

HB1704



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB1704

by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

320 ILCS 20/4

from Ch. 23, par. 6604

Amends the Adult Protective Services Act. Makes a technical change in a Section concerning reports of abuse or neglect.

LRB100 03154 KTG 13159 b

A BILL FOR

1 AN ACT concerning aging.

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

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

6 (320 ILCS 20/4) (from Ch. 23, par. 6604)

7 Sec. 4. Reports of abuse or neglect.

8 (a) Any person who suspects the ~~the~~ abuse, neglect,
9 financial exploitation, or self-neglect of an eligible adult
10 may report this suspicion to an agency designated to receive
11 such reports under this Act or to the Department.

12 (a-5) If any mandated reporter has reason to believe that
13 an eligible adult, who because of a disability or other
14 condition or impairment is unable to seek assistance for
15 himself or herself, has, within the previous 12 months, been
16 subjected to abuse, neglect, or financial exploitation, the
17 mandated reporter shall, within 24 hours after developing such
18 belief, report this suspicion to an agency designated to
19 receive such reports under this Act or to the Department. The
20 agency designated to receive such reports under this Act or the
21 Department may establish a manner in which a mandated reporter
22 can make the required report through an Internet reporting
23 tool. Information sent and received through the Internet

1 reporting tool is subject to the same rules in this Act as
2 other types of confidential reporting established by the
3 designated agency or the Department. Whenever a mandated
4 reporter is required to report under this Act in his or her
5 capacity as a member of the staff of a medical or other public
6 or private institution, facility, or agency, he or she shall
7 make a report to an agency designated to receive such reports
8 under this Act or to the Department in accordance with the
9 provisions of this Act and may also notify the person in charge
10 of the institution, facility, or agency or his or her
11 designated agent that the report has been made. Under no
12 circumstances shall any person in charge of such institution,
13 facility, or agency, or his or her designated agent to whom the
14 notification has been made, exercise any control, restraint,
15 modification, or other change in the report or the forwarding
16 of the report to an agency designated to receive such reports
17 under this Act or to the Department. The privileged quality of
18 communication between any professional person required to
19 report and his or her patient or client shall not apply to
20 situations involving abused, neglected, or financially
21 exploited eligible adults and shall not constitute grounds for
22 failure to report as required by this Act.

23 (a-7) A person making a report under this Act in the belief
24 that it is in the alleged victim's best interest shall be
25 immune from criminal or civil liability or professional
26 disciplinary action on account of making the report,

1 notwithstanding any requirements concerning the
2 confidentiality of information with respect to such eligible
3 adult which might otherwise be applicable.

4 (a-9) Law enforcement officers shall continue to report
5 incidents of alleged abuse pursuant to the Illinois Domestic
6 Violence Act of 1986, notwithstanding any requirements under
7 this Act.

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

1 participating in an investigation of a report of alleged or
2 suspected abuse, neglect, financial exploitation, or
3 self-neglect shall be presumed.

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

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

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

1 is guilty of a Class A misdemeanor.

2 (Source: P.A. 97-860, eff. 7-30-12; 98-49, eff. 7-1-13;

3 98-1039, eff. 8-25-14.)