

HB5869



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5869

Introduced 2/10/2010, by Rep. Lisa M. Dugan

SYNOPSIS AS INTRODUCED:

320 ILCS 20/2

from Ch. 23, par. 6602

Amends the Elder Abuse and Neglect Act. Provides that a "mandated reporter" under the Act includes (i) any bank, savings and loan, or credit union officer, trustee, or employee and (ii) any ambulatory currency exchange or community currency exchange, as defined in the Currency Exchange Act, or an employee of such a currency exchange.

LRB096 18612 KTG 33994 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 Elder Abuse and Neglect Act is amended by
5 changing Section 2 as follows:

6 (320 ILCS 20/2) (from Ch. 23, par. 6602)

7 (Text of Section after amendment by P.A. 96-339)

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

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

13 Nothing in this Act shall be construed to mean that an
14 eligible adult is a victim of abuse, neglect, or self-neglect
15 for the sole reason that he or she is being furnished with or
16 relies upon treatment by spiritual means through prayer alone,
17 in accordance with the tenets and practices of a recognized
18 church or religious denomination.

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

23 (a-5) "Abuser" means a person who abuses, neglects, or

1 financially exploits an eligible adult.

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

7 (b) "Department" means the Department on Aging of the State
8 of Illinois.

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

10 (d) "Domestic living situation" means a residence where the
11 eligible adult lives alone or with his or her family or a
12 caregiver, or others, or a board and care home or other
13 community-based unlicensed facility, but is not:

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

16 (1.5) A facility licensed under the MR/DD Community
17 Care Act;

18 (2) A "life care facility" as defined in the Life Care
19 Facilities Act;

20 (3) A home, institution, or other place operated by the
21 federal government or agency thereof or by the State of
22 Illinois;

23 (4) A hospital, sanitarium, or other institution, the
24 principal activity or business of which is the diagnosis,
25 care, and treatment of human illness through the
26 maintenance and operation of organized facilities

1 therefor, which is required to be licensed under the
2 Hospital Licensing Act;

3 (5) A "community living facility" as defined in the
4 Community Living Facilities Licensing Act;

5 (6) (Blank);

6 (7) A "community-integrated living arrangement" as
7 defined in the Community-Integrated Living Arrangements
8 Licensure and Certification Act;

9 (8) An assisted living or shared housing establishment
10 as defined in the Assisted Living and Shared Housing Act;
11 or

12 (9) A supportive living facility as described in
13 Section 5-5.01a of the Illinois Public Aid Code.

14 (e) "Eligible adult" means a person 60 years of age or
15 older who resides in a domestic living situation and is, or is
16 alleged to be, abused, neglected, or financially exploited by
17 another individual or who neglects himself or herself.

18 (f) "Emergency" means a situation in which an eligible
19 adult is living in conditions presenting a risk of death or
20 physical, mental or sexual injury and the provider agency has
21 reason to believe the eligible adult is unable to consent to
22 services which would alleviate that risk.

23 (f-5) "Mandated reporter" means any of the following
24 persons while engaged in carrying out their professional
25 duties:

26 (1) a professional or professional's delegate while

1 engaged in: (i) social services, (ii) law enforcement,
2 (iii) education, (iv) the care of an eligible adult or
3 eligible adults, or (v) any of the occupations required to
4 be licensed under the Clinical Psychologist Licensing Act,
5 the Clinical Social Work and Social Work Practice Act, the
6 Illinois Dental Practice Act, the Dietetic and Nutrition
7 Services Practice Act, the Marriage and Family Therapy
8 Licensing Act, the Medical Practice Act of 1987, the
9 Naprapathic Practice Act, the Nurse Practice Act, the
10 Nursing Home Administrators Licensing and Disciplinary
11 Act, the Illinois Occupational Therapy Practice Act, the
12 Illinois Optometric Practice Act of 1987, the Pharmacy
13 Practice Act, the Illinois Physical Therapy Act, the
14 Physician Assistant Practice Act of 1987, the Podiatric
15 Medical Practice Act of 1987, the Respiratory Care Practice
16 Act, the Professional Counselor and Clinical Professional
17 Counselor Licensing Act, the Illinois Speech-Language
18 Pathology and Audiology Practice Act, the Veterinary
19 Medicine and Surgery Practice Act of 2004, and the Illinois
20 Public Accounting Act;

21 (2) an employee of a vocational rehabilitation
22 facility prescribed or supervised by the Department of
23 Human Services;

24 (3) an administrator, employee, or person providing
25 services in or through an unlicensed community based
26 facility;

1 (4) any religious practitioner who provides treatment
2 by prayer or spiritual means alone in accordance with the
3 tenets and practices of a recognized church or religious
4 denomination, except as to information received in any
5 confession or sacred communication enjoined by the
6 discipline of the religious denomination to be held
7 confidential;

8 (5) field personnel of the Department of Healthcare and
9 Family Services, Department of Public Health, and
10 Department of Human Services, and any county or municipal
11 health department;

12 (6) personnel of the Department of Human Services, the
13 Guardianship and Advocacy Commission, the State Fire
14 Marshal, local fire departments, the Department on Aging
15 and its subsidiary Area Agencies on Aging and provider
16 agencies, and the Office of State Long Term Care Ombudsman;

17 (7) any employee of the State of Illinois not otherwise
18 specified herein who is involved in providing services to
19 eligible adults, including professionals providing medical
20 or rehabilitation services and all other persons having
21 direct contact with eligible adults;

22 (8) a person who performs the duties of a coroner or
23 medical examiner; ~~or~~

24 (9) a person who performs the duties of a paramedic or
25 an emergency medical technician; ~~or~~

26 (10) any bank, savings and loan, or credit union

1 officer, trustee, or employee; or

2 (11) any ambulatory currency exchange or community
3 currency exchange, as defined in the Currency Exchange Act,
4 or an employee of such a currency exchange.

5 (g) "Neglect" means another individual's failure to
6 provide an eligible adult with or willful withholding from an
7 eligible adult the necessities of life including, but not
8 limited to, food, clothing, shelter or health care. This
9 subsection does not create any new affirmative duty to provide
10 support to eligible adults. Nothing in this Act shall be
11 construed to mean that an eligible adult is a victim of neglect
12 because of health care services provided or not provided by
13 licensed health care professionals.

14 (h) "Provider agency" means any public or nonprofit agency
15 in a planning and service area appointed by the regional
16 administrative agency with prior approval by the Department on
17 Aging to receive and assess reports of alleged or suspected
18 abuse, neglect, or financial exploitation.

19 (i) "Regional administrative agency" means any public or
20 nonprofit agency in a planning and service area so designated
21 by the Department, provided that the designated Area Agency on
22 Aging shall be designated the regional administrative agency if
23 it so requests. The Department shall assume the functions of
24 the regional administrative agency for any planning and service
25 area where another agency is not so designated.

26 (i-5) "Self-neglect" means a condition that is the result

1 of an eligible adult's inability, due to physical or mental
2 impairments, or both, or a diminished capacity, to perform
3 essential self-care tasks that substantially threaten his or
4 her own health, including: providing essential food, clothing,
5 shelter, and health care; and obtaining goods and services
6 necessary to maintain physical health, mental health,
7 emotional well-being, and general safety. The term includes
8 compulsive hoarding, which is characterized by the acquisition
9 and retention of large quantities of items and materials that
10 produce an extensively cluttered living space, which
11 significantly impairs the performance of essential self-care
12 tasks or otherwise substantially threatens life or safety.

13 (j) "Substantiated case" means a reported case of alleged
14 or suspected abuse, neglect, financial exploitation, or
15 self-neglect in which a provider agency, after assessment,
16 determines that there is reason to believe abuse, neglect, or
17 financial exploitation has occurred.

18 (Source: P.A. 95-639, eff. 10-5-07; 95-689, eff. 10-29-07;
19 95-876, eff. 8-21-08; 96-339, eff. 7-1-10; 96-526, eff. 1-1-10;
20 96-572, eff. 1-1-10; revised 9-25-09.)