

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 Elder Abuse and Neglect Act is amended by
5 adding Section 15 as follows:

6 (320 ILCS 20/15 new)

7 Sec. 15. Elder abuse fatality review teams.

8 (a) In this Section, "review team" means a regional
9 interagency elder abuse fatality review team established under
10 this Section.

11 (b) The Department, or any other State or county agency
12 with Department approval, may establish regional interagency
13 elder abuse fatality review teams (i) to assist local agencies
14 in identifying and reviewing suspicious deaths of elderly
15 victims of alleged, suspected, or substantiated abuse or
16 neglect in domestic living situations and (ii) to facilitate
17 communications between officials responsible for autopsies and
18 inquests and persons involved in reporting or investigating
19 alleged or suspected cases of abuse, neglect, or financial
20 exploitation of persons 60 years of age or older. Each such
21 team shall be composed of representatives of entities and
22 individuals including, but not limited to, the Department on
23 Aging, coroners or medical examiners (or both), State's

1 Attorneys, local police departments, forensic units, and
2 providers of services for persons 60 years of age or older in
3 domestic living situations.

4 (c) A review team shall review cases of deaths of persons
5 60 years of age or older in domestic living situations (i)
6 involving blunt force trauma or an undetermined manner or
7 suspicious cause of death, (ii) if requested by the deceased's
8 attending physician, (iii) upon referral by a health care
9 provider, or (iv) constituting an open or closed case from a
10 senior protective services agency, law enforcement agency, or
11 State's Attorney's office that involves alleged or suspected
12 abuse, neglect, or financial exploitation. A team may also
13 review other cases of deaths of persons 60 years of age or
14 older if the alleged abuse or neglect occurred while the person
15 was residing in a domestic living situation.

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

22 (d) Any document or oral or written communication shared
23 within or produced by a review team relating to a case
24 discussed or reviewed by the review team is confidential and is
25 not subject to disclosure to or discoverable by another party.

26 Any document or oral or written communication provided to a

1 review team by an individual or entity, and created by that
2 individual or entity solely for the use of the review team, is
3 confidential and is not subject to disclosure to or
4 discoverable by another party.

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

26 A coroner's or medical examiner's office may share with a

1 review team medical records that have been made available to
2 the coroner's or medical examiner's office in connection with
3 that office's investigation of a death.

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

10 (f) The Department, in consultation with coroners, medical
11 examiners, and law enforcement agencies, shall use aggregate
12 data gathered by review teams and review teams' recommendations
13 to create an annual report and may use those data and
14 recommendations to develop education, prevention, prosecution,
15 or other strategies designed to improve the coordination of
16 services for persons 60 years of age or older and their
17 families. The Department or other State or county agency, in
18 consultation with coroners, medical examiners, and law
19 enforcement agencies, also may use aggregate data gathered by
20 review teams to create a database of at-risk individuals.