



Rep. David Harris

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LRB099 18032 KTG 45681 a

1 AMENDMENT TO HOUSE BILL 4826

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4826 by replacing  
3 everything after the enacting clause with the following:

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

1 of death, and the development and implementation of  
2 measures to prevent future deaths from similar causes.

3 (3) Multidisciplinary and multi-agency reviews of  
4 deaths can assist the State and counties in developing a  
5 greater understanding of the incidence and causes of  
6 premature deaths and the methods for preventing those  
7 deaths, improving methods for investigating deaths, and  
8 identifying gaps in services to at-risk adults.

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

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

14 "Advisory Council" means the Illinois Fatality Review  
15 Team Advisory Council.

16 "Review Team" means a regional interagency fatality  
17 review team.

18 (b) The Director, in consultation with the Advisory  
19 Council, law enforcement, and other professionals who work in  
20 the fields of investigating, treating, or preventing abuse or  
21 neglect of at-risk adults, shall appoint members to a minimum  
22 of one review team in each of the Department's planning and  
23 service areas. Each member of a review team shall be appointed  
24 for a 2-year term and shall be eligible for reappointment upon  
25 the expiration of the term. A review team's purpose in  
26 conducting review of at-risk adult deaths is: (i) to assist

1 local agencies in identifying and reviewing suspicious deaths  
2 of adult victims of alleged, suspected, or substantiated abuse  
3 or neglect in domestic living situations; (ii) to facilitate  
4 communications between officials responsible for autopsies and  
5 inquests and persons involved in reporting or investigating  
6 alleged or suspected cases of abuse, neglect, or financial  
7 exploitation of at-risk adults and persons involved in  
8 providing services to at-risk adults; (iii) to evaluate means  
9 by which the death might have been prevented; and (iv) to  
10 report its findings to the appropriate agencies and the  
11 Advisory Council and make recommendations that may help to  
12 reduce the number of at-risk adult deaths caused by abuse and  
13 neglect and that may help to improve the investigations of  
14 deaths of at-risk adults and increase prosecutions, if  
15 appropriate.

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

18 (1) the Department on Aging;

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

20 (3) State's Attorneys;

21 (4) local police departments;

22 (5) forensic units;

23 (6) local health departments;

24 (7) a social service or health care agency that  
25 provides services to persons with mental illness, in a  
26 program whose accreditation to provide such services is

1 recognized by the Division of Mental Health within the  
2 Department of Human Services;

3 (8) a social service or health care agency that  
4 provides services to persons with developmental  
5 disabilities, in a program whose accreditation to provide  
6 such services is recognized by the Division of  
7 Developmental Disabilities within the Department of Human  
8 Services;

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

11 (10) providers of services for eligible adults in  
12 domestic living situations; and

13 (11) a physician, psychiatrist, or other health care  
14 provider knowledgeable about abuse and neglect of at-risk  
15 adults.

16 (c) A review team shall review cases of deaths of at-risk  
17 adults occurring in its planning and service area (i) involving  
18 blunt force trauma or an undetermined manner or suspicious  
19 cause of death; (ii) if requested by the deceased's attending  
20 physician or an emergency room physician; (iii) upon referral  
21 by a health care provider; (iv) upon referral by a coroner or  
22 medical examiner; (v) constituting an open or closed case from  
23 an adult protective services agency, law enforcement agency,  
24 State's Attorney's office, or the Department of Human Services'  
25 Office of the Inspector General that involves alleged or  
26 suspected abuse, neglect, or financial exploitation; or (vi)

1 upon referral by a law enforcement agency or State's Attorney's  
2 office. If such a death occurs in a planning and service area  
3 where a review team has not yet been established, the Director  
4 shall request that the Advisory Council or another review team  
5 review that death. A team may also review deaths of at-risk  
6 adults if the alleged abuse or neglect occurred while the  
7 person was residing in a domestic living situation.

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

15 (c-5) The Illinois Fatality Review Team Advisory Council,  
16 consisting of one member from each review team in Illinois,  
17 shall be the coordinating and oversight body for review teams  
18 and activities in Illinois. The Director may appoint to the  
19 Advisory Council any ex-officio members deemed necessary.  
20 Persons with expertise needed by the Advisory Council may be  
21 invited to meetings. The Advisory Council must select from its  
22 members a chairperson and a vice-chairperson, each to serve a  
23 2-year term. The chairperson or vice-chairperson may be  
24 selected to serve additional, subsequent terms. The Advisory  
25 Council must meet at least 4 times during each calendar year.

26 The Department may provide or arrange for the staff support

1 necessary for the Advisory Council to carry out its duties. The  
2 Director, in cooperation and consultation with the Advisory  
3 Council, shall appoint, reappoint, and remove review team  
4 members.

5 The Advisory Council has, but is not limited to, the  
6 following duties:

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

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

11 (3) To ensure that the data, results, findings, and  
12 recommendations of the review teams are adequately used in  
13 a timely manner to make any necessary changes to the  
14 policies, procedures, and State statutes in order to  
15 protect at-risk adults.

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

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

22 (6) To serve as a link with review teams throughout the  
23 country and to participate in national review team  
24 activities.

25 (7) To provide the review teams with the most current  
26 information and practices concerning at-risk adult death

1 review and related topics.

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

5 The Advisory Council may prepare an annual report, in  
6 consultation with the Department, using aggregate data  
7 gathered by review teams and using the review teams'  
8 recommendations to develop education, prevention, prosecution,  
9 or other strategies designed to improve the coordination of  
10 services for at-risk adults and their families.

11 In any instance where a review team does not operate in  
12 accordance with established protocol, the Director, in  
13 consultation and cooperation with the Advisory Council, must  
14 take any necessary actions to bring the review team into  
15 compliance with the protocol.

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

25 Any document or oral or written communication provided to a  
26 review team by an individual or entity, and created by that

1 individual or entity solely for the use of the review team, is  
2 confidential, is not subject to disclosure to or discoverable  
3 by another party, and is not admissible as evidence in any  
4 civil or criminal proceeding, except for use by a State's  
5 Attorney's office in prosecuting a criminal case against a  
6 caregiver. Those records and information are, however, subject  
7 to discovery or subpoena, and are admissible as evidence, to  
8 the extent they are otherwise available to the public.

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



1 confidential communication between domestic violence advocates  
2 and a domestic violence victim shall exclude adult protective  
3 service providers.

4 A coroner's or medical examiner's office may share with the  
5 review team medical records that have been made available to  
6 the coroner's or medical examiner's office in connection with  
7 that office's investigation of a death.

8 Members of a review team and the Advisory Council are not  
9 subject to examination, in any civil or criminal proceeding,  
10 concerning information presented to members of the review team  
11 or the Advisory Council or opinions formed by members of the  
12 review team or the Advisory Council based on that information.  
13 A person may, however, be examined concerning information  
14 provided to a review team or the Advisory Council.

15 (d-5) Meetings of the review teams and the Advisory Council  
16 may be closed to the public under the Open Meetings Act.  
17 Records and information provided to a review team and the  
18 Advisory Council, and records maintained by a team or the  
19 Advisory Council, are exempt from release under the Freedom of  
20 Information Act.

21 (e) A review team's recommendation in relation to a case  
22 discussed or reviewed by the review team, including, but not  
23 limited to, a recommendation concerning an investigation or  
24 prosecution, may be disclosed by the review team upon the  
25 completion of its review and at the discretion of a majority of  
26 its members who reviewed the case.

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

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

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

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