

AN ACT concerning civil law.

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

Section 5. The Illinois Power of Attorney Act is amended by changing Section 2-7.5 as follows:

(755 ILCS 45/2-7.5)

Sec. 2-7.5. Incapacitated principal.

(a) This Section shall apply only to an agent acting for a principal who is incapacitated. A principal shall be considered incapacitated if that individual is under a legal disability as defined in Section 11a-2 of the Probate Act of 1975. A principal shall also be considered incapacitated if: (i) a physician licensed to practice medicine in all its branches has examined the principal and has determined that the principal lacks decision making capacity; and (ii) that physician has made a written record of this determination and has signed the written record within 90 days after the examination; and (iii) the written record has been delivered to the agent. The agent may rely conclusively on that written record.

(b) An agent shall provide a record of all receipts, disbursements, and significant actions taken under the authority of the agency when requested to do so: (i) by a representative of a provider agency, as defined in Section 2 of the Elder Abuse and Neglect Act, acting in the course of an assessment of a complaint of elder abuse or neglect under that Act; (ii) by a representative of the Office of the State Long Term Care Ombudsman acting in the course of an investigation of a complaint of financial exploitation of a nursing home resident under Section 4.04 of the Illinois Act on the Aging; or (iii) by a representative of the Office of Inspector General for the Department of Human Services acting in the course of an assessment of a complaint of financial exploitation of an adult

with disabilities pursuant to Section 35 of the Abuse of Adults with Disabilities Intervention Act.

(c) If the agent fails to provide his or her record of all receipts, disbursements, and significant actions within 21 days after a request under paragraph (b), the elder abuse provider agency or the State Long Term Care Ombudsman may petition the court for an order requiring the agent to produce his or her record of receipts, disbursements, and significant actions. If the court finds that the agent's failure to provide his or her record in a timely manner to the elder abuse provider agency or the State Long Term Care Ombudsman was without good cause, the court may assess reasonable costs and attorney's fees against the agent, and order such other relief as is appropriate.

(Source: P.A. 94-500, eff. 8-8-05.)

Section 99. Effective date. This Act takes effect upon becoming law.