



Rep. Esther Golar

Filed: 4/8/2014

09800HB3830ham001

LRB098 15388 KTG 58405 a

1 AMENDMENT TO HOUSE BILL 3830

2 AMENDMENT NO. _____. Amend House Bill 3830 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Human Services Act is amended
5 by changing Section 1-17 as follows:

6 (20 ILCS 1305/1-17)

7 Sec. 1-17. Inspector General.

8 (a) Nature and purpose. It is the express intent of the
9 General Assembly to ensure the health, safety, and financial
10 condition of individuals receiving services in this State due
11 to mental illness, developmental disability, or both by
12 protecting those persons from acts of abuse, neglect, or both
13 by service providers. To that end, the Office of the Inspector
14 General for the Department of Human Services is created to
15 investigate and report upon allegations of the abuse, neglect,
16 or financial exploitation of individuals receiving services

1 within mental health facilities, developmental disabilities
2 facilities, and community agencies operated, licensed, funded
3 or certified by the Department of Human Services, but not
4 licensed or certified by any other State agency.

5 (b) Definitions. The following definitions apply to this
6 Section:

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

14 "Agency" or "community agency" means (i) a community agency
15 licensed, funded, or certified by the Department, but not
16 licensed or certified by any other human services agency of the
17 State, to provide mental health service or developmental
18 disabilities service, or (ii) a program licensed, funded, or
19 certified by the Department, but not licensed or certified by
20 any other human services agency of the State, to provide mental
21 health service or developmental disabilities service.

22 "Aggravating circumstance" means a factor that is
23 attendant to a finding and that tends to compound or increase
24 the culpability of the accused.

25 "Allegation" means an assertion, complaint, suspicion, or
26 incident involving any of the following conduct by an employee,

1 facility, or agency against an individual or individuals:
2 mental abuse, physical abuse, sexual abuse, neglect, or
3 financial exploitation.

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

5 "Deflection" means a situation in which an individual is
6 presented for admission to a facility or agency, and the
7 facility staff or agency staff do not admit the individual.

8 "Deflection" includes triage, redirection, and denial of
9 admission.

10 "Department" means the Department of Human Services.

11 "Developmentally disabled" means having a developmental
12 disability.

13 "Developmental disability" means "developmental
14 disability" as defined in the Mental Health and Developmental
15 Disabilities Code.

16 "Egregious neglect" means a finding of neglect as
17 determined by the Inspector General that (i) represents a gross
18 failure to adequately provide for, or a callused indifference
19 to, the health, safety, or medical needs of an individual and
20 (ii) results in an individual's death or other serious
21 deterioration of an individual's physical condition or mental
22 condition.

23 "Employee" means any person who provides services at the
24 facility or agency on-site or off-site. The service
25 relationship can be with the individual or with the facility or
26 agency. Also, "employee" includes any employee or contractual

1 agent of the Department of Human Services or the community
2 agency involved in providing or monitoring or administering
3 mental health or developmental disability services. This
4 includes but is not limited to: owners, operators, payroll
5 personnel, contractors, subcontractors, and volunteers.

6 "Facility" or "State-operated facility" means a mental
7 health facility or developmental disabilities facility
8 operated by the Department.

9 "Financial exploitation" means taking unjust advantage of
10 an individual's assets, property, or financial resources
11 through deception, intimidation, or conversion for the
12 employee's, facility's, or agency's own advantage or benefit.

13 "Finding" means the Office of Inspector General's
14 determination regarding whether an allegation is
15 substantiated, unsubstantiated, or unfounded.

16 "Health care worker registry" or "registry" means the
17 health care worker registry created by the Nursing Home Care
18 Act.

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

22 "Mental abuse" means the use of demeaning, intimidating, or
23 threatening words, signs, gestures, or other actions by an
24 employee about an individual and in the presence of an
25 individual or individuals that results in emotional distress or
26 maladaptive behavior, or could have resulted in emotional

1 distress or maladaptive behavior, for any individual present.

2 "Mental illness" means "mental illness" as defined in the
3 Mental Health and Developmental Disabilities Code.

4 "Mentally ill" means having a mental illness.

5 "Mitigating circumstance" means a condition that (i) is
6 attendant to a finding, (ii) does not excuse or justify the
7 conduct in question, but (iii) may be considered in evaluating
8 the severity of the conduct, the culpability of the accused, or
9 both the severity of the conduct and the culpability of the
10 accused.

11 "Neglect" means an employee's, agency's, or facility's
12 failure to provide adequate medical care, personal care, or
13 maintenance and that, as a consequence, (i) causes an
14 individual pain, injury, or emotional distress, (ii) results in
15 either an individual's maladaptive behavior or the
16 deterioration of an individual's physical condition or mental
17 condition, or (iii) places the individual's health or safety at
18 substantial risk.

19 "Physical abuse" means an employee's non-accidental and
20 inappropriate contact with an individual that causes bodily
21 harm. "Physical abuse" includes actions that cause bodily harm
22 as a result of an employee directing an individual or person to
23 physically abuse another individual.

24 "Recommendation" means an admonition, separate from a
25 finding, that requires action by the facility, agency, or
26 Department to correct a systemic issue, problem, or deficiency

1 identified during an investigation.

2 "Required reporter" means any employee who suspects,
3 witnesses, or is informed of an allegation of any one or more
4 of the following: mental abuse, physical abuse, sexual abuse,
5 neglect, or financial exploitation.

6 "Secretary" means the Chief Administrative Officer of the
7 Department.

8 "Sexual abuse" means any sexual contact or intimate
9 physical contact between an employee and an individual,
10 including an employee's coercion or encouragement of an
11 individual to engage in sexual behavior that results in sexual
12 contact, intimate physical contact, sexual behavior, or
13 intimate physical behavior.

14 "Substantiated" means there is a preponderance of the
15 evidence to support the allegation.

16 "Unfounded" means there is no credible evidence to support
17 the allegation.

18 "Unsubstantiated" means there is credible evidence, but
19 less than a preponderance of evidence to support the
20 allegation.

21 (c) Appointment. The Governor shall appoint, and the Senate
22 shall confirm, an Inspector General. The Inspector General
23 shall be appointed for a term of 4 years and shall function
24 within the Department of Human Services and report to the
25 Secretary and the Governor.

26 (d) Operation and appropriation. The Inspector General

1 shall function independently within the Department with
2 respect to the operations of the Office, including the
3 performance of investigations and issuance of findings and
4 recommendations. The appropriation for the Office of Inspector
5 General shall be separate from the overall appropriation for
6 the Department.

7 (e) Powers and duties. The Inspector General shall
8 investigate reports of suspected mental abuse, physical abuse,
9 sexual abuse, neglect, or financial exploitation of
10 individuals in any mental health or developmental disabilities
11 facility or agency and shall have authority to take immediate
12 action to prevent any one or more of the following from
13 happening to individuals under its jurisdiction: mental abuse,
14 physical abuse, sexual abuse, neglect, or financial
15 exploitation. Upon written request of an agency of this State,
16 the Inspector General may assist another agency of the State in
17 investigating reports of the abuse, neglect, or abuse and
18 neglect of persons with mental illness, persons with
19 developmental disabilities, or persons with both. To comply
20 with the requirements of subsection (k) of this Section, the
21 Inspector General shall also review all reportable deaths for
22 which there is no allegation of abuse or neglect. Nothing in
23 this Section shall preempt any duties of the Medical Review
24 Board set forth in the Mental Health and Developmental
25 Disabilities Code. The Inspector General shall have no
26 authority to investigate alleged violations of the State

1 Officials and Employees Ethics Act. Allegations of misconduct
2 under the State Officials and Employees Ethics Act shall be
3 referred to the Office of the Governor's Executive Inspector
4 General for investigation.

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

17 (g) Rulemaking authority. The Inspector General shall
18 promulgate rules establishing minimum requirements for
19 reporting allegations as well as for initiating, conducting,
20 and completing investigations based upon the nature of the
21 allegation or allegations. The rules shall clearly establish
22 that if 2 or more State agencies could investigate an
23 allegation, the Inspector General shall not conduct an
24 investigation that would be redundant to, or interfere with, an
25 investigation conducted by another State agency. The rules
26 shall further clarify the method and circumstances under which

1 the Office of Inspector General may interact with the
2 licensing, funding, or certification units of the Department in
3 preventing further occurrences of mental abuse, physical
4 abuse, sexual abuse, neglect, egregious neglect, and financial
5 exploitation.

6 (h) Training programs. The Inspector General shall (i)
7 establish a comprehensive program to ensure that every person
8 authorized to conduct investigations receives ongoing training
9 relative to investigation techniques, communication skills,
10 and the appropriate means of interacting with persons receiving
11 treatment for mental illness, developmental disability, or
12 both mental illness and developmental disability, and (ii)
13 establish and conduct periodic training programs for facility
14 and agency employees concerning the prevention and reporting of
15 any one or more of the following: mental abuse, physical abuse,
16 sexual abuse, neglect, egregious neglect, or financial
17 exploitation. Nothing in this Section shall be deemed to
18 prevent the Office of Inspector General from conducting any
19 other training as determined by the Inspector General to be
20 necessary or helpful.

21 (i) Duty to cooperate.

22 (1) The Inspector General shall at all times be granted
23 access to any facility or agency for the purpose of
24 investigating any allegation, conducting unannounced site
25 visits, monitoring compliance with a written response, or
26 completing any other statutorily assigned duty. The

1 Inspector General shall conduct unannounced site visits to
2 each facility at least annually for the purpose of
3 reviewing and making recommendations on systemic issues
4 relative to preventing, reporting, investigating, and
5 responding to all of the following: mental abuse, physical
6 abuse, sexual abuse, neglect, egregious neglect, or
7 financial exploitation.

8 (2) Any employee who fails to cooperate with an Office
9 of the Inspector General investigation is in violation of
10 this Act. Failure to cooperate with an investigation
11 includes, but is not limited to, any one or more of the
12 following: (i) creating and transmitting a false report to
13 the Office of the Inspector General hotline, (ii) providing
14 false information to an Office of the Inspector General
15 Investigator during an investigation, (iii) colluding with
16 other employees to cover up evidence, (iv) colluding with
17 other employees to provide false information to an Office
18 of the Inspector General investigator, (v) destroying
19 evidence, (vi) withholding evidence, or (vii) otherwise
20 obstructing an Office of the Inspector General
21 investigation. Additionally, any employee who, during an
22 unannounced site visit or written response compliance
23 check, fails to cooperate with requests from the Office of
24 the Inspector General is in violation of this Act.

25 (j) Subpoena powers. The Inspector General shall have the
26 power to subpoena witnesses and compel the production of all

1 documents and physical evidence relating to his or her
2 investigations and any hearings authorized by this Act. This
3 subpoena power shall not extend to persons or documents of a
4 labor organization or its representatives insofar as the
5 persons are acting in a representative capacity to an employee
6 whose conduct is the subject of an investigation or the
7 documents relate to that representation. Any person who
8 otherwise fails to respond to a subpoena or who knowingly
9 provides false information to the Office of the Inspector
10 General by subpoena during an investigation is guilty of a
11 Class A misdemeanor.

12 (k) Reporting allegations and deaths.

13 (1) Allegations. If an employee witnesses, is told of,
14 or has reason to believe an incident of mental abuse,
15 physical abuse, sexual abuse, neglect, or financial
16 exploitation has occurred, the employee, agency, or
17 facility shall report the allegation by phone to the Office
18 of the Inspector General hotline according to the agency's
19 or facility's procedures, but in no event later than 4
20 hours after the initial discovery of the incident,
21 allegation, or suspicion of any one or more of the
22 following: mental abuse, physical abuse, sexual abuse,
23 neglect, or financial exploitation. A required reporter as
24 defined in subsection (b) of this Section who knowingly or
25 intentionally fails to comply with these reporting
26 requirements is guilty of a Class A misdemeanor.

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

5 (i) Any death of an individual occurring within 14
6 calendar days after discharge or transfer of the
7 individual from a residential program or facility.

8 (ii) Any death of an individual occurring within 24
9 hours after deflection from a residential program or
10 facility.

11 (iii) Any other death of an individual occurring at
12 an agency or facility or at any Department-funded site.

13 (3) Retaliation. It is a violation of this Act for any
14 employee or administrator of an agency or facility to take
15 retaliatory action against an employee who acts in good
16 faith in conformance with his or her duties as a required
17 reporter.

18 (1) Reporting to law enforcement.

19 (1) Reporting criminal acts. Within 24 hours after
20 determining that there is credible evidence indicating
21 that a criminal act may have been committed or that special
22 expertise may be required in an investigation, the
23 Inspector General shall notify the Department of State
24 Police or other appropriate law enforcement authority, or
25 ensure that such notification is made. The Department of
26 State Police shall investigate any report from a

1 State-operated facility indicating a possible murder,
2 sexual assault, or other felony by an employee. All
3 investigations conducted by the Inspector General shall be
4 conducted in a manner designed to ensure the preservation
5 of evidence for possible use in a criminal prosecution.

6 (2) Reporting allegations of adult students with
7 disabilities. Upon receipt of a reportable allegation
8 regarding an adult student with a disability, the
9 Department's Office of the Inspector General shall
10 determine whether the allegation meets the criteria for the
11 Domestic Abuse Program under the Abuse of Adults with
12 Disabilities Intervention Act. If the allegation is
13 reportable to that program, the Office of the Inspector
14 General shall initiate an investigation. If the allegation
15 is not reportable to the Domestic Abuse Program, the Office
16 of the Inspector General shall make an expeditious referral
17 to the respective law enforcement entity. If the alleged
18 victim is already receiving services from the Department,
19 the Office of the Inspector General shall also make a
20 referral to the respective Department of Human Services'
21 Division or Bureau.

22 (m) Investigative reports. Upon completion of an
23 investigation, the Office of Inspector General shall issue an
24 investigative report identifying whether the allegations are
25 substantiated, unsubstantiated, or unfounded. Within 10
26 business days after the transmittal of a completed

1 investigative report substantiating an allegation, or if a
2 recommendation is made, the Inspector General shall provide the
3 investigative report on the case to the Secretary and to the
4 director of the facility or agency where any one or more of the
5 following occurred: mental abuse, physical abuse, sexual
6 abuse, neglect, egregious neglect, or financial exploitation.
7 In a substantiated case, the investigative report shall include
8 any mitigating or aggravating circumstances that were
9 identified during the investigation. If the case involves
10 substantiated neglect, the investigative report shall also
11 state whether egregious neglect was found. An investigative
12 report may also set forth recommendations. All investigative
13 reports prepared by the Office of the Inspector General shall
14 be considered confidential and shall not be released except as
15 provided by the law of this State or as required under
16 applicable federal law. Unsubstantiated and unfounded reports
17 shall not be disclosed except as allowed under Section 6 of the
18 Abused and Neglected Long Term Care Facility Residents
19 Reporting Act. Raw data used to compile the investigative
20 report shall not be subject to release unless required by law
21 or a court order. "Raw data used to compile the investigative
22 report" includes, but is not limited to, any one or more of the
23 following: the initial complaint, witness statements,
24 photographs, investigator's notes, police reports, or incident
25 reports. If the allegations are substantiated, the accused
26 shall be provided with a redacted copy of the investigative

1 report. Death reports where there was no allegation of abuse or
2 neglect shall only be released pursuant to applicable State or
3 federal law or a valid court order.

4 (n) Written responses and reconsideration requests.

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

17 (2) Reconsideration requests. The facility, agency,
18 victim or guardian, or the subject employee may request
19 that the Office of Inspector General reconsider or clarify
20 its finding based upon additional information.

21 (o) Disclosure of the finding by the Inspector General. The
22 Inspector General shall disclose the finding of an
23 investigation to the following persons: (i) the Governor, (ii)
24 the Secretary, (iii) the director of the facility or agency,
25 (iv) the alleged victims and their guardians, (v) the
26 complainant, and (vi) the accused. This information shall

1 include whether the allegations were deemed substantiated,
2 unsubstantiated, or unfounded.

3 (p) Secretary review. Upon review of the Inspector
4 General's investigative report and any agency's or facility's
5 written response, the Secretary shall accept or reject the
6 written response and notify the Inspector General of that
7 determination. The Secretary may further direct that other
8 administrative action be taken, including, but not limited to,
9 any one or more of the following: (i) additional site visits,
10 (ii) training, (iii) provision of technical assistance
11 relative to administrative needs, licensure or certification,
12 or (iv) the imposition of appropriate sanctions.

13 (q) Action by facility or agency. Within 30 days of the
14 date the Secretary approves the written response or directs
15 that further administrative action be taken, the facility or
16 agency shall provide an implementation report to the Inspector
17 General that provides the status of the action taken. The
18 facility or agency shall be allowed an additional 30 days to
19 send notice of completion of the action or to send an updated
20 implementation report. If the action has not been completed
21 within the additional 30 day period, the facility or agency
22 shall send updated implementation reports every 60 days until
23 completion. The Inspector General shall conduct a review of any
24 implementation plan that takes more than 120 days after
25 approval to complete, and shall monitor compliance through a
26 random review of approved written responses, which may include,

1 but are not limited to: (i) site visits, (ii) telephone
2 contact, and (iii) requests for additional documentation
3 evidencing compliance.

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

10 (1) Appointment of on-site monitors.

11 (2) Transfer or relocation of an individual or
12 individuals.

13 (3) Closure of units.

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

15 (i) Department licensing, (ii) funding, or (iii)
16 certification.

17 The Inspector General may seek the assistance of the
18 Illinois Attorney General or the office of any State's Attorney
19 in implementing sanctions.

20 (s) Health care worker registry.

21 (1) Reporting to the registry. The Inspector General
22 shall report to the Department of Public Health's health
23 care worker registry, a public registry, the identity and
24 finding of each employee of a facility or agency against
25 whom there is a final investigative report containing a
26 substantiated allegation of physical or sexual abuse.

1 financial exploitation, or egregious neglect of an
2 individual.

3 (2) Notice to employee. Prior to reporting the name of
4 an employee, the employee shall be notified of the
5 Department's obligation to report and shall be granted an
6 opportunity to request an administrative hearing, the sole
7 purpose of which is to determine if the substantiated
8 finding warrants reporting to the registry. Notice to the
9 employee shall contain a clear and concise statement of the
10 grounds on which the report to the registry is based, offer
11 the employee an opportunity for a hearing, and identify the
12 process for requesting such a hearing. Notice is sufficient
13 if provided by certified mail to the employee's last known
14 address. If the employee fails to request a hearing within
15 30 days from the date of the notice, the Inspector General
16 shall report the name of the employee to the registry.
17 Nothing in this subdivision (s) (2) shall diminish or impair
18 the rights of a person who is a member of a collective
19 bargaining unit under the Illinois Public Labor Relations
20 Act or under any other federal labor statute.

21 (3) Registry hearings. If the employee requests an
22 administrative hearing, the employee shall be granted an
23 opportunity to appear before an administrative law judge to
24 present reasons why the employee's name should not be
25 reported to the registry. The Department shall bear the
26 burden of presenting evidence that establishes, by a

1 preponderance of the evidence, that the substantiated
2 finding warrants reporting to the registry. After
3 considering all the evidence presented, the administrative
4 law judge shall make a recommendation to the Secretary as
5 to whether the substantiated finding warrants reporting
6 the name of the employee to the registry. The Secretary
7 shall render the final decision. The Department and the
8 employee shall have the right to request that the
9 administrative law judge consider a stipulated disposition
10 of these proceedings.

11 (4) Testimony at registry hearings. A person who makes
12 a report or who investigates a report under this Act shall
13 testify fully in any judicial proceeding resulting from
14 such a report, as to any evidence of abuse or neglect, or
15 the cause thereof. No evidence shall be excluded by reason
16 of any common law or statutory privilege relating to
17 communications between the alleged perpetrator of abuse or
18 neglect, or the individual alleged as the victim in the
19 report, and the person making or investigating the report.
20 Testimony at hearings is exempt from the confidentiality
21 requirements of subsection (f) of Section 10 of the Mental
22 Health and Developmental Disabilities Confidentiality Act.

23 (5) Employee's rights to collateral action. No
24 reporting to the registry shall occur and no hearing shall
25 be set or proceed if an employee notifies the Inspector
26 General in writing, including any supporting

1 documentation, that he or she is formally contesting an
2 adverse employment action resulting from a substantiated
3 finding by complaint filed with the Illinois Civil Service
4 Commission, or which otherwise seeks to enforce the
5 employee's rights pursuant to any applicable collective
6 bargaining agreement. If an action taken by an employer
7 against an employee as a result of a finding of physical
8 abuse, sexual abuse, or egregious neglect is overturned
9 through an action filed with the Illinois Civil Service
10 Commission or under any applicable collective bargaining
11 agreement and if that employee's name has already been sent
12 to the registry, the employee's name shall be removed from
13 the registry.

14 (6) Removal from registry. At any time after the report
15 to the registry, but no more than once in any 12-month
16 period, an employee may petition the Department in writing
17 to remove his or her name from the registry. Upon receiving
18 notice of such request, the Inspector General shall conduct
19 an investigation into the petition. Upon receipt of such
20 request, an administrative hearing will be set by the
21 Department. At the hearing, the employee shall bear the
22 burden of presenting evidence that establishes, by a
23 preponderance of the evidence, that removal of the name
24 from the registry is in the public interest. The parties
25 may jointly request that the administrative law judge
26 consider a stipulated disposition of these proceedings.

1 (t) Review of Administrative Decisions. The Department
2 shall preserve a record of all proceedings at any formal
3 hearing conducted by the Department involving health care
4 worker registry hearings. Final administrative decisions of
5 the Department are subject to judicial review pursuant to
6 provisions of the Administrative Review Law.

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

18 Members appointed by the Governor shall be qualified by
19 professional knowledge or experience in the area of law,
20 investigatory techniques, or in the area of care of the
21 mentally ill or developmentally disabled. Two members
22 appointed by the Governor shall be persons with a disability or
23 a parent of a person with a disability. Members shall serve
24 without compensation, but shall be reimbursed for expenses
25 incurred in connection with the performance of their duties as
26 members.

1 The Board shall meet quarterly, and may hold other meetings
2 on the call of the chairman. Four members shall constitute a
3 quorum allowing the Board to conduct its business. The Board
4 may adopt rules and regulations it deems necessary to govern
5 its own procedures.

6 The Board shall monitor and oversee the operations,
7 policies, and procedures of the Inspector General to ensure the
8 prompt and thorough investigation of allegations of neglect and
9 abuse. In fulfilling these responsibilities, the Board may do
10 the following:

11 (1) Provide independent, expert consultation to the
12 Inspector General on policies and protocols for
13 investigations of alleged abuse, neglect, or both abuse and
14 neglect.

15 (2) Review existing regulations relating to the
16 operation of facilities.

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

19 (4) Recommend policies concerning methods for
20 improving the intergovernmental relationships between the
21 Office of the Inspector General and other State or federal
22 offices.

23 (v) Annual report. The Inspector General shall provide to
24 the General Assembly and the Governor, no later than January 1
25 of each year, a summary of reports and investigations made
26 under this Act for the prior fiscal year with respect to

1 individuals receiving mental health or developmental
2 disabilities services. The report shall detail the imposition
3 of sanctions, if any, and the final disposition of any
4 corrective or administrative action directed by the Secretary.
5 The summaries shall not contain any confidential or identifying
6 information of any individual, but shall include objective data
7 identifying any trends in the number of reported allegations,
8 the timeliness of the Office of the Inspector General's
9 investigations, and their disposition, for each facility and
10 Department-wide, for the most recent 3-year time period. The
11 report shall also identify, by facility, the staff-to-patient
12 ratios taking account of direct care staff only. The report
13 shall also include detailed recommended administrative actions
14 and matters for consideration by the General Assembly.

15 (w) Program audit. The Auditor General shall conduct a
16 program audit of the Office of the Inspector General on an
17 as-needed basis, as determined by the Auditor General. The
18 audit shall specifically include the Inspector General's
19 compliance with the Act and effectiveness in investigating
20 reports of allegations occurring in any facility or agency. The
21 Auditor General shall conduct the program audit according to
22 the provisions of the Illinois State Auditing Act and shall
23 report its findings to the General Assembly no later than
24 January 1 following the audit period.

25 (x) Nothing in this Section shall be construed to mean that
26 a patient is a victim of abuse or neglect because of health

1 care services appropriately provided or not provided by health
2 care professionals.

3 (y) Nothing in this Section shall require a facility,
4 including its employees, agents, medical staff members, and
5 health care professionals, to provide a service to a patient in
6 contravention of that patient's stated or implied objection to
7 the provision of that service on the ground that that service
8 conflicts with the patient's religious beliefs or practices,
9 nor shall the failure to provide a service to a patient be
10 considered abuse under this Section if the patient has objected
11 to the provision of that service based on his or her religious
12 beliefs or practices.

13 (Source: P.A. 98-49, eff. 7-1-13.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.".