

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 15 as follows:

6 (320 ILCS 20/15)

7 Sec. 15. Fatality Review Teams.

8 (a) State policy.

9 (1) Both the State and the community maintain a
10 commitment to preventing the abuse, neglect, and financial
11 exploitation of at-risk adults. This includes a charge to
12 bring perpetrators of crimes against at-risk adults to
13 justice and prevent untimely deaths in the community.

14 (2) When an at-risk adult dies, the response to the
15 death by the community, law enforcement, and the State must
16 include an accurate and complete determination of the cause
17 of death, and the development and implementation of
18 measures to prevent future deaths from similar causes.

19 (3) Multidisciplinary and multi-agency reviews of
20 deaths can assist the State and counties in developing a
21 greater understanding of the incidence and causes of
22 premature deaths and the methods for preventing those
23 deaths, improving methods for investigating deaths, and

1 identifying gaps in services to at-risk adults.

2 (4) Access to information regarding the deceased
3 person and his or her family by multidisciplinary and
4 multi-agency fatality review teams is necessary in order to
5 fulfill their purposes and duties.

6 (a-5) Definitions. As used in this Section:

7 "Advisory Council" means the Illinois Fatality Review
8 Team Advisory Council.

9 "Review Team" means a regional interagency fatality
10 review team.

11 (b) The Director, in consultation with the Advisory
12 Council, law enforcement, and other professionals who work in
13 the fields of investigating, treating, or preventing abuse or
14 neglect of at-risk adults, shall appoint members to a minimum
15 of one review team in each of the Department's planning and
16 service areas. Each member of a review team shall be appointed
17 for a 2-year term and shall be eligible for reappointment upon
18 the expiration of the term. A review team's purpose in
19 conducting review of at-risk adult deaths is: (i) to assist
20 local agencies in identifying and reviewing suspicious deaths
21 of adult victims of alleged, suspected, or substantiated abuse
22 or neglect in domestic living situations; (ii) to facilitate
23 communications between officials responsible for autopsies and
24 inquests and persons involved in reporting or investigating
25 alleged or suspected cases of abuse, neglect, or financial
26 exploitation of at-risk adults and persons involved in

1 providing services to at-risk adults; (iii) to evaluate means
2 by which the death might have been prevented; and (iv) to
3 report its findings to the appropriate agencies and the
4 Advisory Council and make recommendations that may help to
5 reduce the number of at-risk adult deaths caused by abuse and
6 neglect and that may help to improve the investigations of
7 deaths of at-risk adults and increase prosecutions, if
8 appropriate.

9 (b-5) Each such team shall be composed of representatives
10 of entities and individuals including, but not limited to:

11 (1) the Department on Aging;

12 (2) coroners or medical examiners (or both);

13 (3) State's Attorneys;

14 (4) local police departments;

15 (5) forensic units;

16 (6) local health departments;

17 (7) a social service or health care agency that
18 provides services to persons with mental illness, in a
19 program whose accreditation to provide such services is
20 recognized by the Division of Mental Health within the
21 Department of Human Services;

22 (8) a social service or health care agency that
23 provides services to persons with developmental
24 disabilities, in a program whose accreditation to provide
25 such services is recognized by the Division of
26 Developmental Disabilities within the Department of Human

1 Services;

2 (9) a local hospital, trauma center, or provider of
3 emergency medicine;

4 (10) providers of services for eligible adults in
5 domestic living situations; and

6 (11) a physician, psychiatrist, or other health care
7 provider knowledgeable about abuse and neglect of at-risk
8 adults.

9 (c) A review team shall review cases of deaths of at-risk
10 adults occurring in its planning and service area (i) involving
11 blunt force trauma or an undetermined manner or suspicious
12 cause of death; (ii) if requested by the deceased's attending
13 physician or an emergency room physician; (iii) upon referral
14 by a health care provider; (iv) upon referral by a coroner or
15 medical examiner; (v) constituting an open or closed case from
16 an adult protective services agency, law enforcement agency,
17 State's Attorney's office, or the Department of Human Services'
18 Office of the Inspector General that involves alleged or
19 suspected abuse, neglect, or financial exploitation; or (vi)
20 upon referral by a law enforcement agency or State's Attorney's
21 office. If such a death occurs in a planning and service area
22 where a review team has not yet been established, the Director
23 shall request that the Advisory Council or another review team
24 review that death. A team may also review deaths of at-risk
25 adults if the alleged abuse or neglect occurred while the
26 person was residing in a domestic living situation.

1 A review team shall meet not less than 4 ~~6~~ times a year to
2 discuss cases for its possible review. Each review team, with
3 the advice and consent of the Department, shall establish
4 criteria to be used in discussing cases of alleged, suspected,
5 or substantiated abuse or neglect for review and shall conduct
6 its activities in accordance with any applicable policies and
7 procedures established by the Department.

8 (c-5) The Illinois Fatality Review Team Advisory Council,
9 consisting of one member from each review team in Illinois,
10 shall be the coordinating and oversight body for review teams
11 and activities in Illinois. The Director may appoint to the
12 Advisory Council any ex-officio members deemed necessary.
13 Persons with expertise needed by the Advisory Council may be
14 invited to meetings. The Advisory Council must select from its
15 members a chairperson and a vice-chairperson, each to serve a
16 2-year term. The chairperson or vice-chairperson may be
17 selected to serve additional, subsequent terms. The Advisory
18 Council must meet at least 4 times during each calendar year.

19 The Department may provide or arrange for the staff support
20 necessary for the Advisory Council to carry out its duties. The
21 Director, in cooperation and consultation with the Advisory
22 Council, shall appoint, reappoint, and remove review team
23 members.

24 The Advisory Council has, but is not limited to, the
25 following duties:

- 26 (1) To serve as the voice of review teams in Illinois.

1 (2) To oversee the review teams in order to ensure that
2 the review teams' work is coordinated and in compliance
3 with State statutes and the operating protocol.

4 (3) To ensure that the data, results, findings, and
5 recommendations of the review teams are adequately used in
6 a timely manner to make any necessary changes to the
7 policies, procedures, and State statutes in order to
8 protect at-risk adults.

9 (4) To collaborate with the Department in order to
10 develop any legislation needed to prevent unnecessary
11 deaths of at-risk adults.

12 (5) To ensure that the review teams' review processes
13 are standardized in order to convey data, findings, and
14 recommendations in a usable format.

15 (6) To serve as a link with review teams throughout the
16 country and to participate in national review team
17 activities.

18 (7) To provide the review teams with the most current
19 information and practices concerning at-risk adult death
20 review and related topics.

21 (8) To perform any other functions necessary to enhance
22 the capability of the review teams to reduce and prevent
23 at-risk adult fatalities.

24 The Advisory Council may prepare an annual report, in
25 consultation with the Department, using aggregate data
26 gathered by review teams and using the review teams'

1 recommendations to develop education, prevention, prosecution,
2 or other strategies designed to improve the coordination of
3 services for at-risk adults and their families.

4 In any instance where a review team does not operate in
5 accordance with established protocol, the Director, in
6 consultation and cooperation with the Advisory Council, must
7 take any necessary actions to bring the review team into
8 compliance with the protocol.

9 (d) Any document or oral or written communication shared
10 within or produced by the review team relating to a case
11 discussed or reviewed by the review team is confidential and is
12 not admissible as evidence in any civil or criminal proceeding,
13 except for use by a State's Attorney's office in prosecuting a
14 criminal case against a caregiver. Those records and
15 information are, however, subject to discovery or subpoena, and
16 are admissible as evidence, to the extent they are otherwise
17 available to the public.

18 Any document or oral or written communication provided to a
19 review team by an individual or entity, and created by that
20 individual or entity solely for the use of the review team, is
21 confidential, is not subject to disclosure to or discoverable
22 by another party, and is not admissible as evidence in any
23 civil or criminal proceeding, except for use by a State's
24 Attorney's office in prosecuting a criminal case against a
25 caregiver. Those records and information are, however, subject
26 to discovery or subpoena, and are admissible as evidence, to

1 the extent they are otherwise available to the public.

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

23 A coroner's or medical examiner's office may share with the
24 review team medical records that have been made available to
25 the coroner's or medical examiner's office in connection with
26 that office's investigation of a death.

1 Members of a review team and the Advisory Council are not
2 subject to examination, in any civil or criminal proceeding,
3 concerning information presented to members of the review team
4 or the Advisory Council or opinions formed by members of the
5 review team or the Advisory Council based on that information.
6 A person may, however, be examined concerning information
7 provided to a review team or the Advisory Council.

8 (d-5) Meetings of the review teams and the Advisory Council
9 may be closed to the public under the Open Meetings Act.
10 Records and information provided to a review team and the
11 Advisory Council, and records maintained by a team or the
12 Advisory Council, are exempt from release under the Freedom of
13 Information Act.

14 (e) A review team's recommendation in relation to a case
15 discussed or reviewed by the review team, including, but not
16 limited to, a recommendation concerning an investigation or
17 prosecution, may be disclosed by the review team upon the
18 completion of its review and at the discretion of a majority of
19 its members who reviewed the case.

20 (e-5) The State shall indemnify and hold harmless members
21 of a review team and the Advisory Council for all their acts,
22 omissions, decisions, or other conduct arising out of the scope
23 of their service on the review team or Advisory Council, except
24 those involving willful or wanton misconduct. The method of
25 providing indemnification shall be as provided in the State
26 Employee Indemnification Act.

1 (f) The Department, in consultation with coroners, medical
2 examiners, and law enforcement agencies, shall use aggregate
3 data gathered by and recommendations from the Advisory Council
4 and the review teams to create an annual report and may use
5 those data and recommendations to develop education,
6 prevention, prosecution, or other strategies designed to
7 improve the coordination of services for at-risk adults and
8 their families. The Department or other State or county agency,
9 in consultation with coroners, medical examiners, and law
10 enforcement agencies, also may use aggregate data gathered by
11 the review teams to create a database of at-risk individuals.

12 (g) The Department shall adopt such rules and regulations
13 as it deems necessary to implement this Section.

14 (Source: P.A. 98-49, eff. 7-1-13; 98-1039, eff. 8-25-14; 99-78,
15 eff. 7-20-15.)