



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2341

Introduced 2/16/2005, by Rep. George Scully, Jr.

SYNOPSIS AS INTRODUCED:

755 ILCS 45/2-7.5

Amends the Illinois Power of Attorney Act. Provides that an agent, acting for a principal who is incapacitated, shall provide a record of all receipts, disbursements, and significant actions taken under the authority of the agency when requested to do so by a representative of the Office of Inspector General for the Department of Human Services acting in the course of an assessment of a complaint of financial exploitation of an adult with disabilities pursuant to Section 35 of the Abuse of Adults with Disabilities Intervention Act. Effective immediately.

LRB094 03886 RXD 33897 b

1 AN ACT concerning civil law.

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

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

6 (755 ILCS 45/2-7.5)

7 Sec. 2-7.5. Incapacitated principal.

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

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

1 exploitation of an adult with disabilities pursuant to Section
2 35 of the Abuse of Adults with Disabilities Intervention Act.

3 (Source: P.A. 91-790, eff. 6-9-00.)

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