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1 AN ACT concerning adult protective services.

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

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

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

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

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

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

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1 Section 10. Exploratory committee for the Statewide
2 Centralized Hotline. The Department on Aging shall, upon the
3 effective date of this Act, act as the lead agency in convening
4 an exploratory committee with the Department of Human Services
5 and the Department of Public Health to determine how a
6 centralized hotline will function and what types of funding,
7

staffing, and training are required to support its operation.

8 The Committee shall be composed of stakeholder representatives
9 of all programs under consideration for inclusion in the
10 Statewide Centralized Hotline, as well as representatives from
11 each of the named agencies.

12 Section 15. Committee responsibilities. The Committee
13 shall carry out the following responsibilities:

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

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

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

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

23 (5) establish the manner in which the confidentiality of
24 all complainant identities will be protected for purposes of

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1 any dissemination of records or other information outside
2 agency personnel.

3 Section 20. Committee report. The Committee shall issue a
4 report with its findings and recommendations together with a
5 budget proposal within 6 months after the effective date of
6 this Act.

7 Section 25. The Open Meetings Act is amended by changing
8 Section 2 as follows:

9 (5 ILCS 120/2) (from Ch. 102, par. 42)

10 Sec. 2. Open meetings.

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

14 (b) Construction of exceptions. The exceptions contained
15 in subsection (c) are in derogation of the requirement that
16 public bodies meet in the open, and therefore, the exceptions
17 are to be strictly construed, extending only to subjects

18 clearly within their scope. The exceptions authorize but do not
19 require the holding of a closed meeting to discuss a subject
20 included within an enumerated exception.

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

23 (1) The appointment, employment, compensation,

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

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

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

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

24 (5) The purchase or lease of real property for the use
25 of the public body, including meetings held for the purpose
26 of discussing whether a particular parcel should be

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1 acquired.

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

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

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

12 (9) Student disciplinary cases.

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

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

23 (12) The establishment of reserves or settlement of
24 claims as provided in the Local Governmental and
25 Governmental Employees Tort Immunity Act, if otherwise the
26 disposition of a claim or potential claim might be

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

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

12 (14) Informant sources, the hiring or assignment of
13 undercover personnel or equipment, or ongoing, prior or

14 future criminal investigations, when discussed by a public
15 body with criminal investigatory responsibilities.

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

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

24 (17) The recruitment, credentialing, discipline or
25 formal peer review of physicians or other health care
26 professionals for a hospital, or other institution

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1 providing medical care, that is operated by the public
2 body.

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

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

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

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

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

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

23 (24) Meetings of a residential health care facility
24 resident sexual assault and death review team or the
25

Executive Council under the Abuse Prevention Review Team
Act.

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

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

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

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

25 (29) Meetings between internal or external auditors
26 and governmental audit committees, finance committees, and

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

6 (30) Those meetings or portions of meetings of an
7 at-risk adult fatality review team or the Illinois At-Risk
8 Adult Fatality Review Team Advisory Council during which a
9 review of the death of an eligible adult in which abuse or
10 neglect is suspected, alleged, or substantiated is
11 conducted pursuant to Section 15 of the Adult Protective
12 Services Act.

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

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

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

26 "Quasi-adjudicative body" means an administrative body

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1 charged by law or ordinance with the responsibility to conduct
2 hearings, receive evidence or testimony and make
3 determinations based thereon, but does not include local
4 electoral boards when such bodies are considering petition
5 challenges.

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

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

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

16

(5 ILCS 140/7.5)

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

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

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

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1 (c) Applications, related documents, and medical records
2 received by the Experimental Organ Transplantation Procedures
3 Board and any and all documents or other records prepared by
4 the Experimental Organ Transplantation Procedures Board or its
5 staff relating to applications it has received.

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

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

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

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

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

23 (i) Information contained in a local emergency energy plan
24 submitted to a municipality in accordance with a local
25 emergency energy plan ordinance that is adopted under Section
26 11-21.5-5 of the Illinois Municipal Code.

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

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

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

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

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

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

26 (p) Security portions of system safety program plans,

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1 investigation reports, surveys, schedules, lists, data, or
2 information compiled, collected, or prepared by or for the
3 Regional Transportation Authority under Section 2.11 of the
4 Regional Transportation Authority Act or the St. Clair County
5 Transit District under the Bi-State Transit Safety Act.

6 (q) Information prohibited from being disclosed by the
7 Personnel Records Review Act.

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

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

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

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

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

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

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

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

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

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

22 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.
23 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,
24 eff. 1-1-13.)

25 Section 35. The State Employee Indemnification Act is

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1 amended by changing Section 1 as follows:

2 (5 ILCS 350/1) (from Ch. 127, par. 1301)

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

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

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

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1 Department of Veterans' Affairs to provide services,
2 individuals or organizations who contract with the Department
3 of Human Services (as successor to the Department of Mental

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

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1 furnish professional advice or consultation to any agency or
2 instrumentality of the State, individuals who serve as foster
3 parents for the Department of Children and Family Services when
4 caring for a Department ward, individuals who serve as members
5 of an independent team of experts under Brian's Law, and
6 individuals who serve as arbitrators pursuant to Part 10A of
7 Article II of the Code of Civil Procedure and the rules of the
8 Supreme Court implementing Part 10A, each as now or hereafter
9 amended, but does not mean an independent contractor except as
10 provided in this Section. The term includes an individual
11 appointed as an inspector by the Director of State Police when
12 performing duties within the scope of the activities of a
13 Metropolitan Enforcement Group or a law enforcement
14 organization established under the Intergovernmental
15

16 Cooperation Act. An individual who renders professional advice
17 and consultation to the State through an organization which
18 qualifies as an "employee" under the Act is also an employee.
19 The term includes the estate or personal representative of an
20 employee.

21 (c) The term "pension fund" means a retirement system or
22 pension fund created under the Illinois Pension Code.
(Source: P.A. 96-1235, eff. 1-1-11.)

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

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1 (20 ILCS 105/4.01) (from Ch. 23, par. 6104.01)
2 Sec. 4.01. Additional powers and duties of the Department.
3 In addition to powers and duties otherwise provided by law, the
4 Department shall have the following powers and duties:
5 (1) To evaluate all programs, services, and facilities for
6 the aged and for minority senior citizens within the State and
7 determine the extent to which present public or private
8 programs, services and facilities meet the needs of the aged.
9 (2) To coordinate and evaluate all programs, services, and
10 facilities for the Aging and for minority senior citizens
11 presently furnished by State agencies and make appropriate
12 recommendations regarding such services, programs and
13 facilities to the Governor and/or the General Assembly.
14 (3) To function as the sole State agency to develop a
15 comprehensive plan to meet the needs of the State's senior
16 citizens and the State's minority senior citizens.
17 (4) To receive and disburse State and federal funds made
18 available directly to the Department including those funds made
19 available under the Older Americans Act and the Senior
20 Community Service Employment Program for providing services
21 for senior citizens and minority senior citizens or for
22 purposes related thereto, and shall develop and administer any
23 State Plan for the Aging required by federal law.
24 (5) To solicit, accept, hold, and administer in behalf of
25 the State any grants or legacies of money, securities, or
26 property to the State of Illinois for services to senior

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1 citizens and minority senior citizens or purposes related
2 thereto.

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

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

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

14 (9) To establish and maintain information and referral
15 sources throughout the State when not provided by other
16 agencies.

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

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

21 (12) To establish and fund programs or projects or
22 experimental facilities that are specially designed as
23 alternatives to institutional care.

24 (13) To develop a training program to train the counselors
25 presently employed by the Department's aging network to provide
26 Medicare beneficiaries with counseling and advocacy in

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1 Medicare, private health insurance, and related health care
2 coverage plans. The Department shall report to the General
3 Assembly on the implementation of the training program on or
4 before December 1, 1986.

5 (14) To make a grant to an institution of higher learning
6 to study the feasibility of establishing and implementing an
7 affirmative action employment plan for the recruitment,
8 hiring, training and retraining of persons 60 or more years old

9 for jobs for which their employment would not be precluded by
10 law.

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

26 (16) To establish multipurpose senior centers through area

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1 agencies on aging and to fund those new and existing
2 multipurpose senior centers through area agencies on aging, the
3 establishment and funding to begin in such areas of the State
4 as the Department shall designate by rule and as specifically
5 appropriated funds become available.

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

12 (18) To develop a pamphlet in English and Spanish which may
13 be used by physicians licensed to practice medicine in all of
14 its branches pursuant to the Medical Practice Act of 1987,
15 pharmacists licensed pursuant to the Pharmacy Practice Act, and
16 Illinois residents 65 years of age or older for the purpose of
17 assisting physicians, pharmacists, and patients in monitoring
18 prescriptions provided by various physicians and to aid persons
19 65 years of age or older in complying with directions for
20 proper use of pharmaceutical prescriptions. The pamphlet may

- 21 provide space for recording information including but not
- 22 limited to the following:
- 23 (a) name and telephone number of the patient;
- 24 (b) name and telephone number of the prescribing
- 25 physician;
- 26 (c) date of prescription;

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- 1 (d) name of drug prescribed;
- 2 (e) directions for patient compliance; and
- 3 (f) name and telephone number of dispensing pharmacy.

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

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

13 (20) The reimbursement rates paid through the community
 14 care program for chore housekeeping services and home care
 15 aides shall be the same.

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

23 (22) To distribute, through its area agencies on aging,
 24 information alerting seniors on safety issues regarding
 25 emergency weather conditions, including extreme heat and cold,
 26 flooding, tornadoes, electrical storms, and other severe storm

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1 weather. The information shall include all necessary

2 instructions for safety and all emergency telephone numbers of
3 organizations that will provide additional information and
4 assistance.

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

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

18 (b) types of services to be received upon the
19 redemption of service credits;

20 (c) issues of liability for the volunteers and the
21 administering organizations;

22 (d) methods of tracking service credits earned and
23 service credits redeemed;

24 (e) issues of time limits for redemption of service
25 credits;

26 (f) methods of recruitment of volunteers;

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

4 (h) accountability and assurance that services will be
5 available to individuals who have earned service credits;
6 and

7 (i) volunteer screening and qualifications.

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

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

14 (Source: P.A. 95-298, eff. 8-20-07; 95-689, eff. 10-29-07;
15 95-876, eff. 8-21-08; 96-918, eff. 6-9-10.)

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

18 (20 ILCS 1305/1-17)

19 Sec. 1-17. Inspector General.

20 (a) Nature and purpose. It is the express intent of the
21 General Assembly to ensure the health, safety, and financial
22 condition of individuals receiving services in this State due
23 to mental illness, developmental disability, or both by
24 protecting those persons from acts of abuse, neglect, or both

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

14 (b) Definitions. The following definitions apply to this
15 Section:

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

23 "Agency" or "community agency" means (i) a community agency
24 licensed, funded, or certified by the Department, but not
25 licensed or certified by any other human services agency of the

26 State, to provide mental health service or developmental

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

5 "Aggravating circumstance" means a factor that is
6 attendant to a finding and that tends to compound or increase
7 the culpability of the accused.

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

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

14 "Deflection" means a situation in which an individual is
15 presented for admission to a facility or agency, and the
16 facility staff or agency staff do not admit the individual.
17 "Deflection" includes triage, redirection, and denial of
18 admission.

19 "Department" means the Department of Human Services.

20 "Developmentally disabled" means having a developmental
21 disability.

22 "Developmental disability" means "developmental
23 disability" as defined in the Mental Health and Developmental
24 Disabilities Code.

25 "Egregious neglect" means a finding of neglect as
26 determined by the Inspector General that (i) represents a gross

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1 failure to adequately provide for, or a callused indifference
2 to, the health, safety, or medical needs of an individual and
3 (ii) results in an individual's death or other serious
4 deterioration of an individual's physical condition or mental
5 condition.

6 "Employee" means any person who provides services at the

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

15 "Facility" or "State-operated facility" means a mental
16 health facility or developmental disabilities facility
17 operated by the Department.

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

22 "Finding" means the Office of Inspector General's
23 determination regarding whether an allegation is
24 substantiated, unsubstantiated, or unfounded.

25 "Health care worker registry" or "registry" means the
26 health care worker registry created by the Nursing Home Care

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1 Act.

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

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

11 "Mental illness" means "mental illness" as defined in the
12 Mental Health and Developmental Disabilities Code.

13 "Mentally ill" means having a mental illness.

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

19 accused.

20 "Neglect" means an employee's, agency's, or facility's

21 failure to provide adequate medical care, personal care, or

22 maintenance and that, as a consequence, (i) causes an

23 individual pain, injury, or emotional distress, (ii) results in

24 either an individual's maladaptive behavior or the

25 deterioration of an individual's physical condition or mental

26 condition, or (iii) places the individual's health or safety at

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1 substantial risk.

2 "Physical abuse" means an employee's non-accidental and

3 inappropriate contact with an individual that causes bodily

4 harm. "Physical abuse" includes actions that cause bodily harm

5 as a result of an employee directing an individual or person to

6 physically abuse another individual.

7 "Recommendation" means an admonition, separate from a

8 finding, that requires action by the facility, agency, or

9 Department to correct a systemic issue, problem, or deficiency

10 identified during an investigation.

11 "Required reporter" means any employee who suspects,

12 witnesses, or is informed of an allegation of any one or more

13 of the following: mental abuse, physical abuse, sexual abuse,

14 neglect, or financial exploitation.

15 "Secretary" means the Chief Administrative Officer of the

16 Department.

17 "Sexual abuse" means any sexual contact or intimate

18 physical contact between an employee and an individual,

19 including an employee's coercion or encouragement of an

20 individual to engage in sexual behavior that results in sexual

21 contact, intimate physical contact, sexual behavior, or

22 intimate physical behavior.

23 "Substantiated" means there is a preponderance of the

24 evidence to support the allegation.

25 "Unfounded" means there is no credible evidence to support

26 the allegation.

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1 "Unsubstantiated" means there is credible evidence, but
2 less than a preponderance of evidence to support the
3 allegation.

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

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

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

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1 neglect of persons with mental illness, persons with
2 developmental disabilities, or persons with both. To comply
3 with the requirements of subsection (k) of this Section, the
4 Inspector General shall also review all reportable deaths for
5 which there is no allegation of abuse or neglect. Nothing in
6 this Section shall preempt any duties of the Medical Review
7 Board set forth in the Mental Health and Developmental
8 Disabilities Code. The Inspector General shall have no
9 authority to investigate alleged violations of the State
10 Officials and Employees Ethics Act. Allegations of misconduct
11 under the State Officials and Employees Ethics Act shall be

12 referred to the Office of the Governor's Executive Inspector
13 General for investigation.

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

26 (g) Rulemaking authority. The Inspector General shall

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

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

24 and agency employees concerning the prevention and reporting of
25 any one or more of the following: mental abuse, physical abuse,
26 sexual abuse, neglect, egregious neglect, or financial
exploitation. Nothing in this Section shall be deemed to

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1 prevent the Office of Inspector General from conducting any
2 other training as determined by the Inspector General to be
3 necessary or helpful.

4 (i) Duty to cooperate.

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

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

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1 of the Inspector General investigator, (v) destroying
2 evidence, (vi) withholding evidence, or (vii) otherwise
3 obstructing an Office of the Inspector General

4 investigation. Additionally, any employee who, during an
5 unannounced site visit or written response compliance
6 check, fails to cooperate with requests from the Office of
7 the Inspector General is in violation of this Act.

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

21 (k) Reporting allegations and deaths.

22 (1) Allegations. If an employee witnesses, is told of,
23 or has reason to believe an incident of mental abuse,
24 physical abuse, sexual abuse, neglect, or financial
25 exploitation has occurred, the employee, agency, or
26 facility shall report the allegation by phone to the Office

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

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

14 (i) Any death of an individual occurring within 14
15 calendar days after discharge or transfer of the

16 individual from a residential program or facility.
17 (ii) Any death of an individual occurring within 24
18 hours after deflection from a residential program or
19 facility.
20 (iii) Any other death of an individual occurring at
21 an agency or facility or at any Department-funded site.
22 (3) Retaliation. It is a violation of this Act for any
23 employee or administrator of an agency or facility to take
24 retaliatory action against an employee who acts in good
25 faith in conformance with his or her duties as a required
26 reporter.

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1 (1) Reporting to law enforcement.
2 (1) Reporting criminal acts. Within 24 hours after
3 determining that there is credible evidence indicating
4 that a criminal act may have been committed or that special
5 expertise may be required in an investigation, the
6 Inspector General shall notify the Department of State
7 Police or other appropriate law enforcement authority, or
8 ensure that such notification is made. The Department of
9 State Police shall investigate any report from a
10 State-operated facility indicating a possible murder,
11 sexual assault, or other felony by an employee. All
12 investigations conducted by the Inspector General shall be
13 conducted in a manner designed to ensure the preservation
14 of evidence for possible use in a criminal prosecution.
15 (2) Reporting allegations of adult students with
16 disabilities. Upon receipt of a reportable allegation
17 regarding an adult student with a disability, the
18 Department's Office of the Inspector General shall
19 determine whether the allegation meets the criteria for the
20 Domestic Abuse Program under the Abuse of Adults with
21 Disabilities Intervention Act. If the allegation is
22 reportable to that program, the Office of the Inspector
23 General shall initiate an investigation. If the allegation
24 is not reportable to the Domestic Abuse Program, the Office
25 of the Inspector General shall make an expeditious referral
26 to the respective law enforcement entity. If the alleged

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1 victim is already receiving services from the Department,
2 the Office of the Inspector General shall also make a
3 referral to the respective Department of Human Services'
4 Division or Bureau.

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

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1 Abused and Neglected Long Term Care Facility Residents
2 Reporting Act. Raw data used to compile the investigative
3 report shall not be subject to release unless required by law
4 or a court order. "Raw data used to compile the investigative
5 report" includes, but is not limited to, any one or more of the
6 following: the initial complaint, witness statements,
7 photographs, investigator's notes, police reports, or incident
8 reports. If the allegations are substantiated, the accused

9 shall be provided with a redacted copy of the investigative
10 report. Death reports where there was no allegation of abuse or
11 neglect shall only be released pursuant to applicable State or
12 federal law or a valid court order.

13 (n) Written responses and reconsideration requests.

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

26 (2) Reconsideration requests. The facility, agency,

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1 victim or guardian, or the subject employee may request
2 that the Office of Inspector General reconsider or clarify
3 its finding based upon additional information.

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

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

21 or (iv) the imposition of appropriate sanctions.

22 (q) Action by facility or agency. Within 30 days of the
23 date the Secretary approves the written response or directs
24 that further administrative action be taken, the facility or
25 agency shall provide an implementation report to the Inspector
26 General that provides the status of the action taken. The

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

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

19 (1) Appointment of on-site monitors.

20 (2) Transfer or relocation of an individual or
21 individuals.

22 (3) Closure of units.

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

24 (i) Department licensing, (ii) funding, or (iii)
25 certification.

26 The Inspector General may seek the assistance of the

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1 Illinois Attorney General or the office of any State's Attorney

2 in implementing sanctions.

3 (s) Health care worker registry.

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

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

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1 bargaining unit under the Illinois Public Labor Relations
2 Act or under any other federal labor statute.

3 (3) Registry hearings. If the employee requests an
4 administrative hearing, the employee shall be granted an
5 opportunity to appear before an administrative law judge to
6 present reasons why the employee's name should not be
7 reported to the registry. The Department shall bear the
8 burden of presenting evidence that establishes, by a
9 preponderance of the evidence, that the substantiated
10 finding warrants reporting to the registry. After
11 considering all the evidence presented, the administrative
12 law judge shall make a recommendation to the Secretary as
13 to whether the substantiated finding warrants reporting

14 the name of the employee to the registry. The Secretary
15 shall render the final decision. The Department and the
16 employee shall have the right to request that the
17 administrative law judge consider a stipulated disposition
18 of these proceedings.

19 (4) Testimony at registry hearings. A person who makes
20 a report or who investigates a report under this Act shall
21 testify fully in any judicial proceeding resulting from
22 such a report, as to any evidence of abuse or neglect, or
23 the cause thereof. No evidence shall be excluded by reason
24 of any common law or statutory privilege relating to
25 communications between the alleged perpetrator of abuse or
26 neglect, or the individual alleged as the victim in the

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1 report, and the person making or investigating the report.
2 Testimony at hearings is exempt from the confidentiality
3 requirements of subsection (f) of Section 10 of the Mental
4 Health and Developmental Disabilities Confidentiality Act.

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

22 (6) Removal from registry. At any time after the report
23 to the registry, but no more than once in any 12-month
24 period, an employee may petition the Department in writing
25

26 to remove his or her name from the registry. Upon receiving
notice of such request, the Inspector General shall conduct

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1 an investigation into the petition. Upon receipt of such
2 request, an administrative hearing will be set by the
3 Department. At the hearing, the employee shall bear the
4 burden of presenting evidence that establishes, by a
5 preponderance of the evidence, that removal of the name
6 from the registry is in the public interest. The parties
7 may jointly request that the administrative law judge
8 consider a stipulated disposition of these proceedings.

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

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

26 Members appointed by the Governor shall be qualified by

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1 professional knowledge or experience in the area of law,
2 investigatory techniques, or in the area of care of the
3 mentally ill or developmentally disabled. Two members
4 appointed by the Governor shall be persons with a disability or
5 a parent of a person with a disability. Members shall serve

6 without compensation, but shall be reimbursed for expenses
7 incurred in connection with the performance of their duties as
8 members.

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

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

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

23 (2) Review existing regulations relating to the
24 operation of facilities.

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

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

5 (v) Annual report. The Inspector General shall provide to
6 the General Assembly and the Governor, no later than January 1
7 of each year, a summary of reports and investigations made
8 under this Act for the prior fiscal year with respect to
9 individuals receiving mental health or developmental
10 disabilities services. The report shall detail the imposition
11 of sanctions, if any, and the final disposition of any
12 corrective or administrative action directed by the Secretary.
13 The summaries shall not contain any confidential or identifying
14 information of any individual, but shall include objective data
15 identifying any trends in the number of reported allegations,
16 the timeliness of the Office of the Inspector General's
17 investigations, and their disposition, for each facility and

18 Department-wide, for the most recent 3-year time period. The
19 report shall also identify, by facility, the staff-to-patient
20 ratios taking account of direct care staff only. The report
21 shall also include detailed recommended administrative actions
22 and matters for consideration by the General Assembly.

23 (w) Program audit. The Auditor General shall conduct a
24 program audit of the Office of the Inspector General on an
25 as-needed basis, as determined by the Auditor General. The
26 audit shall specifically include the Inspector General's

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1 compliance with the Act and effectiveness in investigating
2 reports of allegations occurring in any facility or agency. The
3 Auditor General shall conduct the program audit according to
4 the provisions of the Illinois State Auditing Act and shall
5 report its findings to the General Assembly no later than
6 January 1 following the audit period.

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

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

21 (Source: P.A. 95-545, eff. 8-28-07; 96-339, eff. 7-1-10;
22 96-407, eff. 8-13-09; 96-555, eff. 8-18-09; 96-1000, eff.
23 7-2-10; 96-1446, eff. 8-20-10.)

24 (20 ILCS 2435/Act rep.)

25 Section 50. The Abuse of Adults with Disabilities

1 Intervention Act is repealed.

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

4 (50 ILCS 705/7) (from Ch. 85, par. 507)

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

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

1 ~~Abuse and Neglect Act~~, crimes against the elderly, law of
2 evidence, the hazards of high-speed police vehicle chases with
3 an emphasis on alternatives to the high-speed chase, and
4 physical training. The curriculum shall include specific
5 training in techniques for immediate response to and
6 investigation of cases of domestic violence and of sexual
7 assault of adults and children. The curriculum shall include
8 training in techniques designed to promote effective
9 communication at the initial contact with crime victims and
10 ways to comprehensively explain to victims and witnesses their

11 rights under the Rights of Crime Victims and Witnesses Act and
12 the Crime Victims Compensation Act. The curriculum shall also
13 include a block of instruction aimed at identifying and
14 interacting with persons with autism and other developmental
15 disabilities, reducing barriers to reporting crimes against
16 persons with autism, and addressing the unique challenges
17 presented by cases involving victims or witnesses with autism
18 and other developmental disabilities. The curriculum for
19 permanent police officers shall include but not be limited to
20 (1) refresher and in-service training in any of the courses
21 listed above in this subparagraph, (2) advanced courses in any
22 of the subjects listed above in this subparagraph, (3) training
23 for supervisory personnel, and (4) specialized training in
24 subjects and fields to be selected by the board.

25 b. Minimum courses of study, attendance requirements and
26 equipment requirements.

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1 c. Minimum requirements for instructors.

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

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

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

20 A person hired to serve as a court security officer must
21 obtain from the Board a certificate (i) attesting to his or her
22 successful completion of the training course; (ii) attesting to

23 his or her satisfactory completion of a training program of
24 similar content and number of hours that has been found
25 acceptable by the Board under the provisions of this Act; or
26 (iii) attesting to the Board's determination that the training

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1 course is unnecessary because of the person's extensive prior
2 law enforcement experience.

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

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

14 The Sheriff's Merit Commission, if one exists, or the
15 Sheriff's Office if there is no Sheriff's Merit Commission,
16 shall maintain a list of all individuals who have filed
17 applications to become court security officers and who meet the
18 eligibility requirements established under this Act. Either
19 the Sheriff's Merit Commission, or the Sheriff's Office if no
20 Sheriff's Merit Commission exists, shall establish a schedule
21 of reasonable intervals for verification of the applicants'
22 qualifications under this Act and as established by the Board.
23 (Source: P.A. 97-815, eff. 1-1-13; 97-862, eff. 1-1-13; revised
24 8-3-12.)

25 Section 60. The Illinois Banking Act is amended by changing

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1 Section 48.1 as follows:

2 (205 ILCS 5/48.1) (from Ch. 17, par. 360)

3 Sec. 48.1. Customer financial records; confidentiality.

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

6 (1) a document granting signature authority over a
7 deposit or account;

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

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

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

18 (b) This Section does not prohibit:

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

25 (2) The examination of any financial records by, or the

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

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

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

14 (5) Furnishing information concerning the dishonor of
15 any negotiable instrument permitted to be disclosed under
16

the Uniform Commercial Code.

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

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- 1 law enforcement authorities where the bank reasonably
2 believes it has been the victim of a crime.
3 (8) The furnishing of information under the Uniform
4 Disposition of Unclaimed Property Act.
5 (9) The furnishing of information under the Illinois
6 Income Tax Act and the Illinois Estate and
7 Generation-Skipping Transfer Tax Act.
8 (10) The furnishing of information under the federal
9 Currency and Foreign Transactions Reporting Act Title 31,
10 United States Code, Section 1051 et seq.
11 (11) The furnishing of information under any other
12 statute that by its terms or by regulations promulgated
13 thereunder requires the disclosure of financial records
14 other than by subpoena, summons, warrant, or court order.
15 (12) The furnishing of information about the existence
16 of an account of a person to a judgment creditor of that
17 person who has made a written request for that information.
18 (13) The exchange in the regular course of business of
19 information between commonly owned banks in connection
20 with a transaction authorized under paragraph (23) of
21 Section 5 and conducted at an affiliate facility.
22 (14) The furnishing of information in accordance with
23 the federal Personal Responsibility and Work Opportunity
24 Reconciliation Act of 1996. Any bank governed by this Act
25 shall enter into an agreement for data exchanges with a
26 State agency provided the State agency pays to the bank a

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

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

18 (16) The furnishing of information to law enforcement
19 authorities, the Illinois Department on Aging and its
20 regional administrative and provider agencies, the
21 Department of Human Services Office of Inspector General,
22 or public guardians: (i) upon subpoena by the investigatory
23 entity or the guardian, or (ii) if there is suspicion by
24 the bank that a customer who is an elderly or disabled
25 person has been or may become the victim of financial
26 exploitation. For the purposes of this item (16), the term:

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1 (i) "elderly person" means a person who is 60 or more years
2 of age, (ii) "disabled person" means a person who has or
3 reasonably appears to the bank to have a physical or mental
4 disability that impairs his or her ability to seek or
5 obtain protection from or prevent financial exploitation,
6 and (iii) "financial exploitation" means tortious or
7 illegal use of the assets or resources of an elderly or
8 disabled person, and includes, without limitation,

9 misappropriation of the elderly or disabled person's
10 assets or resources by undue influence, breach of fiduciary
11 relationship, intimidation, fraud, deception, extortion,
12 or the use of assets or resources in any manner contrary to
13 law. A bank or person furnishing information pursuant to
14 this item (16) shall be entitled to the same rights and
15 protections as a person furnishing information under the
16 Adult Protective Services Act and Elder Abuse and Neglect
17 Act, the Illinois Domestic Violence Act of 1986, ~~and the~~
18 ~~Abuse of Adults with Disabilities Intervention Act.~~

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

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

25 (B) maintaining or servicing a customer's account
26 with the bank; or

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1 (C) a proposed or actual securitization or
2 secondary market sale (including sales of servicing
3 rights) related to a transaction of a customer.
4 Nothing in this item (17), however, authorizes the sale
5 of the financial records or information of a customer
6 without the consent of the customer.

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

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

19 (b) (1) For purposes of this paragraph (19) of
20 subsection (b) of Section 48.1, a "private label credit

21 program" means a credit program involving a financial
22 institution and a private label party that is used by a
23 customer of the financial institution and the private label
24 party primarily for payment for goods or services sold,
25 manufactured, or distributed by a private label party.

26 (2) For purposes of this paragraph (19) of subsection

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

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

11 (1) the customer has authorized disclosure to the
12 person;

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

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

21 (d) A bank shall disclose financial records under paragraph
22 (2) of subsection (c) of this Section under a lawful subpoena,
23 summons, warrant, citation to discover assets, or court order
24 only after the bank mails a copy of the subpoena, summons,
25 warrant, citation to discover assets, or court order to the
26 person establishing the relationship with the bank, if living,

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1 and, otherwise his personal representative, if known, at his

2 last known address by first class mail, postage prepaid, unless
3 the bank is specifically prohibited from notifying the person
4 by order of court or by applicable State or federal law. A bank
5 shall not mail a copy of a subpoena to any person pursuant to
6 this subsection if the subpoena was issued by a grand jury
7 under the Statewide Grand Jury Act.

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

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

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

25 (Source: P.A. 94-495, eff. 8-8-05; 94-851, eff. 6-13-06;
26 95-661, eff. 1-1-08.)

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

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

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

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

members.

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

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1 capital.

2 (c) This Section does not prohibit:

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

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

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

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

21 (5) Furnishing information concerning the dishonor of
22 any negotiable instrument permitted to be disclosed under
23 the Uniform Commercial Code.

24 (6) The exchange in the regular course of business of
25 (i) credit information between an association and other

26 associations or financial institutions or commercial

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

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

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

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

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

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

24 (12) The exchange of information between an
25 association and an affiliate of the association; as used in
26 this item, "affiliate" includes any company, partnership,

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1 or organization that controls, is controlled by, or is
2 under common control with an association.

3 (13) The furnishing of information in accordance with
4 the federal Personal Responsibility and Work Opportunity
5 Reconciliation Act of 1996. Any association governed by
6 this Act shall enter into an agreement for data exchanges

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

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

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1 entity or the guardian, or (ii) if there is suspicion by
2 the association that a customer who is an elderly or
3 disabled person has been or may become the victim of
4 financial exploitation. For the purposes of this item (14),
5 the term: (i) "elderly person" means a person who is 60 or
6 more years of age, (ii) "disabled person" means a person
7 who has or reasonably appears to the association to have a
8 physical or mental disability that impairs his or her
9 ability to seek or obtain protection from or prevent
10 financial exploitation, and (iii) "financial exploitation"
11 means tortious or illegal use of the assets or resources of
12 an elderly or disabled person, and includes, without
13 limitation, misappropriation of the elderly or disabled
14 person's assets or resources by undue influence, breach of
15 fiduciary relationship, intimidation, fraud, deception,
16 extortion, or the use of assets or resources in any manner
17 contrary to law. An association or person furnishing
18 information pursuant to this item (14) shall be entitled to

19 the same rights and protections as a person furnishing
20 information under the Adult Protective Services Act and
21 ~~Elder Abuse and Neglect Act~~, the Illinois Domestic Violence
22 Act of 1986, ~~and the Abuse of Adults with Disabilities~~
23 ~~Intervention Act.~~

24 (15) The disclosure of financial records or
25 information as necessary to effect, administer, or enforce
26 a transaction requested or authorized by the member or

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1 holder of capital, or in connection with:

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

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

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

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

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

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

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

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

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

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

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

24 (e) An association shall disclose financial records under
25 subsection (d) of this Section pursuant to a lawful subpoena,
26 summons, warrant, citation to discover assets, or court order

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1 only after the association mails a copy of the subpoena,
2 summons, warrant, citation to discover assets, or court order
3 to the person establishing the relationship with the
4 association, if living, and, otherwise, his personal
5 representative, if known, at his last known address by first
6 class mail, postage prepaid, unless the association is
7 specifically prohibited from notifying that person by order of
8 court.

9 (f) (1) Any officer or employee of an association who
10 knowingly and willfully furnishes financial records in
11 violation of this Section is guilty of a business offense and,

12 upon conviction, shall be fined not more than \$1,000.

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

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

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1 mailed to the members upon the requesting member's payment or
2 adequate provision for payment of the expenses of preparation
3 and mailing.

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

10 (Source: P.A. 94-495, eff. 8-8-05; 94-851, eff. 6-13-06;
11 95-661, eff. 1-1-08.)

12 Section 70. The Savings Bank Act is amended by changing
13 Section 4013 as follows:

14 (205 ILCS 205/4013) (from Ch. 17, par. 7304-13)

15 Sec. 4013. Access to books and records; communication with
16 members and shareholders.

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

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

24 (b) For the purpose of this Section, the term "financial

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

12 (c) This Section does not prohibit:

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

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

25 (3) The publication of data furnished from financial
26 records relating to members or holders of capital where the

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1 data cannot be identified to any particular member,
2 shareholder, or account.

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

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

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

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

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

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

26 (10) The furnishing of information pursuant to the

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1 federal "Currency and Foreign Transactions Reporting Act",
2 (Title 31, United States Code, Section 1051 et seq.).

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

8 (12) The furnishing of information in accordance with
9 the federal Personal Responsibility and Work Opportunity
10 Reconciliation Act of 1996. Any savings bank governed by
11 this Act shall enter into an agreement for data exchanges
12 with a State agency provided the State agency pays to the
13 savings bank a reasonable fee not to exceed its actual cost
14 incurred. A savings bank providing information in
15 accordance with this item shall not be liable to any
16 account holder or other person for any disclosure of

17 information to a State agency, for encumbering or
18 surrendering any assets held by the savings bank in
19 response to a lien or order to withhold and deliver issued
20 by a State agency, or for any other action taken pursuant
21 to this item, including individual or mechanical errors,
22 provided the action does not constitute gross negligence or
23 willful misconduct. A savings bank shall have no obligation
24 to hold, encumber, or surrender assets until it has been
25 served with a subpoena, summons, warrant, court or
26 administrative order, lien, or levy.

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

1 Act of 1986, ~~and the Abuse of Adults with Disabilities~~
2 ~~Intervention Act.~~

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

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

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

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

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

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

24 (16) The disclosure of financial records or
25 information as necessary to protect against or prevent
26 actual or potential fraud, unauthorized transactions,

1 claims, or other liability.

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

related to the identity of the customer.

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

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

23 (d) A savings bank may not disclose to any person, except
24 to the member or holder of capital or his duly authorized
25 agent, any financial records relating to that member or
26 shareholder of the savings bank unless:

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

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

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

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

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

26 (h) If any member or shareholder desires to communicate

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

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

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

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1 (Source: P.A. 94-495, eff. 8-8-05; 94-851, eff. 6-13-06;

2 95-661, eff. 1-1-08.)

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

5 (205 ILCS 305/10) (from Ch. 17, par. 4411)

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

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

12 (2) A photostatic or photographic reproduction of any
13 credit union records shall be admissible as evidence of
14 transactions with the credit union.

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

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1 member, including financial statements or other financial
2 information provided by the member.

3 (b) This Section does not prohibit:

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

10 (2) The examination of any financial records by or the
11 furnishing of financial records by a credit union to any
12 officer, employee or agent of the Department, the National
13 Credit Union Administration, Federal Reserve board or any
14

15 insurer of share accounts for use solely in the exercise of
his duties as an officer, employee or agent.

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

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

21 (5) Furnishing information concerning the dishonor of
22 any negotiable instrument permitted to be disclosed under
23 the Uniform Commercial Code.

24 (6) The exchange in the regular course of business of
25 (i) credit information between a credit union and other
26 credit unions or financial institutions or commercial

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

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

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

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

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

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

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

26 Reconciliation Act of 1996. Any credit union governed by

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1 this Act shall enter into an agreement for data exchanges
2 with a State agency provided the State agency pays to the
3 credit union a reasonable fee not to exceed its actual cost
4 incurred. A credit union providing information in
5 accordance with this item shall not be liable to any
6 account holder or other person for any disclosure of
7 information to a State agency, for encumbering or
8 surrendering any assets held by the credit union 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 credit union shall have no obligation
14 to 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 (13) The furnishing of information to law enforcement
18 authorities, the Illinois Department on Aging and its
19 regional administrative and provider agencies, the
20 Department of Human Services Office of Inspector General,
21 or public guardians: (i) upon subpoena by the investigatory
22 entity or the guardian, or (ii) if there is suspicion by
23 the credit union that a member who is an elderly or
24 disabled person has been or may become the victim of
25 financial exploitation. For the purposes of this item (13),
26 the term: (i) "elderly person" means a person who is 60 or

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1 more years of age, (ii) "disabled person" means a person
2 who has or reasonably appears to the credit union to have a
3 physical or mental disability that impairs his or her
4 ability to seek or obtain protection from or prevent
5 financial exploitation, and (iii) "financial exploitation"
6 means tortious or illegal use of the assets or resources of

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

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

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

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

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1 (C) a proposed or actual securitization or
2 secondary market sale (including sales of servicing
3 rights) related to a transaction of a member.
4 Nothing in this item (14), however, authorizes the sale
5 of the financial records or information of a member without
6 the consent of the member.

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

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

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

26 (2) For purposes of this paragraph (16) of subsection

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

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

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

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

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

19 (d) A credit union shall disclose financial records under
20 subparagraph (c) (2) of this Section pursuant to a lawful
21 subpoena, summons, warrant, citation to discover assets, or
22 court order only after the credit union mails a copy of the
23 subpoena, summons, warrant, citation to discover assets, or
24 court order to the person establishing the relationship with
25 the credit union, if living, and otherwise his personal
26 representative, if known, at his last known address by first

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1 class mail, postage prepaid unless the credit union is
2 specifically prohibited from notifying the person by order of
3 court or by applicable State or federal law. In the case of a
4 grand jury subpoena, a credit union shall not mail a copy of a
5 subpoena to any person pursuant to this subsection if the
6 subpoena was issued by a grand jury under the Statewide Grand
7 Jury Act or notifying the person would constitute a violation
8 of the federal Right to Financial Privacy Act of 1978.

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

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

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

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1 is received.

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

3 Section 80. The Home Health, Home Services, and Home
4 Nursing Agency Licensing Act is amended by changing Sections
5 6.3 and 6.7 as follows:

6 (210 ILCS 55/6.3)

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

8 (a) Before January 1, 2008, the Department shall adopt
9 standards for the licensure and operation of home services
10

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

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- 1 (1) Compliance with the requirements of the Health Care
2 Worker Background Check Act.
- 3 (2) Notification, in a form and manner established by
4 the Department by rule, to home services workers and
5 consumers as to the party or parties responsible under
6 State and federal laws for payment of employment taxes,
7 social security taxes, and workers' compensation,
8 liability, the day-to-day supervision of workers, and the
9 hiring, firing, and discipline of workers with the
10 placement arrangement for home services.
- 11 (3) Compliance with rules, as adopted by the
12 Department, in regard to (i) reporting by the licensee of
13 any known or suspected incidences of abuse, neglect, or
14 financial exploitation of an eligible adult, as defined in
15 the Adult Protective Services Act ~~Elder Abuse and Neglect~~
16 ~~Act~~, by a home services worker employed by or placed by the
17 licensee or (ii) reports to a law enforcement agency in
18 connection with any other individual protected under the
19 laws of the State of Illinois.
- 20 (4) Compliance with rules, as adopted by the
21 Department, addressing the health, safety, and well-being
22 of clients receiving home services.
- 23 (b) The Department may establish fees for home services

24 agency licensure in rules in a manner that will make the
25 program self-supporting. The amount of the licensure fees shall
26 be based on the funding required for operation of the licensure

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1 program. Notwithstanding any other provision of this Section,
2 the Department may not charge any fee to a certified local
3 health department in connection with the licensure of a home
4 services agency.

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

6 (210 ILCS 55/6.7)

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

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

16 (1) Compliance with the requirements of the Health Care
17 Worker Background Check Act.

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

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

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

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

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

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

22 Section 85. The Clinical Social Work and Social Work
23 Practice Act is amended by changing Section 16 as follows:

24 (225 ILCS 20/16) (from Ch. 111, par. 6366)

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

2 Sec. 16. Privileged Communications and Exceptions.

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

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

15 (b) With the written consent of the person who provided
16 the information;

17

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

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

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

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

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

25 3. Any person having access to records or any one who
26 participates in providing social work services or who, in

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

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

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

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

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

18 (225 ILCS 106/95)

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

20 Sec. 95. Grounds for discipline.

21 (a) The Department may refuse to issue, renew, or may
22 revoke, suspend, place on probation, reprimand, or take other
23 disciplinary action as the Department considers appropriate,
24 including the issuance of fines not to exceed \$5,000 for each

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1 violation, with regard to any license for any one or more of
2 the following:

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

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

6 (3) Conviction of any crime under the laws of the
7 United States or any state or territory thereof that is a
8 felony or a misdemeanor, an essential element of which is
9 dishonesty, or of any crime that is directly related to the

- 10 practice of the profession.
- 11 (4) Making any misrepresentation for the purpose of
- 12 obtaining a license.
- 13 (5) Professional incompetence or negligence in the
- 14 rendering of respiratory care services.
- 15 (6) Malpractice.
- 16 (7) Aiding or assisting another person in violating any
- 17 rules or provisions of this Act.
- 18 (8) Failing to provide information within 60 days in
- 19 response to a written request made by the Department.
- 20 (9) Engaging in dishonorable, unethical, or
- 21 unprofessional conduct of a character likely to deceive,
- 22 defraud, or harm the public.
- 23 (10) Violating the rules of professional conduct
- 24 adopted by the Department.
- 25 (11) Discipline by another jurisdiction, if at least
- 26 one of the grounds for the discipline is the same or

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- 1 substantially equivalent to those set forth in this Act.
- 2 (12) Directly or indirectly giving to or receiving from
- 3 any person, firm, corporation, partnership, or association
- 4 any fee, commission, rebate, or other form of compensation
- 5 for any professional services not actually rendered.
- 6 Nothing in this paragraph (12) affects any bona fide
- 7 independent contractor or employment arrangements among
- 8 health care professionals, health facilities, health care
- 9 providers, or other entities, except as otherwise
- 10 prohibited by law. Any employment arrangements may include
- 11 provisions for compensation, health insurance, pension, or
- 12 other employment benefits for the provision of services
- 13 within the scope of the licensee's practice under this Act.
- 14 Nothing in this paragraph (12) shall be construed to
- 15 require an employment arrangement to receive professional
- 16 fees for services rendered.
- 17 (13) A finding by the Department that the licensee,
- 18 after having the license placed on probationary status, has
- 19 violated the terms of the probation.
- 20 (14) Abandonment of a patient.
- 21 (15) Willfully filing false reports relating to a

22 licensee's practice including, but not limited to, false
23 records filed with a federal or State agency or department.

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

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1 (17) Providing respiratory care, other than pursuant
2 to an order.

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

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

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

15 (21) Irregularities in billing a third party for
16 services rendered or in reporting charges for services not
17 rendered.

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

25 (23) Habitual or excessive use or addiction to alcohol,
26 narcotics, stimulants, or any other chemical agent or drug

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1 that results in an inability to practice with reasonable
2 skill, judgment, or safety.

14 consulting with administrative superiors, colleagues, or
15 consultants who share professional responsibility, in
16 which instance all recipients of the information are
17 similarly bound to regard the communication as privileged;

18 (2) With the written consent of the person who provided
19 the information;

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

24 (4) When a communication reveals the intended
commission of a crime or harmful act and such disclosure is

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1 judged necessary by the licensed professional counselor or
2 licensed clinical professional counselor to protect any
3 person from a clear, imminent risk of serious mental or
4 physical harm or injury, or to forestall a serious threat
5 to the public safety; or

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

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

23 (c) Any person having access to records or anyone who
24 participates in providing professional counseling or clinical
25 professional counseling services, or, in providing any human
26 services, is supervised by a licensed professional counselor or

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1 licensed clinical professional counselor, is similarly bound
2 to regard all information and communications as privileged in
3 accord with this Section.

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

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

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

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

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1 (225 ILCS 107/80)

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

3 Sec. 80. Grounds for discipline.

4 (a) The Department may refuse to issue, renew, or may
5 revoke, suspend, place on probation, reprimand, or take other
6 disciplinary or non-disciplinary action as the Department

7 deems appropriate, including the issuance of fines not to
8 exceed \$10,000 for each violation, with regard to any license
9 for any one or more of the following:

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

12 (2) Violations or negligent or intentional disregard
13 of this Act or rules adopted under this Act.

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

23 (4) Fraud or any misrepresentation in applying for or
24 procuring a license under this Act or in connection with
25 applying for renewal of a license under this Act.

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1 (5) Professional incompetence or gross negligence in
2 the rendering of professional counseling or clinical
3 professional counseling services.

4 (6) Malpractice.

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

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

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

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

17 (11) Discipline by another jurisdiction, the District
18 of Columbia, territory, county, or governmental agency, if
19 at least one of the grounds for the discipline is the same

20 or substantially equivalent to those set forth in this
21 Section.

22 (12) Directly or indirectly giving to or receiving from
23 any person, firm, corporation, partnership, or association
24 any fee, commission, rebate or other form of compensation
25 for any professional service not actually rendered.
26 Nothing in this paragraph (12) affects any bona fide

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1 independent contractor or employment arrangements among
2 health care professionals, health facilities, health care
3 providers, or other entities, except as otherwise
4 prohibited by law. Any employment arrangements may include
5 provisions for compensation, health insurance, pension, or
6 other employment benefits for the provision of services
7 within the scope of the licensee's practice under this Act.
8 Nothing in this paragraph (12) shall be construed to
9 require an employment arrangement to receive professional
10 fees for services rendered.

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

14 (14) Abandonment of a client.

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

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

26 (17) Being named as a perpetrator in an indicated

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1 report by the Department of Children and Family Services
2 pursuant to the Abused and Neglected Child Reporting Act,
3 and upon proof by clear and convincing evidence that the
4 licensee has caused a child to be an abused child or
5 neglected child as defined in the Abused and Neglected
6 Child Reporting Act.

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

12 (19) Solicitation of professional services by using
13 false or misleading advertising.

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

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

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

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

23 (24) Rendering professional counseling or clinical
24 professional counseling services without a license or
25 practicing outside the scope of a license.

26 (25) Clinical supervisors failing to adequately and

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1 responsibly monitor supervisees.

2 All fines imposed under this Section shall be paid within
3 60 days after the effective date of the order imposing the
4 fine.

5 (b) The Department shall deny, without hearing, any
6 application or renewal for a license under this Act to any
7 person who has defaulted on an educational loan guaranteed by
8 the Illinois State Assistance Commission or any governmental
9 agency of this State in accordance with item (5) of subsection

10 (a) of Section 2105-15 of the Department of Professional
11 Regulation Law of the Civil Administrative Code of Illinois.

12 (b-5) The Department may refuse to issue or may suspend

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

23 (b-10) In cases where the Department of Healthcare and
24 Family Services has previously determined a licensee or a
25 potential licensee is more than 30 days delinquent in the
26 payment of child support and has subsequently certified the

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1 delinquency to the Department, the Department may refuse to
2 issue or renew or may revoke or suspend that person's license
3 or may take other disciplinary action against that person based
4 solely upon the certification of delinquency made by the
5 Department of Healthcare and Family Services in accordance with
6 item (5) of subsection (a) of Section 2105-15 of the Department
7 of Professional Regulation Law of the Civil Administrative Code
8 of Illinois.

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

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

25 Department may order the examining physician to present
26 testimony concerning the mental or physical examination of the
licensee or applicant. No information shall be excluded by

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1 reason of any common law or statutory privilege relating to
2 communications between the licensee or applicant and the
3 examining physician. The examining physicians shall be
4 specifically designated by the Department. The individual to be
5 examined may have, at his or her own expense, another physician
6 of his or her choice present during all aspects of this
7 examination. The examination shall be performed by a physician
8 licensed to practice medicine in all its branches. Failure of
9 an individual to submit to a mental or physical examination,
10 when directed, shall result in an automatic suspension without
11 hearing.

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

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1 individual. The Secretary may order the license suspended
2 immediately, pending a hearing by the Department. Fines shall
3 not be assessed in disciplinary actions involving physical or
4 mental illness or impairment.

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

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

19 (d) (Blank).

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

21 Section 100. The Elder Abuse and Neglect Act is amended by
22 changing the title of the Act and by changing Sections 1, 2, 3,
23 3.5, 4, 4.1, 5, 8, 9, and 15 and by adding Sections 7.1, 7.5,
24 and 15.5 as follows:

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1 (320 ILCS 20/Act title)

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

4 (320 ILCS 20/1) (from Ch. 23, par. 6601)

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

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

9 (320 ILCS 20/2) (from Ch. 23, par. 6602)

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

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

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

16 eligible adult is a victim of abuse, neglect, or self-neglect
17 for the sole reason that he or she is being furnished with or
18 relies upon treatment by spiritual means through prayer alone,
19 in accordance with the tenets and practices of a recognized
20 church or religious denomination.

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

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

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

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

12 (b) "Department" means the Department on Aging of the State
13 of Illinois.

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

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

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

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

- 1 (1.5) A facility licensed under the ID/DD Community
2 Care Act;
- 3 (1.7) A facility licensed under the Specialized Mental
4 Health Rehabilitation Act;
- 5 (2) A "life care facility" as defined in the Life Care
6 Facilities Act;
- 7 (3) A home, institution, or other place operated by the
8 federal government or agency thereof or by the State of
9 Illinois;
- 10 (4) A hospital, sanitarium, or other institution, the
11 principal activity or business of which is the diagnosis,
12 care, and treatment of human illness through the
13 maintenance and operation of organized facilities
14 therefor, which is required to be licensed under the
15 Hospital Licensing Act;
- 16 (5) A "community living facility" as defined in the
17 Community Living Facilities Licensing Act;
- 18 (6) (Blank);
- 19 (7) A "community-integrated living arrangement" as
20 defined in the Community-Integrated Living Arrangements
21 Licensure and Certification Act or a "community
22 residential alternative" as licensed under that Act;
- 23 (8) An assisted living or shared housing establishment
24 as defined in the Assisted Living and Shared Housing Act;
25 or
- 26 (9) A supportive living facility as described in

- 1 Section 5-5.01a of the Illinois Public Aid Code.
- 2 (e) "Eligible adult" means either an adult with
3 disabilities aged 18 through 59 or a person aged 60 ~~years of~~
4 ~~age~~ or older who resides in a domestic living situation and is,
5 or is alleged to be, abused, neglected, or financially
6 exploited by another individual or who neglects himself or
7 herself.
- 8 (f) "Emergency" means a situation in which an eligible
9 adult is living in conditions presenting a risk of death or

10 physical, mental or sexual injury and the provider agency has
11 reason to believe the eligible adult is unable to consent to
12 services which would alleviate that risk.

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

16 (f-5) "Mandated reporter" means any of the following
17 persons while engaged in carrying out their professional
18 duties:

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

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

14 (1.5) an employee of an entity providing developmental
15 disabilities services or service coordination funded by
16 the Department of Human Services;

17 (2) an employee of a vocational rehabilitation
18 facility prescribed or supervised by the Department of
19 Human Services;

20 (3) an administrator, employee, or person providing
21 services in or through an unlicensed community based

22 facility;

23 (4) any religious practitioner who provides treatment

24 by prayer or spiritual means alone in accordance with the

25 tenets and practices of a recognized church or religious

26 denomination, except as to information received in any

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1 confession or sacred communication enjoined by the

2 discipline of the religious denomination to be held

3 confidential;

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

5 Family Services, Department of Public Health, and

6 Department of Human Services, and any county or municipal

7 health department;

8 (6) personnel of the Department of Human Services, the

9 Guardianship and Advocacy Commission, the State Fire

10 Marshal, local fire departments, the Department on Aging

11 and its subsidiary Area Agencies on Aging and provider

12 agencies, and the Office of State Long Term Care Ombudsman;

13 (7) any employee of the State of Illinois not otherwise

14 specified herein who is involved in providing services to

15 eligible adults, including professionals providing medical

16 or rehabilitation services and all other persons having

17 direct contact with eligible adults;

18 (8) a person who performs the duties of a coroner or

19 medical examiner; or

20 (9) a person who performs the duties of a paramedic or

21 an emergency medical technician.

22 (g) "Neglect" means another individual's failure to

23 provide an eligible adult with or willful withholding from an

24 eligible adult the necessities of life including, but not

25 limited to, food, clothing, shelter or health care. This

26 subsection does not create any new affirmative duty to provide

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1 support to eligible adults. Nothing in this Act shall be

2 construed to mean that an eligible adult is a victim of neglect

3 because of health care services provided or not provided by
4 licensed health care professionals.

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

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

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

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1 and retention of large quantities of items and materials that
2 produce an extensively cluttered living space, which
3 significantly impairs the performance of essential self-care
4 tasks or otherwise substantially threatens life or safety.

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

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

14 (320 ILCS 20/3) (from Ch. 23, par. 6603)
15 Sec. 3. Responsibilities.
16 (a) The Department shall establish, design, and manage a
17 protective services program ~~of response and services~~ for
18 eligible adults ~~persons 60 years of age and older~~ who have
19 been, or are alleged to be, victims of abuse, neglect,
20 financial exploitation, or self-neglect. The Department shall
21 contract with or fund, or contract with and fund, regional
22 administrative agencies, provider agencies, or both, for the
23 provision of those functions, and, contingent on adequate
24 funding, with attorneys or legal services provider agencies for
25 the provision of legal assistance pursuant to this Act. For

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1 self-neglect, the ~~The~~ program shall include the following
2 services for eligible adults who have been removed from their
3 residences for the purpose of cleanup or repairs: temporary
4 housing; counseling; and caseworker services to try to ensure
5 that the conditions necessitating the removal do not reoccur.

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

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

26 (b) Each regional administrative agency shall designate

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1 provider agencies within its planning and service area with
2 prior approval by the Department on Aging, monitor the use of
3 services, provide technical assistance to the provider
4 agencies and be involved in program development activities.

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

25 (c-5) Where a provider agency has reason to believe that
26 the death of an eligible adult may be the result of abuse or

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1 neglect, including any reports made after death, the agency
2 shall immediately report the matter to both the appropriate law
3 enforcement agency and the coroner or medical examiner. Between
4 30 and 45 days after making such a report, the provider agency
5 again shall contact the law enforcement agency and coroner or
6 medical examiner to determine whether any further action was
7 taken. Upon request by a provider agency, a law enforcement

8 agency and coroner or medical examiner shall supply a summary
9 of its action in response to a reported death of an eligible
10 adult. A copy of the report shall be maintained and all
11 subsequent follow-up with the law enforcement agency and
12 coroner or medical examiner shall be documented in the case
13 record of the eligible adult.

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

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

3 (320 ILCS 20/3.5)

4 Sec. 3.5. Other Responsibilities. The Department shall
5 also be responsible for the following activities, contingent
6 upon adequate funding; implementation shall be expanded to
7 adults with disabilities upon the effective date of this
8 amendatory Act of the 98th General Assembly, except those
9 responsibilities under subsection (a), which shall be
10 undertaken as soon as practicable:

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

19 legal, financial, social, and health systems;
20 (b) coordination of efforts with other agencies, councils,
21 and like entities, to include but not be limited to, the
22 Administrative Office of the Illinois Courts, the Office of the
23 Attorney General, the State Police, the Illinois Law
24 Enforcement Training Standards Board, the State Triad, the
25 Illinois Criminal Justice Information Authority, the

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1 Departments of Public Health, Healthcare and Family Services,
2 ~~Public Aid~~, and Human Services, the Illinois Guardianship and
3 Advocacy Commission, the Family Violence Coordinating Council,
4 the Illinois Violence Prevention Authority, and other entities
5 which may impact awareness of, and response to, ~~elder~~ abuse,
6 neglect, financial exploitation, and self-neglect;
7 (c) collection and analysis of data;
8 (d) monitoring of the performance of regional
9 administrative agencies and adult protective services ~~elder~~
10 ~~abuse provider~~ agencies;
11 (e) promotion of prevention activities;
12 (f) establishing and coordinating an aggressive training
13 program on the unique nature of adult ~~elder~~ abuse cases with
14 other agencies, councils, and like entities, to include but not
15 be limited to the Office of the Attorney General, the State
16 Police, the Illinois Law Enforcement Training Standards Board,
17 the State Triad, the Illinois Criminal Justice Information
18 Authority, the State Departments of Public Health, Healthcare
19 and Family Services ~~Public Aid~~, and Human Services, the Family
20 Violence Coordinating Council, the Illinois Violence
21 Prevention Authority, the agency designated by the Governor
22 under Section 1 of the Protection and Advocacy for
23 Developmentally Disabled Persons Act, and other entities that
24 may impact awareness of and response to ~~elder~~ abuse, neglect,
25 financial exploitation, and self-neglect;
26 (g) solicitation of financial institutions for the purpose

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

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

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

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

24 (320 ILCS 20/4) (from Ch. 23, par. 6604)
25 Sec. 4. Reports of abuse or neglect.

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

5 (a-5) If any mandated reporter has reason to believe that
6 an eligible adult, who because of a disability or other
7 condition or impairment ~~dysfunction~~ is unable to seek
8 assistance for himself or herself, has, within the previous 12
9 months, been subjected to abuse, neglect, or financial
10 exploitation, the mandated reporter shall, within 24 hours
11 after developing such belief, report this suspicion to an
12 agency designated to receive such reports under this Act or to

13 the Department. The agency designated to receive such reports
14 under this Act or the Department may establish a manner in
15 which a mandated reporter can make the required report through
16 an Internet reporting tool. Information sent and received
17 through the Internet reporting tool is subject to the same
18 rules in this Act as other types of confidential reporting
19 established by the designated agency or the Department.
20 Whenever a mandated reporter is required to report under this
21 Act in his or her capacity as a member of the staff of a medical
22 or other public or private institution, facility, ~~board and~~
23 ~~care home,~~ or agency, he or she shall make a report to an
24 agency designated to receive such reports under this Act or to
25 the Department in accordance with the provisions of this Act
26 and may also notify the person in charge of the institution,

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

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

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

25 this Act.

26 (b) Any person, institution or agency participating in the

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

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

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1 confidential.

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

4 (e) Any physician who willfully fails to report as required
5 by this Act shall be referred to the Illinois State Medical

6 Disciplinary Board for action in accordance with subdivision
7 (A) (22) of Section 22 of the Medical Practice Act of 1987. Any
8 dentist or dental hygienist who willfully fails to report as
9 required by this Act shall be referred to the Department of
10 Professional Regulation for action in accordance with
11 paragraph 19 of Section 23 of the Illinois Dental Practice Act.
12 Any optometrist who willfully fails to report as required by
13 this Act shall be referred to the Department of Financial and
14 Professional Regulation for action in accordance with
15 paragraph (15) of subsection (a) of Section 24 of the Illinois
16 Optometric Practice Act of 1987. Any other mandated reporter
17 required by this Act to report suspected abuse, neglect, or
18 financial exploitation who willfully fails to report the same
19 is guilty of a Class A misdemeanor.
20 (Source: P.A. 96-378, eff. 1-1-10; 96-526, eff. 1-1-10;
21 96-1000, eff. 7-2-10; 97-860, eff. 7-30-12.)

22 (320 ILCS 20/4.1)

23 Sec. 4.1. Employer discrimination. No employer shall
24 discharge, demote or suspend, or threaten to discharge, demote
25 or suspend, or in any manner discriminate against any employee

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

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

7 (320 ILCS 20/5) (from Ch. 23, par. 6605)

8 Sec. 5. Procedure.

9 (a) A provider agency designated to receive reports of
10 alleged or suspected abuse, neglect, financial exploitation,
11 or self-neglect under this Act shall, upon receiving such a
12 report, conduct a face-to-face assessment with respect to such
13 report, in accord with established law and Department
14 protocols, procedures, and policies. Face-to-face assessments,
15 casework, and follow-up of reports of self-neglect by the
16 provider agencies designated to receive reports of
17

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
Department for any follow-up. The assessment shall include, but

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

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

1 agency shall immediately report the matter to the coroner or
2 medical examiner and shall cooperate fully with any subsequent
3 investigation.

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

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

11 (320 ILCS 20/7.1 new)

12 Sec. 7.1. Final investigative report. A provider agency
13 shall prepare a final investigative report, upon the completion
14 or closure of an investigation, in all cases of reported abuse,
15 neglect, financial exploitation, or self-neglect of an
16 eligible adult, whether or not there is a substantiated
17 finding.

18 (320 ILCS 20/7.5 new)

19 Sec. 7.5. Health Care Worker Registry.

20 (a) Reporting to the registry. The Department on Aging
21 shall report to the Department of Public Health's Health Care
22 Worker Registry the identity and administrative finding of a
23 verified and substantiated decision of abuse, neglect, or
24 financial exploitation of an eligible adult under this Act that

1 is made against any caregiver, including consultants and
2 volunteers, employed by a provider licensed, certified, or
3 regulated by, or paid with public funds from, the Department of
4 Public Health, Healthcare and Family Services, or Human
5 Services, or the Department on Aging. For uncompensated or
6 privately paid caregivers, the Department on Aging shall report
7 only a verified and substantiated decision of significant
8 abuse, neglect, or financial exploitation of an eligible adult
9 under this Act. An administrative finding placed in the
10 registry shall preclude any caregiver from providing direct

11 access or other services, including consulting and
12 volunteering, in a position with a provider that is licensed,
13 certified, or regulated by, or paid with public funds from or
14 on behalf of, the State of Illinois or any Department thereof,
15 that permits the caregiver direct access to an adult aged 60 or
16 older or an adult, over 18, with a disability or to that
17 individual's living quarters or personal, financial, or
18 medical records.

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

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

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1 "Privately paid caregiver" means any caregiver who has been
2 paid with resources other than public funds, regardless of
3 licensure, certification, or regulation by the State of
4 Illinois and any Department thereof. A privately paid caregiver
5 does not include any caregiver that has been licensed,
6 certified, or regulated by a State agency, or paid with public
7 funds.

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 "Uncompensated caregiver" means a caregiver who, in an
17 informal capacity, assists an eligible adult with activities of
18 daily living, financial transactions, or chore housekeeping
19 type duties. "Uncompensated caregiver" does not refer to an
20 individual serving in a formal capacity as a volunteer with a
21 provider licensed, certified, or regulated by a State agency.

22 (c) Access to and use of the Registry. Access to the

23 registry shall be limited to licensed, certified, or regulated
24 providers by the Department of Public Health, Healthcare and
25 Family Service, or Human Services, or the Department on Aging.
26 The State of Illinois, any Department thereof, or a provider

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1 licensed, certified, or regulated, or paid with public funds
2 by, from, or on behalf of the Department of Public Health,
3 Healthcare and Family Services, or Human Services, or the
4 Department on Aging, shall not hire or compensate any person
5 seeking employment, retain any contractors, or accept any
6 volunteers to provide direct care without first conducting an
7 online check of the person through the Department of Public
8 Health's Health Care Worker Registry. The provider shall
9 maintain a copy of the results of the online check to
10 demonstrate compliance with this requirement. The provider is
11 prohibited from hiring, compensating, or accepting a person,
12 including as a consultant or volunteer, for whom the online
13 check reveals a verified and substantiated claim of abuse,
14 neglect, or financial exploitation, to provide direct access to
15 any adult aged 60 or older or any adult, over 18, with a
16 disability. Additionally, a provider is prohibited from
17 retaining a person for whom they gain knowledge of a verified
18 and substantiated claim of abuse, neglect, or financial
19 exploitation in a position that permits the caregiver direct
20 access to provide direct care to any adult aged 60 or older or
21 any adult, over 18, with a disability or direct access to that
22 individual's living quarters or personal, financial, or
23 medical records. Failure to comply with this requirement may
24 subject such a provider to corrective action by the appropriate
25 regulatory agency or other lawful remedies provided under the
26 applicable licensure, certification, or regulatory laws and

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1 rules.

2 (d) Notice to caregiver. The Department on Aging shall
3 establish rules concerning notice to the caregiver in cases of

4 abuse, neglect, or financial exploitation.

5 (e) Notification to eligible adults, guardians, or agents.

6 As part of its investigation, the Department on Aging shall
7 notify an eligible adult, or an eligible adult's guardian or
8 agent, that a caregiver's name may be placed on the registry
9 based on a finding as described in subsection (a-1) of this
10 Section.

11 (f) Notification to employer. A provider licensed,
12 certified, or regulated by the Department of Public Health,
13 Healthcare and Family Services, or Human Services, or the
14 Department on Aging shall be notified of an administrative
15 finding against any caregiver who is an employee, consultant,
16 or volunteer of a verified and substantiated decision of abuse,
17 neglect, or financial exploitation of an eligible adult under
18 this Act. If there is an imminent risk of danger to the
19 eligible adult or an imminent risk of misuse of personal,
20 medical, or financial information, the caregiver shall
21 immediately be barred from direct access to the eligible adult,
22 his or her living quarters, or his or her personal, financial,
23 or medical records, pending the outcome of any challenge,
24 criminal prosecution, or other type of collateral action.

25 (g) Caregiver challenges. The Department on Aging shall
26 establish, by rule, procedures concerning caregiver

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1 challenges.

2 (h) Caregiver's rights to collateral action. The
3 Department on Aging shall not make any report to the registry
4 if a caregiver notifies the Department in writing, including
5 any supporting documentation, that he or she is formally
6 challenging an adverse employment action resulting from a
7 verified and substantiated finding of abuse, neglect, or
8 financial exploitation by complaint filed with the Illinois
9 Civil Service Commission, or by another means which seeks to
10 enforce the caregiver's rights pursuant to any applicable
11 collective bargaining agreement. If an action taken by an
12 employer against a caregiver as a result of a finding of abuse,
13 neglect, or financial exploitation is overturned through an
14 action filed with the Illinois Civil Service Commission or
15 under any applicable collective bargaining agreement after

16 that caregiver's name has already been sent to the registry,
17 the caregiver's name shall be removed from the registry.
18 (i) Removal from registry. At any time after a report to
19 the registry, but no more than once in each successive 3-year
20 period thereafter, for a maximum of 3 such requests, a
21 caregiver may write to the Director of the Department on Aging
22 to request removal of his or her name from the registry in
23 relationship to a single incident. The caregiver shall bear the
24 burden of showing cause that establishes, by a preponderance of
25 the evidence, that removal of his or her name from the registry
26 is in the public interest. Upon receiving such a request, the

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1 Department on Aging shall conduct an investigation and consider
2 any evidentiary material provided. The Department shall issue a
3 decision either granting or denying removal within 60 calendar
4 days, and shall issue such decision to the caregiver and the
5 registry. The waiver process at the Department of Public Health
6 does not apply to registry reports from the Department on
7 Aging. The Department on Aging shall establish standards for
8 the removal of a name from the registry by rule.

9 (j) Referral of registry reports to health care facilities.
10 In the event an eligible adult receiving services from a
11 provider agency changes his or her residence from a domestic
12 living situation to that of a health care facility, the
13 provider agency shall use reasonable efforts to promptly inform
14 the health care facility and the appropriate Regional Long Term
15 Care Ombudsman about any registry reports relating to the
16 eligible adult. For purposes of this Section, a health care
17 facility includes, but is not limited to, any residential
18 facility licensed, certified, or regulated by the Department of
19 Public Health, Healthcare and Family Services, or Human
20 Services.

21 (320 ILCS 20/8) (from Ch. 23, par. 6608)

22 Sec. 8. Access to records. All records concerning reports
23 of ~~elder~~ abuse, neglect, financial exploitation, or
24 self-neglect and all records generated as a result of such
25 reports shall be confidential and shall not be disclosed except

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1 as specifically authorized by this Act or other applicable law.
2 In accord with established law and Department protocols,
3 procedures, and policies, access to such records, but not
4 access to the identity of the person or persons making a report
5 of alleged abuse, neglect, financial exploitation, or
6 self-neglect as contained in such records, shall be provided,
7 upon request, to the following persons and for the following
8 persons:

9 (1) Department staff, provider agency staff, other
10 aging network staff, and regional administrative agency
11 staff, including staff of the Chicago Department on Aging
12 while that agency is designated as a regional
13 administrative agency, in the furtherance of their
14 responsibilities under this Act;

15 (2) A law enforcement agency investigating known or
16 suspected ~~elder~~ abuse, neglect, financial exploitation, or
17 self-neglect. Where a provider agency has reason to believe
18 that the death of an eligible adult may be the result of
19 abuse or neglect, including any reports made after death,
20 the agency shall immediately provide the appropriate law
21 enforcement agency with all records pertaining to the
22 eligible adult;

23 (2.5) A law enforcement agency, fire department
24 agency, or fire protection district having proper
25 jurisdiction pursuant to a written agreement between a
26 provider agency and the law enforcement agency, fire

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1 department agency, or fire protection district under which
2 the provider agency may furnish to the law enforcement
3 agency, fire department agency, or fire protection
4 district a list of all eligible adults who may be at
5 imminent risk of ~~elder~~ abuse, neglect, financial
6 exploitation, or self-neglect;

7 (3) A physician who has before him or her or who is
8 involved in the treatment of an eligible adult whom he or
9

10 she reasonably suspects may be abused, neglected,
11 financially exploited, or self-neglected or who has been
12 referred to the Adult Protective Services ~~Elder Abuse and~~
~~Neglect~~ Program;

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

17 (4.5) An executor or administrator of the estate of an
18 eligible adult who is deceased;

19 (5) In cases regarding ~~elder~~ abuse, neglect, or
20 financial exploitation, a court or a guardian ad litem,
21 upon its or his or her finding that access to such records
22 may be necessary for the determination of an issue before
23 the court. However, such access shall be limited to an in
24 camera inspection of the records, unless the court
25 determines that disclosure of the information contained
26 therein is necessary for the resolution of an issue then

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1 pending before it;

2 (5.5) In cases regarding self-neglect, a guardian ad
3 litem;

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

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

9 (8) A coroner or medical examiner who has reason to
10 believe that an eligible adult has died as the result of
11 abuse, neglect, financial exploitation, or self-neglect.
12 The provider agency shall immediately provide the coroner
13 or medical examiner with all records pertaining to the
14 eligible adult;

15 (8.5) A coroner or medical examiner having proper
16 jurisdiction, pursuant to a written agreement between a
17 provider agency and the coroner or medical examiner, under
18 which the provider agency may furnish to the office of the
19 coroner or medical examiner a list of all eligible adults
20 who may be at imminent risk of death as a result of abuse,

21 neglect, financial exploitation, or self-neglect; and
22 (9) Department of Financial and Professional
23 Regulation staff and members of the Illinois Medical
24 Disciplinary Board or the Social Work Examining and
25 Disciplinary Board in the course of investigating alleged
26 violations of the Clinical Social Work and Social Work

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1 Practice Act by provider agency staff or other licensing
2 bodies at the discretion of the Director of the Department
3 on Aging; -

4 (9-a) Department of Healthcare and Family Services
5 staff when that Department is funding services to the
6 eligible adult, including access to the identity of the
7 eligible adult;

8 (9-b) Department of Human Services staff when that
9 Department is funding services to the eligible adult or is
10 providing reimbursement for services provided by the
11 abuser or alleged abuser, including access to the identity
12 of the eligible adult;

13 (10) Hearing officers in the course of conducting an
14 administrative hearing to determine whether a verified and
15 substantiated finding of significant abuse, neglect, or
16 financial exploitation of an eligible adult by a caregiver
17 warrants reporting to the Health Care Worker Registry; and

18 (11) The Illinois Guardianship and Advocacy Commission
19 and the agency designated by the Governor under Section 1
20 of the Protection and Advocacy for Developmentally
21 Disabled Persons Act shall have access, through the
22 Department, to records, including the findings, pertaining
23 to a completed or closed investigation of a report of
24 suspected abuse, neglect, financial exploitation, or
25 self-neglect of an eligible adult.

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

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1 (320 ILCS 20/9) (from Ch. 23, par. 6609)

2 Sec. 9. Authority to consent to services.

3 (a) If an eligible adult consents to an assessment of a
4 reported incident of suspected abuse, neglect, financial
5 exploitation, or self-neglect and, following the assessment of
6 such report, consents to services being provided according to
7 the case plan, such services shall be arranged to meet the
8 adult's needs, based upon the availability of resources to
9 provide such services. If an adult withdraws his or her consent
10 for an assessment of the reported incident or withdraws his or
11 her consent for services and ~~or~~ refuses to accept such
12 services, the services shall not be provided.

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

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1 and medical condition and decisional capacity.

2 (c) A guardian of the person of an eligible adult may
3 consent to an assessment of the reported incident and to
4 services being provided according to the case plan. If an
5 eligible adult lacks capacity to consent ~~to services,~~ an agent
6 having authority under a power of attorney may consent to an
7 assessment of the reported incident and to services. If the
8 guardian or agent is the suspected abuser and he or she
9 withdraws his or her consent for the assessment of the reported
10 incident, or refuses to allow services to be provided to the
11 eligible adult, the Department, an agency designated under this
12 Act, or the office of the Attorney General may request a court
13 order seeking appropriate remedies, and may in addition request

14 removal of the guardian and appointment of a successor guardian
15 or request removal of the agent and appointment of a guardian.

16 (d) If an emergency exists and the Department or other
17 agency designated under this Act reasonably believes that a
18 person is an eligible adult and lacks the capacity to consent
19 to necessary services, the Department or other agency may
20 request an ex parte order from the circuit court of the county
21 in which the petitioner or respondent resides or in which the
22 alleged abuse, neglect, financial exploitation, or
23 self-neglect occurred, authorizing an assessment of a report of
24 alleged or suspected abuse, neglect, financial exploitation,
25 or self-neglect or the provision of necessary services, or
26 both, including relief available under the Illinois Domestic

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1 Violence Act of 1986 in accord with established law and
2 Department protocols, procedures, and policies. Petitions
3 filed under this subsection shall be treated as expedited
4 proceedings. When an eligible adult is at risk of serious
5 injury or death and it reasonably appears that the eligible
6 adult lacks capacity to consent to necessary services, the
7 Department or other agency designated under this Act may take
8 action necessary to ameliorate the risk in accordance with
9 administrative rules promulgated by the Department.

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

18 (e) Within 15 days after the entry of the ex parte
19 emergency order, the order shall expire, or, if the need for
20 assessment of the reported incident or services continues, the
21 provider agency shall petition for the appointment of a
22 guardian as provided in Article XIa of the Probate Act of 1975
23 for the purpose of consenting to such assessment or services or
24 to protect the eligible adult from further harm.

25

(f) If the court enters an ex parte order under subsection
 26 (d) for an assessment of a reported incident ~~report~~ of alleged

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1 or suspected abuse, neglect, financial exploitation, or
 2 self-neglect, or for the provision of necessary services in
 3 connection with alleged or suspected self-neglect, or for both,
 4 the court, as soon as is practicable thereafter, shall appoint
 5 a guardian ad litem for the eligible adult who is the subject
 6 of the order, for the purpose of reviewing the reasonableness
 7 of the order. The guardian ad litem shall review the order and,
 8 if the guardian ad litem reasonably believes that the order is
 9 unreasonable, the guardian ad litem shall file a petition with
 10 the court stating the guardian ad litem's belief and requesting
 11 that the order be vacated.

12 (g) In all cases in which there is a substantiated finding
 13 of abuse, neglect, or financial exploitation by a guardian, the
 14 Department shall, within 30 days after the finding, notify the
 15 Probate Court with jurisdiction over the guardianship.
 16 (Source: P.A. 96-526, eff. 1-1-10.)

17 (320 ILCS 20/15)

18 Sec. 15. Abuse Fatality Review Teams ~~Elder abuse fatality~~
 19 ~~review teams.~~

20 (a) State policy. ~~In this Section, "review team" means a~~
 21 ~~regional interagency elder abuse fatality review team~~
 22 ~~established under this Section.~~

23 (1) Both the State and the community maintain a
 24 commitment to preventing the abuse, neglect, and financial
 25 exploitation of at-risk adults. This includes a charge to

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1 bring perpetrators of crimes against at-risk adults to
 2 justice and prevent untimely deaths in the community.

3 (2) When an at-risk adult dies, the response to the
 4 death by the community, law enforcement, and the State must
 5 include an accurate and complete determination of the cause
 6

7 of death, and the development and implementation of
8 measures to prevent future deaths from similar causes.

9 (3) Multidisciplinary and multi-agency reviews of
10 deaths can assist the State and counties in developing a
11 greater understanding of the incidence and causes of
12 premature deaths and the methods for preventing those
13 deaths, improving methods for investigating deaths, and
14 identifying gaps in services to at-risk adults.

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

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

20 "Advisory Council" means the Illinois At-Risk Adult
21 Fatality Review Team Advisory Council.

22 "Review Team" means a regional interagency at-risk
23 adult fatality review team.

24 (b) The Director, in consultation with the Advisory
25 Council, law enforcement, and other professionals who work in
26 the fields of investigating, treating, or preventing abuse or
neglect of at-risk adults, shall appoint members to a minimum

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1 of one review team in each of the Department's planning and
2 service areas. Each member of a review team shall be appointed
3 for a 2-year term and shall be eligible for reappointment upon
4 the expiration of the term. A review team's purpose in
5 conducting review of at-risk adult deaths is: ~~The Department,~~
6 ~~or any other State or county agency with Department approval,~~
7 ~~may establish regional interagency elder abuse fatality review~~
8 ~~teams~~ (i) to assist local agencies in identifying and reviewing
9 suspicious deaths of adult elderly victims of alleged,
10 suspected, or substantiated abuse or neglect in domestic living
11 situations; ~~and~~ (ii) to facilitate communications between
12 officials responsible for autopsies and inquests and persons
13 involved in reporting or investigating alleged or suspected
14 cases of abuse, neglect, or financial exploitation of at-risk
15 adults and persons involved in providing services to at-risk
16 adults; (iii) to evaluate means by which the death might have
17 been prevented; and (iv) to report its findings to the

18 appropriate agencies and the Advisory Council and make
19 recommendations that may help to reduce the number of at-risk
20 adult deaths caused by abuse and neglect and that may help to
21 improve the investigations of deaths of at-risk adults and
22 increase prosecutions, if appropriate ~~persons 60 years of age~~
23 ~~or older.~~

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

26 (1) the Department on Aging;

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1 (2) coroners or medical examiners (or both);

2 (3) State's Attorneys;

3 (4) local police departments;

4 (5) forensic units;

5 (6) local health departments;

6 (7) a social service or health care agency that
7 provides services to persons with mental illness, in a
8 program whose accreditation to provide such services is
9 recognized by the Division of Mental Health within the
10 Department of Human Services;

11 (8) a social service or health care agency that
12 provides services to persons with developmental
13 disabilities, in a program whose accreditation to provide
14 such services is recognized by the Division of
15 Developmental Disabilities within the Department of Human
16 Services;

17 (9) a local hospital, trauma center, or provider of
18 emergency medicine;

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

21 (11) a physician, psychiatrist, or other health care
22 provider knowledgeable about abuse and neglect of at-risk
23 adults ~~, the Department on Aging, coroners or medical~~
24 ~~examiners (or both), State's Attorneys, local police~~
25 ~~departments, forensic units, and providers of services for~~
26 ~~persons 60 years of age or older in domestic living~~

1 ~~situations.~~

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

23 A review team shall meet not less than 6 times a year to
24 discuss cases for its possible review. Each review team, with
25 the advice and consent of the Department, shall establish
26 criteria to be used ~~by review teams~~ in discussing cases of

1 alleged, suspected, or substantiated abuse or neglect for
2 review and shall conduct its activities in accordance with any
3 applicable policies and procedures established by the
4 Department.

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

10 necessary. Persons with expertise needed by the Advisory
11 Council may be invited to meetings. The Advisory Council must
12 select from its members a chairperson and a vice-chairperson,
13 each to serve a 2-year term. The chairperson or
14 vice-chairperson may be selected to serve additional,
15 subsequent terms. The Advisory Council must meet at least 4
16 times during each calendar year.

17 The Department may provide or arrange for the staff support
18 necessary for the Advisory Council to carry out its duties. The
19 Director, in cooperation and consultation with the Advisory
20 Council, shall appoint, reappoint, and remove review team
21 members.

22 The Advisory Council has, but is not limited to, the
23 following duties:

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

25 (2) To oversee the review teams in order to ensure that
26 the review teams' work is coordinated and in compliance

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1 with State statutes and the operating protocol.

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

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

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

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

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

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

22 The Advisory Council may prepare an annual report, in
23 consultation with the Department, using aggregate data
24 gathered by review teams and using the review teams'
25 recommendations to develop education, prevention, prosecution,
26 or other strategies designed to improve the coordination of

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1 services for at-risk adults and their families.

2 In any instance where a review team does not operate in
3 accordance with established protocol, the Director, in
4 consultation and cooperation with the Advisory Council, must
5 take any necessary actions to bring the review team into
6 compliance with the protocol.

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

17 Any document or oral or written communication provided to a
18 review team by an individual or entity, and created by that
19 individual or entity solely for the use of the review team, is
20 confidential, ~~and~~ is not subject to disclosure to or
21 discoverable by another party, and is not admissible as
22 evidence in any civil or criminal proceeding, except for use by
23 a State's Attorney's office in prosecuting a criminal case
24 against a caregiver. Those records and information are,
25 however, subject to discovery or subpoena, and are admissible
26 as evidence, to the extent they are otherwise available to the

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1 public.

2 Each entity or individual represented on the ~~an~~ ~~elder~~ abuse

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

23 A coroner's or medical examiner's office may share with the
24 ~~a~~ review team medical records that have been made available to
25 the coroner's or medical examiner's office in connection with
26 that office's investigation of a death.

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1 Members of a review team and the Advisory Council are not
2 subject to examination, in any civil or criminal proceeding,
3 concerning information presented to members of the review team
4 or the Advisory Council or opinions formed by members of the
5 review team or the Advisory Council based on that information.
6 A person may, however, be examined concerning information
7 provided to a review team or the Advisory Council.

8 (d-5) Meetings of the review teams and the Advisory Council
9 may be closed to the public under the Open Meetings Act.
10 Records and information provided to a review team and the
11 Advisory Council, and records maintained by a team or the
12 Advisory Council, are exempt from release under the Freedom of
13 Information Act.

14 (e) A review team's recommendation in relation to a case

15 discussed or reviewed by the review team, including, but not
16 limited to, a recommendation concerning an investigation or
17 prosecution ~~in relation to such a case~~, may be disclosed by the
18 review team upon the completion of its review and at the
19 discretion of a majority of its members who reviewed the case.

20 (e-5) The State shall indemnify and hold harmless members
21 of a review team and the Advisory Council for all their acts,
22 omissions, decisions, or other conduct arising out of the scope
23 of their service on the review team or Advisory Council, except
24 those involving willful or wanton misconduct. The method of
25 providing indemnification shall be as provided in the State
26 Employee Indemnification Act.

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

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

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

17 (320 ILCS 20/15.5 new)

18 Sec. 15.5. Independent monitor. Subject to appropriation,
19 to ensure the effectiveness and accountability of the adult
20 protective services system, the agency designated by the
21 Governor under Section 1 of the Protection and Advocacy for
22 Developmentally Disabled Persons Act shall monitor the system
23 and provide to the Department review and evaluation of the
24 system in accordance with administrative rules promulgated by
25 the Department.

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

3 (725 ILCS 5/114-13.5)

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

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

11 (725 ILCS 5/115-10.3)

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

13 (a) In a prosecution for a physical act, abuse, neglect, or
14 financial exploitation perpetrated upon or against an eligible
15 adult, as defined in the Adult Protective Services Act ~~Elder~~
16 ~~Abuse and Neglect Act~~, who has been diagnosed by a physician to
17 suffer from (i) any form of dementia, developmental disability,
18 or other form of mental incapacity or (ii) any physical
19 infirmity, including but not limited to prosecutions for
20 violations of Sections 10-1, 10-2, 10-3, 10-3.1, 10-4, 11-1.20,
21 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-11, 12-1, 12-2, 12-3,
22 12-3.05, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.5, 12-4.6,
23 12-4.7, 12-5, 12-6, 12-7.3, 12-7.4, 12-11, 12-11.1, 12-13,

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1 12-14, 12-15, 12-16, 12-21, 16-1, 16-1.3, 17-1, 17-3, 17-56,
2 18-1, 18-2, 18-3, 18-4, 18-5, 18-6, 19-6, 20-1.1, 24-1.2, and
3 33A-2, or subsection (b) of Section 12-4.4a of ~~or subsection~~
4 ~~(a) of Section 17-32, of the Criminal Code of 1961 or the~~
5 Criminal Code of 2012, the following evidence shall be admitted
6 as an exception to the hearsay rule:

7 (1) testimony by an eligible adult, of an out of court
8 statement made by the eligible adult, that he or she

- 9 complained of such act to another; and
- 10 (2) testimony of an out of court statement made by the
- 11 eligible adult, describing any complaint of such act or
- 12 matter or detail pertaining to any act which is an element
- 13 of an offense which is the subject of a prosecution for a
- 14 physical act, abuse, neglect, or financial exploitation
- 15 perpetrated upon or against the eligible adult.
- 16 (b) Such testimony shall only be admitted if:
- 17 (1) The court finds in a hearing conducted outside the
- 18 presence of the jury that the time, content, and
- 19 circumstances of the statement provide sufficient
- 20 safeguards of reliability; and
- 21 (2) The eligible adult either:
- 22 (A) testifies at the proceeding; or
- 23 (B) is unavailable as a witness and there is
- 24 corroborative evidence of the act which is the subject
- 25 of the statement.
- 26 (c) If a statement is admitted pursuant to this Section,

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1 the court shall instruct the jury that it is for the jury to

2 determine the weight and credibility to be given the statement

3 and that, in making the determination, it shall consider the

4 condition of the eligible adult, the nature of the statement,

5 the circumstances under which the statement was made, and any

6 other relevant factor.

7 (d) The proponent of the statement shall give the adverse

8 party reasonable notice of his or her intention to offer the

9 statement and the particulars of the statement.

10 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;

11 96-1551, Article 2, Section 1040, eff. 7-1-11; 96-1551, Article

12 10, Section 10-145, eff. 7-1-11; 97-1108, eff. 1-1-13; 97-1109,

13 eff. 1-1-13; 97-1150, eff. 1-25-13.)

14 Section 110. The Code of Civil Procedure is amended by

15 changing Section 8-2701 as follows:

16 (735 ILCS 5/8-2701)

17 Sec. 8-2701. Admissibility of evidence; out of court

18 statements; elder abuse.

19 (a) An out of court statement made by an eligible adult, as
 20 defined in the Adult Protective Services Act ~~Elder Abuse and~~
 21 ~~Neglect Act~~, who has been diagnosed by a physician to suffer
 22 from (i) any form of dementia, developmental disability, or
 23 other form of mental incapacity or (ii) any physical infirmity
 24 which prevents the eligible adult's appearance in court,

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1 describing any act of elder abuse, neglect, or financial
 2 exploitation, or testimony by an eligible adult of an out of
 3 court statement made by the eligible adult that he or she
 4 complained of such acts to another, is admissible in any civil
 5 proceeding, if:

6 (1) the court conducts a hearing outside the presence
 7 of the jury and finds that the time, content, and
 8 circumstances of the statement provide sufficient
 9 safeguards of reliability; and

10 (2) the eligible adult either:

11 (A) testifies at the proceeding; or

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

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

22 (c) The proponent of the statement shall give the adverse
 23 party reasonable notice of an intention to offer the statement
 24 and the particulars of the statement.

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

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1 Section 115. The Probate Act of 1975 is amended by changing
 2

Section 11a-10 as follows:

3 (755 ILCS 5/11a-10) (from Ch. 110 1/2, par. 11a-10)
4 Sec. 11a-10. Procedures preliminary to hearing.
5 (a) Upon the filing of a petition pursuant to Section
6 11a-8, the court shall set a date and place for hearing to take
7 place within 30 days. The court shall appoint a guardian ad
8 litem to report to the court concerning the respondent's best
9 interests consistent with the provisions of this Section,
10 except that the appointment of a guardian ad litem shall not be
11 required when the court determines that such appointment is not
12 necessary for the protection of the respondent or a reasonably
13 informed decision on the petition. If the guardian ad litem is
14 not a licensed attorney, he or she shall be qualified, by
15 training or experience, to work with or advocate for the
16 developmentally disabled, mentally ill, physically disabled,
17 the elderly, or persons disabled because of mental
18 deterioration, depending on the type of disability that is
19 alleged in the petition. The court may allow the guardian ad
20 litem reasonable compensation. The guardian ad litem may
21 consult with a person who by training or experience is
22 qualified to work with persons with a developmental disability,
23 persons with mental illness, or physically disabled persons, or
24 persons disabled because of mental deterioration, depending on
25 the type of disability that is alleged. The guardian ad litem

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1 shall personally observe the respondent prior to the hearing
2 and shall inform him orally and in writing of the contents of
3 the petition and of his rights under Section 11a-11. The
4 guardian ad litem shall also attempt to elicit the respondent's
5 position concerning the adjudication of disability, the
6 proposed guardian, a proposed change in residential placement,
7 changes in care that might result from the guardianship, and
8 other areas of inquiry deemed appropriate by the court.
9 Notwithstanding any provision in the Mental Health and
10 Developmental Disabilities Confidentiality Act or any other
11 law, a guardian ad litem shall have the right to inspect and
12 copy any medical or mental health record of the respondent
13 which the guardian ad litem deems necessary, provided that the

14 information so disclosed shall not be utilized for any other
15 purpose nor be redisclosed except in connection with the
16 proceedings. At or before the hearing, the guardian ad litem
17 shall file a written report detailing his or her observations
18 of the respondent, the responses of the respondent to any of
19 the inquires detailed in this Section, the opinion of the
20 guardian ad litem or other professionals with whom the guardian
21 ad litem consulted concerning the appropriateness of
22 guardianship, and any other material issue discovered by the
23 guardian ad litem. The guardian ad litem shall appear at the
24 hearing and testify as to any issues presented in his or her
25 report.

26 (b) The court (1) may appoint counsel for the respondent,

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

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

26 ~~agency the elder abuse provider agency, or the Department of~~

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1 ~~Human Services Office of Inspector General.~~

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

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

10 NOTICE OF RIGHTS OF RESPONDENT

11 You have been named as a respondent in a guardianship
12 petition asking that you be declared a disabled person. If the
13 court grants the petition, a guardian will be appointed for
14 you. A copy of the guardianship petition is attached for your
15 convenience.

16 The date and time of the hearing are:

17 The place where the hearing will occur is:

18 The Judge's name and phone number is:

19 If a guardian is appointed for you, the guardian may be
20 given the right to make all important personal decisions for
21 you, such as where you may live, what medical treatment you may
22 receive, what places you may visit, and who may visit you. A
23 guardian may also be given the right to control and manage your
24 money and other property, including your home, if you own one.
25 You may lose the right to make these decisions for yourself.

26 You have the following legal rights:

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

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

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

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

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

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

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

16 You do not have to attend the court hearing if you do not
17 want to be there. If you do not attend, the Judge may appoint a
18 guardian if the Judge finds that a guardian would be of benefit
19 to you. The hearing will not be postponed or canceled if you do
20 not attend.

21 IT IS VERY IMPORTANT THAT YOU ATTEND THE HEARING IF YOU DO
22 NOT WANT A GUARDIAN OR IF YOU WANT SOMEONE OTHER THAN THE
23 PERSON NAMED IN THE GUARDIANSHIP PETITION TO BE YOUR GUARDIAN.
24 IF YOU DO NOT WANT A GUARDIAN OR IF YOU HAVE ANY OTHER
25 PROBLEMS, YOU SHOULD CONTACT AN ATTORNEY OR COME TO COURT AND
26 TELL THE JUDGE.

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

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

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

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

13 (755 ILCS 45/2-7) (from Ch. 110 1/2, par. 802-7)
14 Sec. 2-7. Duty - standard of care - record-keeping -
15 exoneration.

16 (a) The agent shall be under no duty to exercise the powers
17

18 granted by the agency or to assume control of or responsibility
19 for any of the principal's property, care or affairs,
20 regardless of the principal's physical or mental condition.
21 Whenever a power is exercised, the agent shall act in good
22 faith for the benefit of the principal using due care,
23 competence, and diligence in accordance with the terms of the
24 agency and shall be liable for negligent exercise. An agent who
acts with due care for the benefit of the principal shall not

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1 be liable or limited merely because the agent also benefits
2 from the act, has individual or conflicting interests in
3 relation to the property, care or affairs of the principal or
4 acts in a different manner with respect to the agency and the
5 agent's individual interests. The agent shall not be affected
6 by any amendment or termination of the agency until the agent
7 has actual knowledge thereof. The agent shall not be liable for
8 any loss due to error of judgment nor for the act or default of
9 any other person.

10 (b) An agent that has accepted appointment must act in
11 accordance with the principal's expectations to the extent
12 actually known to the agent and otherwise in the principal's
13 best interests.

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

18 (1) the principal, a guardian, another fiduciary
19 acting on behalf of the principal, and, after the death of
20 the principal, the personal representative or successors
21 in interest of the principal's estate;

22 (2) a representative of a provider agency, as defined
23 in Section 2 of the Adult Protective Services Act ~~Elder~~
24 ~~Abuse and Neglect Act~~, acting in the course of an
25 assessment of a complaint of elder abuse or neglect under
26 that Act;

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1 (3) a representative of the Office of the State Long
2 Term Care Ombudsman, acting in the course of an
3 investigation of a complaint of financial exploitation of a
4 nursing home resident under Section 4.04 of the Illinois
5 Act on the Aging;

6 (4) a representative of the Office of Inspector General
7 for the Department of Human Services, acting in the course
8 of an assessment of a complaint of financial exploitation
9 of an adult with disabilities pursuant to Section 35 of the
10 Abuse of Adults with Disabilities Intervention Act; or

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

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

24 (e) An agent is not required to disclose receipts,
25 disbursements, or other significant actions conducted on
26 behalf of the principal except as otherwise provided in the

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1 power of attorney or as required under subsection (c).

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

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

11 (755 ILCS 45/2-10) (from Ch. 110 1/2, par. 802-10)
12 Sec. 2-10. Agency-court relationship.

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

20 (b) If the court finds that the agent is not acting for the
21 benefit of the principal in accordance with the terms of the
22 agency or that the agent's action or inaction has caused or
23 threatens substantial harm to the principal's person or
24 property in a manner not authorized or intended by the
25 principal, the court may order a guardian of the principal's

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1 person or estate to exercise any powers of the principal under
2 the agency, including the power to revoke the agency, or may
3 enter such other orders without appointment of a guardian as
4 the court deems necessary to provide for the best interests of
5 the principal.

6 (c) If the court finds that the agency requires
7 interpretation, the court may construe the agency and instruct
8 the agent, but the court may not amend the agency.

9 (d) If the court finds that the agent has not acted for the
10 benefit of the principal in accordance with the terms of the
11 agency and the Illinois Power of Attorney Act, or that the
12 agent's action caused or threatened substantial harm to the
13 principal's person or property in a manner not authorized or
14 intended by the principal, then the agent shall not be
15 authorized to pay or be reimbursed from the estate of the
16 principal the attorneys' fees and costs of the agent in
17 defending a proceeding brought pursuant to this Section.

18 (e) Upon a finding that the agent's action has caused
19 substantial harm to the principal's person or property, the
20 court may assess against the agent reasonable costs and
21 attorney's fees to a prevailing party who is a provider agency
22 as defined in Section 2 of the Adult Protective Services Act
23 ~~Elder Abuse and Neglect Act~~, a representative of the Office of

24 the State Long Term Care Ombudsman, or a governmental agency
25 having regulatory authority to protect the welfare of the
26 principal.

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1 (f) As used in this Section, the term "interested person"
2 includes (1) the principal or the agent; (2) a guardian of the
3 person, guardian of the estate, or other fiduciary charged with
4 management of the principal's property; (3) the principal's
5 spouse, parent, or descendant; (4) a person who would be a
6 presumptive heir-at-law of the principal; (5) a person named as
7 a beneficiary to receive any property, benefit, or contractual
8 right upon the principal's death, or as a beneficiary of a
9 trust created by or for the principal; (6) a provider agency as
10 defined in Section 2 of the Adult Protective Services Act ~~Elder~~
11 ~~Abuse and Neglect Act~~, a representative of the Office of the
12 State Long Term Care Ombudsman, or a governmental agency having
13 regulatory authority to protect the welfare of the principal;
14 and (7) the principal's caregiver or another person who
15 demonstrates sufficient interest in the principal's welfare.

16 (g) Absent court order directing a guardian to exercise
17 powers of the principal under the agency, a guardian will have
18 no power, duty or liability with respect to any property
19 subject to the agency or any personal or health care matters
20 covered by the agency.

21 (h) Proceedings under this Section shall be commenced in
22 the county where the guardian was appointed or, if no Illinois
23 guardian is acting, then in the county where the agent or
24 principal resides or where the principal owns real property.

25 (i) This Section shall not be construed to limit any other
26 remedies available.

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

2 Section 999. Effective date. This Act takes effect July 1,
3 2013, except the provisions adding Section 7.5 to the Elder

4 Abuse and Neglect Act take effect on January 1, 2014.