a) The agent shall be under no duty to exercise the powers  
8 granted by the agency or to assume control of or responsibility  
9 for any of the principal's property, care or affairs,  
10 regardless of the principal's physical or mental condition.  
11 Whenever a power is exercised, the agent shall act in good  
12 faith for the benefit of the principal using due care,  
13 competence, and diligence in accordance with the terms of the  
14 agency and shall be liable for negligent exercise. An agent who  
15 acts with due care for the benefit of the principal shall not  
16 be liable or limited merely because the agent also benefits  
17 from the act, has individual or conflicting interests in  
18 relation to the property, care or affairs of the principal or  
19 acts in a different manner with respect to the agency and the  
20 agent's individual interests. The agent shall not be affected  
21 by any amendment or termination of the agency until the agent  
22 has actual knowledge thereof. The agent shall not be liable for  
23 any loss due to error of judgment nor for the act or default of  
24 any other person.

1 (b) An agent that has accepted appointment must act in  
2 accordance with the principal's expectations to the extent  
3 actually known to the agent and otherwise in the principal's  
4 best interests.

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

9 (1) the principal, a guardian, another fiduciary  
10 acting on behalf of the principal, and, after the death of  
11 the principal, the personal representative or successors  
12 in interest of the principal's estate;

13 (2) a representative of a provider agency, as defined  
14 in Section 2 of the Adult Protective Services Act ~~Elder~~  
15 ~~Abuse and Neglect Act~~, acting in the course of an  
16 assessment of a complaint of elder abuse or neglect under  
17 that Act;

18 (3) a representative of the Office of the State Long  
19 Term Care Ombudsman, acting in the course of an  
20 investigation of a complaint of financial exploitation of a  
21 nursing home resident under Section 4.04 of the Illinois  
22 Act on the Aging;

23 (4) a representative of the Office of Inspector General  
24 for the Department of Human Services, acting in the course  
25 of an assessment of a complaint of financial exploitation  
26 of an adult with disabilities pursuant to Section 35 of the

1 Abuse of Adults with Disabilities Intervention Act; or

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

3 (d) If the agent fails to provide his or her record of all  
4 receipts, disbursements, and significant actions within 21  
5 days after a request under subsection (c), the adult ~~elder~~  
6 abuse provider agency or the State Long Term Care Ombudsman may  
7 petition the court for an order requiring the agent to produce  
8 his or her record of receipts, disbursements, and significant  
9 actions. If the court finds that the agent's failure to provide  
10 his or her record in a timely manner to the adult ~~elder~~ abuse  
11 provider agency or the State Long Term Care Ombudsman was  
12 without good cause, the court may assess reasonable costs and  
13 attorney's fees against the agent, and order such other relief  
14 as is appropriate.

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

19 (f) An agent that violates this Act is liable to the  
20 principal or the principal's successors in interest for the  
21 amount required (i) to restore the value of the principal's  
22 property to what it would have been had the violation not  
23 occurred, and (ii) to reimburse the principal or the  
24 principal's successors in interest for the attorney's fees and  
25 costs paid on the agent's behalf. This subsection does not  
26 limit any other applicable legal or equitable remedies.

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

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

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

4 (a) Upon petition by any interested person (including the  
5 agent), with such notice to interested persons as the court  
6 directs and a finding by the court that the principal lacks  
7 either the capacity to control or the capacity to revoke the  
8 agency, the court may construe a power of attorney, review the  
9 agent's conduct, and grant appropriate relief including  
10 compensatory damages.

11 (b) If the court finds that the agent is not acting for the  
12 benefit of the principal in accordance with the terms of the  
13 agency or that the agent's action or inaction has caused or  
14 threatens substantial harm to the principal's person or  
15 property in a manner not authorized or intended by the  
16 principal, the court may order a guardian of the principal's  
17 person or estate to exercise any powers of the principal under  
18 the agency, including the power to revoke the agency, or may  
19 enter such other orders without appointment of a guardian as  
20 the court deems necessary to provide for the best interests of  
21 the principal.

22 (c) If the court finds that the agency requires  
23 interpretation, the court may construe the agency and instruct  
24 the agent, but the court may not amend the agency.

25 (d) If the court finds that the agent has not acted for the

1 benefit of the principal in accordance with the terms of the  
2 agency and the Illinois Power of Attorney Act, or that the  
3 agent's action caused or threatened substantial harm to the  
4 principal's person or property in a manner not authorized or  
5 intended by the principal, then the agent shall not be  
6 authorized to pay or be reimbursed from the estate of the  
7 principal the attorneys' fees and costs of the agent in  
8 defending a proceeding brought pursuant to this Section.

9 (e) Upon a finding that the agent's action has caused  
10 substantial harm to the principal's person or property, the  
11 court may assess against the agent reasonable costs and  
12 attorney's fees to a prevailing party who is a provider agency  
13 as defined in Section 2 of the Adult Protective Services Act  
14 ~~Elder Abuse and Neglect Act~~, a representative of the Office of  
15 the State Long Term Care Ombudsman, or a governmental agency  
16 having regulatory authority to protect the welfare of the  
17 principal.

18 (f) As used in this Section, the term "interested person"  
19 includes (1) the principal or the agent; (2) a guardian of the  
20 person, guardian of the estate, or other fiduciary charged with  
21 management of the principal's property; (3) the principal's  
22 spouse, parent, or descendant; (4) a person who would be a  
23 presumptive heir-at-law of the principal; (5) a person named as  
24 a beneficiary to receive any property, benefit, or contractual  
25 right upon the principal's death, or as a beneficiary of a  
26 trust created by or for the principal; (6) a provider agency as

1 defined in Section 2 of the Adult Protective Services Act ~~Elder~~  
2 ~~Abuse and Neglect Act~~, a representative of the Office of the  
3 State Long Term Care Ombudsman, or a governmental agency having  
4 regulatory authority to protect the welfare of the principal;  
5 and (7) the principal's caregiver or another person who  
6 demonstrates sufficient interest in the principal's welfare.

7 (g) Absent court order directing a guardian to exercise  
8 powers of the principal under the agency, a guardian will have  
9 no power, duty or liability with respect to any property  
10 subject to the agency or any personal or health care matters  
11 covered by the agency.

12 (h) Proceedings under this Section shall be commenced in  
13 the county where the guardian was appointed or, if no Illinois  
14 guardian is acting, then in the county where the agent or  
15 principal resides or where the principal owns real property.

16 (i) This Section shall not be construed to limit any other  
17 remedies available.

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

19 Section 999. Effective date. This Act takes effect July 1,  
20 2013."