



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3078

Introduced 2/6/2025, by Rep. Camille Y. Lilly

SYNOPSIS AS INTRODUCED:

See Index

Amends the Department of Human Services Act. In provisions concerning death reports investigated by the Department of Human Services' Office of Inspector General, provides that death reports with no allegation of abuse or neglect shall only be released to the Secretary of Human Services and to the director of the facility or agency when a recommendation is made. Provides that unredacted investigative reports may be shared with the Department of Financial and Professional Regulation. Amends the Rehabilitation of Persons with Disabilities Act. Provides that the Department of Human Services shall operate and maintain an Illinois Center for Rehabilitation and Education-Wood for the education of individuals who are blind, visually impaired, or DeafBlind and are seeking competitive integrated employment. Makes conforming change to the School Code. Amends the Community-Integrated Living Arrangements Licensure and Certification Act. Removes all references regarding the operation of community-integrated living arrangements for the supervision of persons with mental illness. Amends the Early Intervention Services System Act. Extends early intervention services to children who have been found eligible for early childhood special education services under the Individuals with Disabilities Education Act and have an individualized education program. Amends the Mental Health and Developmental Disabilities Code. Adds physician assistance to the list of medical professionals listed under the definition of "qualified examiner". Adds advanced practice psychiatric nurse to several provisions listing medical professionals making mental health determinations. Makes conforming changes to the Firearm Owners Identification Card Act. Amends the Mental Health and Developmental Disabilities Confidentiality Act. Removes a requirement that a person witness the signing of a consent form. Repeals provisions in the Department of Human Services Act, the State Finance Act, and the Illinois Income Tax Act concerning the Autism Research Checkoff Fund. Effective immediately.

LRB104 10923 KTG 21005 b

A BILL FOR

1 AN ACT concerning mental health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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
17 within mental health facilities, developmental disabilities
18 facilities, and community agencies operated, licensed, funded,
19 or certified by the Department of Human Services, but not
20 licensed or certified by any other State agency.

21 (b) Definitions. The following definitions apply to this
22 Section:

23 "Agency" or "community agency" means (i) a community

1 agency licensed, funded, or certified by the Department, but
2 not licensed or certified by any other human services agency
3 of the State, to provide mental health service or
4 developmental disabilities service, or (ii) a program
5 licensed, funded, or certified by the Department, but not
6 licensed or certified by any other human services agency of
7 the State, to provide mental health service or developmental
8 disabilities service.

9 "Aggravating circumstance" means a factor that is
10 attendant to a finding and that tends to compound or increase
11 the culpability of the accused.

12 "Allegation" means an assertion, complaint, suspicion, or
13 incident involving any of the following conduct by an
14 employee, facility, or agency against an individual or
15 individuals: mental abuse, physical abuse, sexual abuse,
16 neglect, financial exploitation, or material obstruction of an
17 investigation.

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

19 "Deflection" means a situation in which an individual is
20 presented for admission to a facility or agency, and the
21 facility staff or agency staff do not admit the individual.
22 "Deflection" includes triage, redirection, and denial of
23 admission.

24 "Department" means the Department of Human Services.

25 "Developmental disability" means "developmental
26 disability" as defined in the Mental Health and Developmental

1 Disabilities Code.

2 "Egregious neglect" means a finding of neglect as
3 determined by the Inspector General that (i) represents a
4 gross failure to adequately provide for, or a callused
5 indifference to, the health, safety, or medical needs of an
6 individual and (ii) results in an individual's death or other
7 serious deterioration of an individual's physical condition or
8 mental condition.

9 "Employee" means any person who provides services at the
10 facility or agency on-site or off-site. The service
11 relationship can be with the individual or with the facility
12 or agency. Also, "employee" includes any employee or
13 contractual agent of the Department of Human Services or the
14 community agency involved in providing or monitoring or
15 administering mental health or developmental disability
16 services. This includes but is not limited to: owners,
17 operators, payroll personnel, contractors, subcontractors, and
18 volunteers.

19 "Facility" or "State-operated facility" means a mental
20 health facility or developmental disabilities facility
21 operated by the Department.

22 "Financial exploitation" means taking unjust advantage of
23 an individual's assets, property, or financial resources
24 through deception, intimidation, or conversion for the
25 employee's, facility's, or agency's own advantage or benefit.

26 "Finding" means the Office of Inspector General's

1 determination regarding whether an allegation is
2 substantiated, unsubstantiated, or unfounded.

3 "Health Care Worker Registry" or "Registry" means the
4 Health Care Worker Registry under the Health Care Worker
5 Background Check Act.

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

9 "Material obstruction of an investigation" means the
10 purposeful interference with an investigation of physical
11 abuse, sexual abuse, mental abuse, neglect, or financial
12 exploitation and includes, but is not limited to, the
13 withholding or altering of documentation or recorded evidence;
14 influencing, threatening, or impeding witness testimony;
15 presenting untruthful information during an interview; failing
16 to cooperate with an investigation conducted by the Office of
17 the Inspector General. If an employee, following a criminal
18 investigation of physical abuse, sexual abuse, mental abuse,
19 neglect, or financial exploitation, is convicted of an offense
20 that is factually predicated on the employee presenting
21 untruthful information during the course of the investigation,
22 that offense constitutes obstruction of an investigation.
23 Obstruction of an investigation does not include: an
24 employee's lawful exercising of his or her constitutional
25 right against self-incrimination, an employee invoking his or
26 her lawful rights to union representation as provided by a

1 collective bargaining agreement or the Illinois Public Labor
2 Relations Act, or a union representative's lawful activities
3 providing representation under a collective bargaining
4 agreement or the Illinois Public Labor Relations Act.
5 Obstruction of an investigation is considered material when it
6 could significantly impair an investigator's ability to gather
7 all relevant facts. An employee shall not be placed on the
8 Health Care Worker Registry for presenting untruthful
9 information during an interview conducted by the Office of the
10 Inspector General, unless, prior to the interview, the
11 employee was provided with any previous signed statements he
12 or she made during the course of the investigation.

13 "Mental abuse" means the use of demeaning, intimidating,
14 or threatening words, signs, gestures, or other actions by an
15 employee about an individual and in the presence of an
16 individual or individuals that results in emotional distress
17 or maladaptive behavior, or could have resulted in emotional
18 distress or maladaptive behavior, for any individual present.

19 "Mental illness" means "mental illness" as defined in the
20 Mental Health and Developmental Disabilities Code.

21 "Mentally ill" means having a mental illness.

22 "Mitigating circumstance" means a condition that (i) is
23 attendant to a finding, (ii) does not excuse or justify the
24 conduct in question, but (iii) may be considered in evaluating
25 the severity of the conduct, the culpability of the accused,
26 or both the severity of the conduct and the culpability of the

1 accused.

2 "Neglect" means an employee's, agency's, or facility's
3 failure to provide adequate medical care, personal care, or
4 maintenance and that, as a consequence, (i) causes an
5 individual pain, injury, or emotional distress, (ii) results
6 in either an individual's maladaptive behavior or the
7 deterioration of an individual's physical condition or mental
8 condition, or (iii) places the individual's health or safety
9 at substantial risk.

10 "Person with a developmental disability" means a person
11 having a developmental disability.

12 "Physical abuse" means an employee's non-accidental and
13 inappropriate contact with an individual that causes bodily
14 harm. "Physical abuse" includes actions that cause bodily harm
15 as a result of an employee directing an individual or person to
16 physically abuse another individual.

17 "Presenting untruthful information" means making a false
18 statement, material to an investigation of physical abuse,
19 sexual abuse, mental abuse, neglect, or financial
20 exploitation, knowing the statement is false.

21 "Recommendation" means an admonition, separate from a
22 finding, that requires action by the facility, agency, or
23 Department to correct a systemic issue, problem, or deficiency
24 identified during an investigation. "Recommendation" can also
25 mean an admonition to correct a systemic issue, problem or
26 deficiency during a review.

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

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

7 "Sexual abuse" means any sexual contact or intimate
8 physical contact between an employee and an individual,
9 including an employee's coercion or encouragement of an
10 individual to engage in sexual behavior that results in sexual
11 contact, intimate physical contact, sexual behavior, or
12 intimate physical behavior. Sexual abuse also includes (i) an
13 employee's actions that result in the sending or showing of
14 sexually explicit images to an individual via computer,
15 cellular phone, electronic mail, portable electronic device,
16 or other media with or without contact with the individual or
17 (ii) an employee's posting of sexually explicit images of an
18 individual online or elsewhere whether or not there is contact
19 with the individual.

20 "Sexually explicit images" includes, but is not limited
21 to, any material which depicts nudity, sexual conduct, or
22 sado-masochistic abuse, or which contains explicit and
23 detailed verbal descriptions or narrative accounts of sexual
24 excitement, sexual conduct, or sado-masochistic abuse.

25 "Substantiated" means there is a preponderance of the
26 evidence to support the allegation.

1 "Unfounded" means there is no credible evidence to support
2 the allegation.

3 "Unsubstantiated" means there is credible evidence, but
4 less than a preponderance of evidence to support the
5 allegation.

6 (c) Appointment. The Governor shall appoint, and the
7 Senate shall confirm, an Inspector General. The Inspector
8 General shall be appointed for a term of 4 years and shall
9 function within the Department of Human Services and report to
10 the Secretary and the Governor.

11 (d) Operation and appropriation. The Inspector General
12 shall function independently within the Department with
13 respect to the operations of the Office, including the
14 performance of investigations and issuance of findings and
15 recommendations and the performance of site visits and reviews
16 of facilities and community agencies. The appropriation for
17 the Office of Inspector General shall be separate from the
18 overall appropriation for the Department.

19 (e) Powers and duties. The Inspector General shall
20 investigate reports of suspected mental abuse, physical abuse,
21 sexual abuse, neglect, or financial exploitation of
22 individuals in any mental health or developmental disabilities
23 facility or agency and shall have authority to take immediate
24 action to prevent any one or more of the following from
25 happening to individuals under its jurisdiction: mental abuse,
26 physical abuse, sexual abuse, neglect, or financial

1 exploitation. The Inspector General shall also investigate
2 allegations of material obstruction of an investigation by an
3 employee. Upon written request of an agency of this State, the
4 Inspector General may assist another agency of the State in
5 investigating reports of the abuse, neglect, or abuse and
6 neglect of persons with mental illness, persons with
7 developmental disabilities, or persons with both. The
8 Inspector General shall conduct annual site visits of each
9 facility and may conduct reviews of facilities and community
10 agencies. To comply with the requirements of subsection (k) of
11 this Section, the Inspector General shall also review all
12 reportable deaths for which there is no allegation of abuse or
13 neglect. Nothing in this Section shall preempt any duties of
14 the Medical Review Board set forth in the Mental Health and
15 Developmental Disabilities Code. The Inspector General shall
16 have no authority to investigate alleged violations of the
17 State Officials and Employees Ethics Act. Allegations of
18 misconduct under the State Officials and Employees Ethics Act
19 shall be referred to the Office of the Governor's Executive
20 Inspector General for investigation.

21 (f) Limitations. The Inspector General shall not conduct
22 an investigation within an agency or facility if that
23 investigation would be redundant to or interfere with an
24 investigation conducted by another State agency. The Inspector
25 General shall have no supervision over, or involvement in, the
26 routine programmatic, licensing, funding, or certification

1 operations of the Department. Nothing in this subsection
2 limits investigations by the Department that may otherwise be
3 required by law or that may be necessary in the Department's
4 capacity as central administrative authority responsible for
5 the operation of the State's mental health and developmental
6 disabilities facilities.

7 (g) Rulemaking authority. The Inspector General shall
8 promulgate rules establishing minimum requirements for
9 reporting allegations as well as for initiating, conducting,
10 and completing investigations based upon the nature of the
11 allegation or allegations. The rules shall clearly establish
12 that if 2 or more State agencies could investigate an
13 allegation, the Inspector General shall not conduct an
14 investigation that would be redundant to, or interfere with,
15 an investigation conducted by another State agency. The rules
16 shall further clarify the method and circumstances under which
17 the Office of Inspector General may interact with the
18 licensing, funding, or certification units of the Department
19 in preventing further occurrences of mental abuse, physical
20 abuse, sexual abuse, neglect, egregious neglect, financial
21 exploitation, and material obstruction of an investigation.

22 (g-5) Site visits and review authority.

23 (1) Site visits. The Inspector General shall conduct
24 unannounced site visits to each facility at least annually
25 for the purpose of reviewing and making recommendations on
26 systemic issues relative to preventing, reporting,

1 investigating, and responding to all of the following:
2 mental abuse, physical abuse, sexual abuse, neglect,
3 egregious neglect, financial exploitation, or material
4 obstruction of an investigation.

5 (2) Review authority. In response to complaints or
6 information gathered from investigations, the Inspector
7 General shall have and may exercise the authority to
8 initiate reviews of facilities and agencies related to
9 preventing, reporting, investigating, and responding to
10 all of the following: mental abuse, physical abuse, sexual
11 abuse, neglect, egregious neglect, financial exploitation,
12 or material obstruction of an investigation. Upon
13 concluding a review, the Inspector General shall issue a
14 written report setting forth its conclusions and
15 recommendations. The report shall be distributed to the
16 Secretary and to the director of the facility or agency
17 that was the subject of review. Within 45 calendar days,
18 the facility or agency shall submit a written response
19 addressing the Inspector General's conclusions and
20 recommendations and, in a concise and reasoned manner, the
21 actions taken, if applicable, to: (i) protect the
22 individual or individuals; (ii) prevent recurrences; and
23 (iii) eliminate the problems identified. The response
24 shall include the implementation and completion dates of
25 such actions.

26 (h) Training programs. The Inspector General shall (i)

1 establish a comprehensive program to ensure that every person
2 authorized to conduct investigations receives ongoing training
3 relative to investigation techniques, communication skills,
4 and the appropriate means of interacting with persons
5 receiving treatment for mental illness, developmental
6 disability, or both mental illness and developmental
7 disability, and (ii) establish and conduct periodic training
8 programs for facility and agency employees concerning the
9 prevention and reporting of any one or more of the following:
10 mental abuse, physical abuse, sexual abuse, neglect, egregious
11 neglect, financial exploitation, or material obstruction of an
12 investigation. The Inspector General shall further ensure (i)
13 every person authorized to conduct investigations at community
14 agencies receives ongoing training in Title 59, Parts 115,
15 116, and 119 of the Illinois Administrative Code, and (ii)
16 every person authorized to conduct investigations shall
17 receive ongoing training in Title 59, Part 50 of the Illinois
18 Administrative Code. Nothing in this Section shall be deemed
19 to prevent the Office of Inspector General from conducting any
20 other training as determined by the Inspector General to be
21 necessary or helpful.

22 (i) Duty to cooperate.

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

1 response, conducting reviews of facilities and agencies,
2 or completing any other statutorily assigned duty.

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

21 (j) Subpoena powers. The Inspector General shall have the
22 power to subpoena witnesses and compel the production of all
23 documents and physical evidence relating to his or her
24 investigations and reviews and any hearings authorized by this
25 Act. This subpoena power shall not extend to persons or
26 documents of a labor organization or its representatives

1 insofar as the persons are acting in a representative capacity
2 to an employee whose conduct is the subject of an
3 investigation or the documents relate to that representation.
4 Any person who otherwise fails to respond to a subpoena or who
5 knowingly provides false information to the Office of the
6 Inspector General by subpoena during an investigation is
7 guilty of a Class A misdemeanor.

8 (k) Reporting allegations and deaths.

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

25 (2) Deaths. Absent an allegation, a required reporter
26 shall, within 24 hours after initial discovery, report by

1 phone to the Office of the Inspector General hotline each
2 of the following:

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

6 (ii) Any death of an individual occurring within
7 24 hours after deflection from a residential program
8 or facility.

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

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

17 (1) Reporting to law enforcement. Reporting criminal acts.
18 Within 24 hours after determining that there is credible
19 evidence indicating that a criminal act may have been
20 committed or that special expertise may be required in an
21 investigation, the Inspector General shall notify the Illinois
22 State Police or other appropriate law enforcement authority,
23 or ensure that such notification is made. The Illinois State
24 Police shall investigate any report from a State-operated
25 facility indicating a possible murder, sexual assault, or
26 other felony by an employee. All investigations conducted by

1 the Inspector General shall be conducted in a manner designed
2 to ensure the preservation of evidence for possible use in a
3 criminal prosecution.

4 (m) Investigative reports. Upon completion of an
5 investigation, the Office of Inspector General shall issue an
6 investigative report identifying whether the allegations are
7 substantiated, unsubstantiated, or unfounded. Within 10
8 business days after the transmittal of a completed
9 investigative report substantiating an allegation, finding an
10 allegation is unsubstantiated, or if a recommendation is made,
11 the Inspector General shall provide the investigative report
12 on the case to the Secretary and to the director of the
13 facility or agency where any one or more of the following
14 occurred: mental abuse, physical abuse, sexual abuse, neglect,
15 egregious neglect, financial exploitation, or material
16 obstruction of an investigation. The director of the facility
17 or agency shall be responsible for maintaining the
18 confidentiality of the investigative report consistent with
19 State and federal law. In a substantiated case, the
20 investigative report shall include any mitigating or
21 aggravating circumstances that were identified during the
22 investigation. If the case involves substantiated neglect, the
23 investigative report shall also state whether egregious
24 neglect was found. An investigative report may also set forth
25 recommendations. All investigative reports prepared by the
26 Office of the Inspector General shall be considered

1 confidential and shall not be released except as provided by
2 the law of this State or as required under applicable federal
3 law. Unsubstantiated and unfounded reports shall not be
4 disclosed except as allowed under Section 6 of the Abused and
5 Neglected Long Term Care Facility Residents Reporting Act. Raw
6 data used to compile the investigative report shall not be
7 subject to release unless required by law or a court order.
8 "Raw data used to compile the investigative report" includes,
9 but is not limited to, any one or more of the following: the
10 initial complaint, witness statements, photographs,
11 investigator's notes, police reports, or incident reports. If
12 the allegations are substantiated, the victim, the victim's
13 guardian, and the accused shall be provided with a redacted
14 copy of the investigative report. Death reports where there
15 was no allegation of abuse or neglect shall only be released to
16 the Secretary, or the Secretary's designee, and to the
17 director of the facility or agency when a recommendation is
18 made and pursuant to applicable State or federal law or a valid
19 court order. Unredacted investigative reports, as well as raw
20 data, may be shared with a local law enforcement entity, a
21 State's Attorney's office, ~~or~~ a county coroner's office, or
22 the Department of Financial and Professional Regulation upon
23 written request.

24 (n) Written responses, clarification requests, and
25 reconsideration requests.

26 (1) Written responses. Within 30 calendar days from

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

13 (2) Requests for clarification. The facility, agency,
14 victim or guardian, or the subject employee may request
15 that the Office of Inspector General clarify the finding
16 or findings for which clarification is sought.

17 (3) Requests for reconsideration. The facility,
18 agency, victim or guardian, or the subject employee may
19 request that the Office of the Inspector General
20 reconsider the finding or findings or the recommendations.
21 A request for reconsideration shall be subject to a
22 multi-layer review and shall include at least one reviewer
23 who did not participate in the investigation or approval
24 of the original investigative report. After the
25 multi-layer review process has been completed, the
26 Inspector General shall make the final determination on

1 the reconsideration request. The investigation shall be
2 reopened if the reconsideration determination finds that
3 additional information is needed to complete the
4 investigative record.

5 (o) Disclosure of the finding by the Inspector General.
6 The Inspector General shall disclose the finding of an
7 investigation to the following persons: (i) the Governor, (ii)
8 the Secretary, (iii) the director of the facility or agency,
9 (iv) the alleged victims and their guardians, (v) the
10 complainant, and (vi) the accused. This information shall
11 include whether the allegations were deemed substantiated,
12 unsubstantiated, or unfounded.

13 (p) Secretary review. Upon review of the Inspector
14 General's investigative report and any agency's or facility's
15 written response, the Secretary, or the Secretary's designee,
16 shall accept or reject the written response and notify the
17 Inspector General of that determination. The Secretary, or the
18 Secretary's designee, may further direct that other
19 administrative action be taken, including, but not limited to,
20 any one or more of the following: (i) additional site visits,
21 (ii) training, (iii) provision of technical assistance
22 relative to administrative needs, licensure, or certification,
23 or (iv) the imposition of appropriate sanctions.

24 (q) Action by facility or agency. Within 30 days of the
25 date the Secretary, or the Secretary's designee, approves the
26 written response or directs that further administrative action

1 be taken, the facility or agency shall provide an
2 implementation report to the Inspector General that provides
3 the status of the action taken. The facility or agency shall be
4 allowed an additional 30 days to send notice of completion of
5 the action or to send an updated implementation report. If the
6 action has not been completed within the additional 30-day
7 period, the facility or agency shall send updated
8 implementation reports every 60 days until completion. The
9 Inspector General shall conduct a review of any implementation
10 plan that takes more than 120 days after approval to complete,
11 and shall monitor compliance through a random review of
12 approved written responses, which may include, but are not
13 limited to: (i) site visits, (ii) telephone contact, and (iii)
14 requests for additional documentation evidencing compliance.

15 (r) Sanctions. Sanctions, if imposed by the Secretary
16 under Subdivision (p)(iv) of this Section, shall be designed
17 to prevent further acts of mental abuse, physical abuse,
18 sexual abuse, neglect, egregious neglect, or financial
19 exploitation or some combination of one or more of those acts
20 at a facility or agency, and may include any one or more of the
21 following:

22 (1) Appointment of on-site monitors.

23 (2) Transfer or relocation of an individual or
24 individuals.

25 (3) Closure of units.

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

1 (i) Department licensing, (ii) funding, or (iii)
2 certification.

3 The Inspector General may seek the assistance of the
4 Illinois Attorney General or the office of any State's
5 Attorney in implementing sanctions.

6 (s) Health Care Worker Registry.

7 (1) Reporting to the Registry. The Inspector General
8 shall report to the Department of Public Health's Health
9 Care Worker Registry, a public registry, the identity and
10 finding of each employee of a facility or agency against
11 whom there is a final investigative report prepared by the
12 Office of the Inspector General containing a substantiated
13 allegation of physical or sexual abuse, financial
14 exploitation, egregious neglect of an individual, or
15 material obstruction of an investigation, unless the
16 Inspector General requests a stipulated disposition of the
17 investigative report that does not include the reporting
18 of the employee's name to the Health Care Worker Registry
19 and the Secretary of Human Services agrees with the
20 requested stipulated disposition.

21 (2) Notice to employee. Prior to reporting the name of
22 an employee, the employee shall be notified of the
23 Department's obligation to report and shall be granted an
24 opportunity to request an administrative hearing, the sole
25 purpose of which is to determine if the substantiated
26 finding warrants reporting to the Registry. Notice to the

1 employee shall contain a clear and concise statement of
2 the grounds on which the report to the Registry is based,
3 offer the employee an opportunity for a hearing, and
4 identify the process for requesting such a hearing. Notice
5 is sufficient if provided by certified mail to the
6 employee's last known address. If the employee fails to
7 request a hearing within 30 days from the date of the
8 notice, the Inspector General shall report the name of the
9 employee to the Registry. Nothing in this subdivision
10 (s)(2) shall diminish or impair the rights of a person who
11 is a member of a collective bargaining unit under the
12 Illinois Public Labor Relations Act or under any other
13 federal labor statute.

14 (3) Registry hearings. If the employee requests an
15 administrative hearing, the employee shall be granted an
16 opportunity to appear before an administrative law judge
17 to present reasons why the employee's name should not be
18 reported to the Registry. The Department shall bear the
19 burden of presenting evidence that establishes, by a
20 preponderance of the evidence, that the substantiated
21 finding warrants reporting to the Registry. After
22 considering all the evidence presented, the administrative
23 law judge shall make a recommendation to the Secretary as
24 to whether the substantiated finding warrants reporting
25 the name of the employee to the Registry. The Secretary
26 shall render the final decision. The Department and the

1 employee shall have the right to request that the
2 administrative law judge consider a stipulated disposition
3 of these proceedings.

4 (4) Testimony at Registry hearings. A person who makes
5 a report or who investigates a report under this Act shall
6 testify fully in any judicial proceeding resulting from
7 such a report, as to any evidence of physical abuse,
8 sexual abuse, egregious neglect, financial exploitation,
9 or material obstruction of an investigation, or the cause
10 thereof. No evidence shall be excluded by reason of any
11 common law or statutory privilege relating to
12 communications between the alleged perpetrator of abuse or
13 neglect, or the individual alleged as the victim in the
14 report, and the person making or investigating the report.
15 Testimony at hearings is exempt from the confidentiality
16 requirements of subsection (f) of Section 10 of the Mental
17 Health and Developmental Disabilities Confidentiality Act.

18 (5) Employee's rights to collateral action. No
19 reporting to the Registry shall occur and no hearing shall
20 be set or proceed if an employee notifies the Inspector
21 General in writing, including any supporting
22 documentation, that he or she is formally contesting an
23 adverse employment action resulting from a substantiated
24 finding by complaint filed with the Illinois Civil Service
25 Commission, or which otherwise seeks to enforce the
26 employee's rights pursuant to any applicable collective

1 bargaining agreement. If an action taken by an employer
2 against an employee as a result of a finding of physical
3 abuse, sexual abuse, egregious neglect, financial
4 exploitation, or material obstruction of an investigation
5 is overturned through an action filed with the Illinois
6 Civil Service Commission or under any applicable
7 collective bargaining agreement and if that employee's
8 name has already been sent to the Registry, the employee's
9 name shall be removed from the Registry.

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

24 (t) Review of Administrative Decisions. The Department
25 shall preserve a record of all proceedings at any formal
26 hearing conducted by the Department involving Health Care

1 Worker Registry hearings. Final administrative decisions of
2 the Department are subject to judicial review pursuant to
3 provisions of the Administrative Review Law.

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

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

25 The Board shall meet quarterly, and may hold other
26 meetings on the call of the chairman. Four members shall

1 constitute a quorum allowing the Board to conduct its
2 business. The Board may adopt rules and regulations it deems
3 necessary to govern its own procedures.

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

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

13 (2) Review existing regulations relating to the
14 operation of facilities.

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

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

21 (v) Annual report. The Inspector General shall provide to
22 the General Assembly and the Governor, no later than January 1
23 of each year, a summary of reports and investigations made
24 under this Act for the prior fiscal year with respect to
25 individuals receiving mental health or developmental
26 disabilities services. The report shall detail the imposition

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

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

24 (x) Nothing in this Section shall be construed to mean
25 that an individual is a victim of abuse or neglect because of
26 health care services appropriately provided or not provided by

1 health care professionals.

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

13 (Source: P.A. 102-538, eff. 8-20-21; 102-883, eff. 5-13-22;
14 102-1071, eff. 6-10-22; 103-76, eff. 6-9-23; 103-154, eff.
15 6-30-23; 103-752, eff. 1-1-25.)

16 Section 10. The Rehabilitation of Persons with
17 Disabilities Act is amended by changing Sections 11 and 17 by
18 adding Section 11a as follows:

19 (20 ILCS 2405/11) (from Ch. 23, par. 3442)

20 Sec. 11. Illinois Center for Rehabilitation and
21 Education-Roosevelt. The Department shall operate and maintain
22 the Illinois Center for Rehabilitation and Education-Roosevelt
23 for the care and education of educable young adults with one or
24 more physical disabilities and provide in connection therewith

1 nursing and medical care and academic, occupational, and
2 related training to such young adults.

3 Any Illinois resident under the age of 22 years who is
4 educable but has such a severe physical disability as a result
5 of cerebral palsy, muscular dystrophy, spina bifida, or other
6 cause that he or she is unable to take advantage of the system
7 of free education in the State of Illinois, may be admitted to
8 the Center or be entitled to services and facilities provided
9 hereunder. Young adults shall be admitted to the Center or be
10 eligible for such services and facilities only after diagnosis
11 according to procedures approved for this purpose. The
12 Department may avail itself of the services of other public or
13 private agencies in determining any young adult's eligibility
14 for admission to, or discharge from, the Center.

15 The Department may call upon other agencies of the State
16 for such services as they are equipped to render in the care of
17 young adults with one or more physical disabilities, and such
18 agencies are instructed to render those services which are
19 consistent with their legal and administrative
20 responsibilities.

21 (Source: P.A. 102-264, eff. 8-6-21.)

22 (20 ILCS 2405/11a new)

23 Sec. 11a. Illinois Center for Rehabilitation and
24 Education-Wood. The Department shall operate and maintain the
25 Illinois Center for Rehabilitation and Education-Wood for the

1 education of individuals who are blind, visually impaired, or
2 DeafBlind and are seeking competitive integrated employment.

3 Individuals who are blind, visually impaired, or DeafBlind
4 seeking services through the Illinois Center for
5 Rehabilitation and Education-Wood must meet all requirements
6 set forth in 89 Ill. Adm. Code 730.

7 The Department may avail itself of the services of other
8 public or private agencies in determining eligibility for
9 admission to or discharge from the Illinois Center for
10 Rehabilitation and Education-Wood.

11 The Department may call upon other agencies of the State
12 for such services as they are equipped to render in the
13 education of individuals who are blind, visually impaired, or
14 DeafBlind seeking competitive integrated employment, and such
15 agencies are instructed to render those services which are
16 consistent with their legal and administrative
17 responsibilities.

18 (20 ILCS 2405/17) (from Ch. 23, par. 3448)

19 Sec. 17. Child Abuse and Neglect Reports.

20 (a) All applicants for employment at the Illinois School
21 for the Visually Impaired, the Illinois School for the Deaf,
22 the Illinois Center for the Rehabilitation and
23 Education-Roosevelt, and the Illinois Center for the
24 Rehabilitation and Education-Wood shall as a condition of
25 employment authorize, in writing on a form prescribed by the

1 Department of Children and Family Services, an investigation
2 of the Central Register, as defined in the Abused and
3 Neglected Child Reporting Act, to ascertain if the applicant
4 has been determined to be a perpetrator in an indicated report
5 of child abuse or neglect.

6 (b) The information concerning a prospective employee
7 obtained by the Department shall be confidential and exempt
8 from public inspection and copying, as provided under Section
9 7 of The Freedom of Information Act, and the information shall
10 not be transmitted outside the Department, except as provided
11 in the Abused and Neglected Child Reporting Act, and shall not
12 be transmitted to anyone within the Department except as
13 needed for the purposes of evaluation of an application for
14 employment.

15 (Source: P.A. 88-172.)

16 Section 12. The School Code is amended by changing Section
17 14-8.02 as follows:

18 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

19 Sec. 14-8.02. Identification, evaluation, and placement of
20 children.

21 (a) The State Board of Education shall make rules under
22 which local school boards shall determine the eligibility of
23 children to receive special education. Such rules shall ensure
24 that a free appropriate public education be available to all

1 children with disabilities as defined in Section 14-1.02. The
2 State Board of Education shall require local school districts
3 to administer non-discriminatory procedures or tests to
4 English learners coming from homes in which a language other
5 than English is used to determine their eligibility to receive
6 special education. The placement of low English proficiency
7 students in special education programs and facilities shall be
8 made in accordance with the test results reflecting the
9 student's linguistic, cultural and special education needs.
10 For purposes of determining the eligibility of children the
11 State Board of Education shall include in the rules
12 definitions of "case study", "staff conference",
13 "individualized educational program", and "qualified
14 specialist" appropriate to each category of children with
15 disabilities as defined in this Article. For purposes of
16 determining the eligibility of children from homes in which a
17 language other than English is used, the State Board of
18 Education shall include in the rules definitions for
19 "qualified bilingual specialists" and "linguistically and
20 culturally appropriate individualized educational programs".
21 For purposes of this Section, as well as Sections 14-8.02a,
22 14-8.02b, and 14-8.02c of this Code, "parent" means a parent
23 as defined in the federal Individuals with Disabilities
24 Education Act (20 U.S.C. 1401(23)).

25 (b) No child shall be eligible for special education
26 facilities except with a carefully completed case study fully

1 reviewed by professional personnel in a multidisciplinary
2 staff conference and only upon the recommendation of qualified
3 specialists or a qualified bilingual specialist, if available.
4 At the conclusion of the multidisciplinary staff conference,
5 the parent of the child and, if the child is in the legal
6 custody of the Department of Children and Family Services, the
7 Department's Office of Education and Transition Services shall
8 be given a copy of the multidisciplinary conference summary
9 report and recommendations, which includes options considered,
10 and, in the case of the parent, be informed of his or her right
11 to obtain an independent educational evaluation if he or she
12 disagrees with the evaluation findings conducted or obtained
13 by the school district. If the school district's evaluation is
14 shown to be inappropriate, the school district shall reimburse
15 the parent for the cost of the independent evaluation. The
16 State Board of Education shall, with advice from the State
17 Advisory Council on Education of Children with Disabilities on
18 the inclusion of specific independent educational evaluators,
19 prepare a list of suggested independent educational
20 evaluators. The State Board of Education shall include on the
21 list clinical psychologists licensed pursuant to the Clinical
22 Psychologist Licensing Act. Such psychologists shall not be
23 paid fees in excess of the amount that would be received by a
24 school psychologist for performing the same services. The
25 State Board of Education shall supply school districts with
26 such list and make the list available to parents at their

1 request. School districts shall make the list available to
2 parents at the time they are informed of their right to obtain
3 an independent educational evaluation. However, the school
4 district may initiate an impartial due process hearing under
5 this Section within 5 days of any written parent request for an
6 independent educational evaluation to show that its evaluation
7 is appropriate. If the final decision is that the evaluation
8 is appropriate, the parent still has a right to an independent
9 educational evaluation, but not at public expense. An
10 independent educational evaluation at public expense must be
11 completed within 30 days of a parent's written request unless
12 the school district initiates an impartial due process hearing
13 or the parent or school district offers reasonable grounds to
14 show that such 30-day time period should be extended. If the
15 due process hearing decision indicates that the parent is
16 entitled to an independent educational evaluation, it must be
17 completed within 30 days of the decision unless the parent or
18 the school district offers reasonable grounds to show that
19 such 30-day period should be extended. If a parent disagrees
20 with the summary report or recommendations of the
21 multidisciplinary conference or the findings of any
22 educational evaluation which results therefrom, the school
23 district shall not proceed with a placement based upon such
24 evaluation and the child shall remain in his or her regular
25 classroom setting. No child shall be eligible for admission to
26 a special class for children with a mental disability who are

1 educable or for children with a mental disability who are
2 trainable except with a psychological evaluation and
3 recommendation by a school psychologist. Consent shall be
4 obtained from the parent of a child before any evaluation is
5 conducted. If consent is not given by the parent or if the
6 parent disagrees with the findings of the evaluation, then the
7 school district may initiate an impartial due process hearing
8 under this Section. The school district may evaluate the child
9 if that is the decision resulting from the impartial due
10 process hearing and the decision is not appealed or if the
11 decision is affirmed on appeal. The determination of
12 eligibility shall be made and the IEP meeting shall be
13 completed within 60 school days from the date of written
14 parental consent. In those instances when written parental
15 consent is obtained with fewer than 60 pupil attendance days
16 left in the school year, the eligibility determination shall
17 be made and the IEP meeting shall be completed prior to the
18 first day of the following school year. Special education and
19 related services must be provided in accordance with the
20 student's IEP no later than 10 school attendance days after
21 notice is provided to the parents pursuant to Section 300.503
22 of Title 34 of the Code of Federal Regulations and
23 implementing rules adopted by the State Board of Education.
24 The appropriate program pursuant to the individualized
25 educational program of students whose native tongue is a
26 language other than English shall reflect the special

1 education, cultural and linguistic needs. No later than
2 September 1, 1993, the State Board of Education shall
3 establish standards for the development, implementation and
4 monitoring of appropriate bilingual special individualized
5 educational programs. The State Board of Education shall
6 further incorporate appropriate monitoring procedures to
7 verify implementation of these standards. The district shall
8 indicate to the parent, the State Board of Education, and, if
9 applicable, the Department's Office of Education and
10 Transition Services the nature of the services the child will
11 receive for the regular school term while awaiting placement
12 in the appropriate special education class. At the child's
13 initial IEP meeting and at each annual review meeting, the
14 child's IEP team shall provide the child's parent or guardian
15 and, if applicable, the Department's Office of Education and
16 Transition Services with a written notification that informs
17 the parent or guardian or the Department's Office of Education
18 and Transition Services that the IEP team is required to
19 consider whether the child requires assistive technology in
20 order to receive free, appropriate public education. The
21 notification must also include a toll-free telephone number
22 and internet address for the State's assistive technology
23 program.

24 If the child is deaf, hard of hearing, blind, or visually
25 impaired or has an orthopedic impairment or physical
26 disability and he or she might be eligible to receive services

1 from the Illinois School for the Deaf, the Illinois School for
2 the Visually Impaired, the Illinois Center for Rehabilitation
3 and Education-Wood, or the Illinois Center for Rehabilitation
4 and Education-Roosevelt, the school district shall notify the
5 parents, in writing, of the existence of these schools and the
6 services they provide and shall make a reasonable effort to
7 inform the parents of the existence of other, local schools
8 that provide similar services and the services that these
9 other schools provide. This notification shall include,
10 without limitation, information on school services, school
11 admissions criteria, and school contact information.

12 In the development of the individualized education program
13 for a student who has a disability on the autism spectrum
14 (which includes autistic disorder, Asperger's disorder,
15 pervasive developmental disorder not otherwise specified,
16 childhood disintegrative disorder, and Rett Syndrome, as
17 defined in the Diagnostic and Statistical Manual of Mental
18 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall
19 consider all of the following factors:

20 (1) The verbal and nonverbal communication needs of
21 the child.

22 (2) The need to develop social interaction skills and
23 proficiencies.

24 (3) The needs resulting from the child's unusual
25 responses to sensory experiences.

26 (4) The needs resulting from resistance to

1 environmental change or change in daily routines.

2 (5) The needs resulting from engagement in repetitive
3 activities and stereotyped movements.

4 (6) The need for any positive behavioral
5 interventions, strategies, and supports to address any
6 behavioral difficulties resulting from autism spectrum
7 disorder.

8 (7) Other needs resulting from the child's disability
9 that impact progress in the general curriculum, including
10 social and emotional development.

11 Public Act 95-257 does not create any new entitlement to a
12 service, program, or benefit, but must not affect any
13 entitlement to a service, program, or benefit created by any
14 other law.

15 If the student may be eligible to participate in the
16 Home-Based Support Services Program for Adults with Mental
17 Disabilities authorized under the Developmental Disability and
18 Mental Disability Services Act upon becoming an adult, the
19 student's individualized education program shall include plans
20 for (i) determining the student's eligibility for those
21 home-based services, (ii) enrolling the student in the program
22 of home-based services, and (iii) developing a plan for the
23 student's most effective use of the home-based services after
24 the student becomes an adult and no longer receives special
25 educational services under this Article. The plans developed
26 under this paragraph shall include specific actions to be

1 taken by specified individuals, agencies, or officials.

2 (c) In the development of the individualized education
3 program for a student who is functionally blind, it shall be
4 presumed that proficiency in Braille reading and writing is
5 essential for the student's satisfactory educational progress.
6 For purposes of this subsection, the State Board of Education
7 shall determine the criteria for a student to be classified as
8 functionally blind. Students who are not currently identified
9 as functionally blind who are also entitled to Braille
10 instruction include: (i) those whose vision loss is so severe
11 that they are unable to read and write at a level comparable to
12 their peers solely through the use of vision, and (ii) those
13 who show evidence of progressive vision loss that may result
14 in functional blindness. Each student who is functionally
15 blind shall be entitled to Braille reading and writing
16 instruction that is sufficient to enable the student to
17 communicate with the same level of proficiency as other
18 students of comparable ability. Instruction should be provided
19 to the extent that the student is physically and cognitively
20 able to use Braille. Braille instruction may be used in
21 combination with other special education services appropriate
22 to the student's educational needs. The assessment of each
23 student who is functionally blind for the purpose of
24 developing the student's individualized education program
25 shall include documentation of the student's strengths and
26 weaknesses in Braille skills. Each person assisting in the

1 development of the individualized education program for a
2 student who is functionally blind shall receive information
3 describing the benefits of Braille instruction. The
4 individualized education program for each student who is
5 functionally blind shall specify the appropriate learning
6 medium or media based on the assessment report.

7 (d) To the maximum extent appropriate, the placement shall
8 provide the child with the opportunity to be educated with
9 children who do not have a disability; provided that children
10 with disabilities who are recommended to be placed into
11 regular education classrooms are provided with supplementary
12 services to assist the children with disabilities to benefit
13 from the regular classroom instruction and are included on the
14 teacher's regular education class register. Subject to the
15 limitation of the preceding sentence, placement in special
16 classes, separate schools or other removal of the child with a
17 disability from the regular educational environment shall
18 occur only when the nature of the severity of the disability is
19 such that education in the regular classes with the use of
20 supplementary aids and services cannot be achieved
21 satisfactorily. The placement of English learners with
22 disabilities shall be in non-restrictive environments which
23 provide for integration with peers who do not have
24 disabilities in bilingual classrooms. Annually, each January,
25 school districts shall report data on students from
26 non-English speaking backgrounds receiving special education

1 and related services in public and private facilities as
2 prescribed in Section 2-3.30. If there is a disagreement
3 between parties involved regarding the special education
4 placement of any child, either in-state or out-of-state, the
5 placement is subject to impartial due process procedures
6 described in Article 10 of the Rules and Regulations to Govern
7 the Administration and Operation of Special Education.

8 (e) No child who comes from a home in which a language
9 other than English is the principal language used may be
10 assigned to any class or program under this Article until he
11 has been given, in the principal language used by the child and
12 used in his home, tests reasonably related to his cultural
13 environment. All testing and evaluation materials and
14 procedures utilized for evaluation and placement shall not be
15 linguistically, racially or culturally discriminatory.

16 (f) Nothing in this Article shall be construed to require
17 any child to undergo any physical examination or medical
18 treatment whose parents object thereto on the grounds that
19 such examination or treatment conflicts with his religious
20 beliefs.

21 (g) School boards or their designee shall provide to the
22 parents of a child or, if applicable, the Department of
23 Children and Family Services' Office of Education and
24 Transition Services prior written notice of any decision (a)
25 proposing to initiate or change, or (b) refusing to initiate
26 or change, the identification, evaluation, or educational

1 placement of the child or the provision of a free appropriate
2 public education to their child, and the reasons therefor. For
3 a parent, such written notification shall also inform the
4 parent of the opportunity to present complaints with respect
5 to any matter relating to the educational placement of the
6 student, or the provision of a free appropriate public
7 education and to have an impartial due process hearing on the
8 complaint. The notice shall inform the parents in the parents'
9 native language, unless it is clearly not feasible to do so, of
10 their rights and all procedures available pursuant to this Act
11 and the federal Individuals with Disabilities Education
12 Improvement Act of 2004 (Public Law 108-446); it shall be the
13 responsibility of the State Superintendent to develop uniform
14 notices setting forth the procedures available under this Act
15 and the federal Individuals with Disabilities Education
16 Improvement Act of 2004 (Public Law 108-446) to be used by all
17 school boards. The notice shall also inform the parents of the
18 availability upon request of a list of free or low-cost legal
19 and other relevant services available locally to assist
20 parents in initiating an impartial due process hearing. The
21 State Superintendent shall revise the uniform notices required
22 by this subsection (g) to reflect current law and procedures
23 at least once every 2 years. Any parent who is deaf or does not
24 normally communicate using spoken English and who participates
25 in a meeting with a representative of a local educational
26 agency for the purposes of developing an individualized

1 educational program or attends a multidisciplinary conference
2 shall be entitled to the services of an interpreter. The State
3 Board of Education must adopt rules to establish the criteria,
4 standards, and competencies for a bilingual language
5 interpreter who attends an individualized education program
6 meeting under this subsection to assist a parent who has
7 limited English proficiency.

8 (g-5) For purposes of this subsection (g-5), "qualified
9 professional" means an individual who holds credentials to
10 evaluate the child in the domain or domains for which an
11 evaluation is sought or an intern working under the direct
12 supervision of a qualified professional, including a master's
13 or doctoral degree candidate.

14 To ensure that a parent can participate fully and
15 effectively with school personnel in the development of
16 appropriate educational and related services for his or her
17 child, the parent, an independent educational evaluator, or a
18 qualified professional retained by or on behalf of a parent or
19 child must be afforded reasonable access to educational
20 facilities, personnel, classrooms, and buildings and to the
21 child as provided in this subsection (g-5). The requirements
22 of this subsection (g-5) apply to any public school facility,
23 building, or program and to any facility, building, or program
24 supported in whole or in part by public funds. Prior to
25 visiting a school, school building, or school facility, the
26 parent, independent educational evaluator, or qualified

1 professional may be required by the school district to inform
2 the building principal or supervisor in writing of the
3 proposed visit, the purpose of the visit, and the approximate
4 duration of the visit. The visitor and the school district
5 shall arrange the visit or visits at times that are mutually
6 agreeable. Visitors shall comply with school safety, security,
7 and visitation policies at all times. School district
8 visitation policies must not conflict with this subsection
9 (g-5). Visitors shall be required to comply with the
10 requirements of applicable privacy laws, including those laws
11 protecting the confidentiality of education records such as
12 the federal Family Educational Rights and Privacy Act and the
13 Illinois School Student Records Act. The visitor shall not
14 disrupt the educational process.

15 (1) A parent must be afforded reasonable access of
16 sufficient duration and scope for the purpose of observing
17 his or her child in the child's current educational
18 placement, services, or program or for the purpose of
19 visiting an educational placement or program proposed for
20 the child.

21 (2) An independent educational evaluator or a
22 qualified professional retained by or on behalf of a
23 parent or child must be afforded reasonable access of
24 sufficient duration and scope for the purpose of
25 conducting an evaluation of the child, the child's
26 performance, the child's current educational program,

1 placement, services, or environment, or any educational
2 program, placement, services, or environment proposed for
3 the child, including interviews of educational personnel,
4 child observations, assessments, tests or assessments of
5 the child's educational program, services, or placement or
6 of any proposed educational program, services, or
7 placement. If one or more interviews of school personnel
8 are part of the evaluation, the interviews must be
9 conducted at a mutually agreed-upon time, date, and place
10 that do not interfere with the school employee's school
11 duties. The school district may limit interviews to
12 personnel having information relevant to the child's
13 current educational services, program, or placement or to
14 a proposed educational service, program, or placement.

15 (h) In the development of the individualized education
16 program or federal Section 504 plan for a student, if the
17 student needs extra accommodation during emergencies,
18 including natural disasters or an active shooter situation,
19 then that accommodation shall be taken into account when
20 developing the student's individualized education program or
21 federal Section 504 plan.

22 (Source: P.A. 102-199, eff. 7-1-22; 102-264, eff. 8-6-21;
23 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1072, eff.
24 6-10-22; 103-197, eff. 1-1-24; 103-605, eff. 7-1-24.)

25 Section 15. The Community-Integrated Living Arrangements

1 Licensure and Certification Act is amended by changing
2 Sections 2, 3, 4, 6, 8, and 10, as follows:

3 (210 ILCS 135/2) (from Ch. 91 1/2, par. 1702)

4 Sec. 2. The purpose of this Act is to promote the operation
5 of community-integrated living arrangements for the
6 supervision of persons ~~with mental illness and persons~~ with a
7 developmental disability by licensing community ~~mental health~~
8 ~~or~~ developmental services agencies to provide an array of
9 community-integrated living arrangements for such individuals.
10 These community-integrated living arrangements are intended to
11 promote independence in daily living and economic
12 self-sufficiency. The licensed community ~~mental health or~~
13 developmental services agencies in turn shall be required to
14 certify to the Department that the programs and placements
15 provided in the community-integrated living arrangements
16 comply with this Act, the Mental Health and Developmental
17 Disabilities Code, and applicable Department rules and
18 regulations.

19 (Source: P.A. 88-380.)

20 (210 ILCS 135/3) (from Ch. 91 1/2, par. 1703)

21 Sec. 3. As used in this Act, unless the context requires
22 otherwise:

23 (a) "Applicant" means a person, group of persons,
24 association, partnership or corporation that applies for a

1 license as a community ~~mental health or~~ developmental services
2 agency under this Act.

3 (b) "Community ~~mental health or~~ developmental services
4 agency" or "agency" means a public or private agency,
5 association, partnership, corporation or organization which,
6 pursuant to this Act, certifies community-integrated living
7 arrangements for ~~persons with mental illness or~~ persons with a
8 developmental disability.

9 (c) "Department" means the Department of Human Services
10 (as successor to the Department of Mental Health and
11 Developmental Disabilities).

12 (d) "Community-integrated living arrangement" means a
13 living arrangement certified by a community ~~mental health or~~
14 developmental services agency under this Act where 8 or fewer
15 recipients ~~with mental illness or~~ recipients with a
16 developmental disability who reside under the supervision of
17 the agency. Examples of community-integrated living
18 arrangements include but are not limited to the following:

19 (1) "Adult foster care", a living arrangement for
20 recipients in residences of families unrelated to them,
21 for the purpose of providing family care for the
22 recipients on a full-time basis;

23 (2) "Assisted residential care", an independent living
24 arrangement where recipients are intermittently supervised
25 by off-site staff;

26 (3) "Crisis residential care", a non-medical living

1 arrangement where recipients in need of non-medical,
2 crisis services are supervised by on-site staff 24 hours a
3 day;

4 (4) "Home individual programs", living arrangements
5 for 2 unrelated adults outside the family home;

6 (5) "Supported residential care", a living arrangement
7 where recipients are supervised by on-site staff and such
8 supervision is provided less than 24 hours a day;

9 (6) "Community residential alternatives", as defined
10 in the Community Residential Alternatives Licensing Act;
11 and

12 (7) "Special needs trust-supported residential care",
13 a living arrangement where recipients are supervised by
14 on-site staff and that supervision is provided 24 hours
15 per day or less, as dictated by the needs of the
16 recipients, and determined by service providers. As used
17 in this item (7), "special needs trust" means a trust for
18 the benefit of a beneficiary with a disability as
19 described in Section 1213 of the Illinois Trust Code.

20 (e) "Recipient" means a person who has received, is
21 receiving, or is in need of treatment or habilitation as those
22 terms are defined in the Mental Health and Developmental
23 Disabilities Code.

24 (f) "Unrelated" means that persons residing together in
25 programs or placements certified by a community ~~mental health~~
26 ~~or~~ developmental services agency under this Act do not have

1 any of the following relationships by blood, marriage or
2 adoption: parent, son, daughter, brother, sister, grandparent,
3 uncle, aunt, nephew, niece, great grandparent, great uncle,
4 great aunt, stepbrother, stepsister, stepson, stepdaughter,
5 stepparent or first cousin.

6 (Source: P.A. 101-48, eff. 1-1-20.)

7 (210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

8 Sec. 4. (a) Any community ~~mental health or~~ developmental
9 services agency who wishes to develop and support a variety of
10 community-integrated living arrangements may do so pursuant to
11 a license issued by the Department under this Act. However,
12 programs established under or otherwise subject to the Child
13 Care Act of 1969, the Nursing Home Care Act, the Specialized
14 Mental Health Rehabilitation Act of 2013, the ID/DD Community
15 Care Act, or the MC/DD Act, as now or hereafter amended, shall
16 remain subject thereto, and this Act shall not be construed to
17 limit the application of those Acts.

18 (b) The system of licensure established under this Act
19 shall be for the purposes of:

20 (1) ensuring that all recipients residing in
21 community-integrated living arrangements are receiving
22 appropriate community-based services, including
23 treatment, training and habilitation or rehabilitation;

24 (2) ensuring that recipients' rights are protected and
25 that all programs provided to and placements arranged for

1 recipients comply with this Act, the Mental Health and
2 Developmental Disabilities Code, and applicable Department
3 rules and regulations;

4 (3) maintaining the integrity of communities by
5 requiring regular monitoring and inspection of placements
6 and other services provided in community-integrated living
7 arrangements.

8 The licensure system shall be administered by a quality
9 assurance unit within the Department which shall be
10 administratively independent of units responsible for funding
11 of agencies or community services.

12 (c) As a condition of being licensed by the Department as a
13 community ~~mental health or~~ developmental services agency under
14 this Act, the agency shall certify to the Department that:

15 (1) all recipients residing in community-integrated
16 living arrangements are receiving appropriate
17 community-based services, including treatment, training
18 and habilitation or rehabilitation;

19 (2) all programs provided to and placements arranged
20 for recipients are supervised by the agency; and

21 (3) all programs provided to and placements arranged
22 for recipients comply with this Act, the Mental Health and
23 Developmental Disabilities Code, and applicable Department
24 rules and regulations.

25 (c-5) Each developmental services agency licensed under
26 this Act shall submit an annual report to the Department, as a

1 contractual requirement between the Department and the
2 developmental services agency, certifying that all
3 legislatively or administratively mandated wage increases to
4 benefit workers are passed through in accordance with the
5 legislative or administrative mandate. The Department shall
6 determine the manner and form of the annual report.

7 (d) An applicant for licensure as a community ~~mental~~
8 ~~health or~~ developmental services agency under this Act shall
9 submit an application pursuant to the application process
10 established by the Department by rule and shall pay an
11 application fee in an amount established by the Department,
12 which amount shall not be more than \$200.

13 (e) If an applicant meets the requirements established by
14 the Department to be licensed as a community ~~mental health or~~
15 developmental services agency under this Act, after payment of
16 the licensing fee, the Department shall issue a license valid
17 for 3 years from the date thereof unless suspended or revoked
18 by the Department or voluntarily surrendered by the agency.

19 (f) Upon application to the Department, the Department may
20 issue a temporary permit to an applicant for up to a 2-year
21 period to allow the holder of such permit reasonable time to
22 become eligible for a license under this Act.

23 (g) (1) The Department may conduct site visits to an agency
24 licensed under this Act, or to any program or placement
25 certified by the agency, and inspect the records or premises,
26 or both, of such agency, program or placement as it deems

1 appropriate, for the purpose of determining compliance with
2 this Act, the Mental Health and Developmental Disabilities
3 Code, and applicable Department rules and regulations. The
4 Department shall conduct inspections of the records and
5 premises of each community-integrated living arrangement
6 certified under this Act at least once every 2 years.

7 (2) If the Department determines that an agency licensed
8 under this Act is not in compliance with this Act or the rules
9 and regulations promulgated under this Act, the Department
10 shall serve a notice of violation upon the licensee. Each
11 notice of violation shall be prepared in writing and shall
12 specify the nature of the violation, the statutory provision
13 or rule alleged to have been violated, and that the licensee
14 submit a plan of correction to the Department if required. The
15 notice shall also inform the licensee of any other action
16 which the Department might take pursuant to this Act and of the
17 right to a hearing.

18 (g-5) As determined by the Department, a disproportionate
19 number or percentage of licensure complaints; a
20 disproportionate number or percentage of substantiated cases
21 of abuse, neglect, or exploitation involving an agency; an
22 apparent unnatural death of an individual served by an agency;
23 any egregious or life-threatening abuse or neglect within an
24 agency; or any other significant event as determined by the
25 Department shall initiate a review of the agency's license by
26 the Department, as well as a review of its service agreement

1 for funding. The Department shall adopt rules to establish the
2 process by which the determination to initiate a review shall
3 be made and the timeframe to initiate a review upon the making
4 of such determination.

5 (h) Upon the expiration of any license issued under this
6 Act, a license renewal application shall be required of and a
7 license renewal fee in an amount established by the Department
8 shall be charged to a community ~~mental health~~ or developmental
9 services agency, provided that such fee shall not be more than
10 \$200.

11 (i) A public or private agency, association, partnership,
12 corporation, or organization that has had a license revoked
13 under subsection (b) of Section 6 of this Act may not apply for
14 or possess a license under a different name.

15 (Source: P.A. 102-944, eff. 1-1-23.)

16 (210 ILCS 135/6) (from Ch. 91 1/2, par. 1706)

17 Sec. 6. (a) The Department shall deny an application for a
18 license, or revoke or refuse to renew the license of a
19 community ~~mental health~~ or developmental services agency, or
20 refuse to issue a license to the holder of a temporary permit,
21 if the Department determines that the applicant, agency or
22 permit holder has not complied with a provision of this Act,
23 the Mental Health and Developmental Disabilities Code, or
24 applicable Department rules and regulations. Specific grounds
25 for denial or revocation of a license, or refusal to renew a

1 license or to issue a license to the holder of a temporary
2 permit, shall include but not be limited to:

3 (1) Submission of false information either on
4 Department licensure forms or during an inspection;

5 (2) Refusal to allow an inspection to occur;

6 (3) Violation of this Act or rules and regulations
7 promulgated under this Act;

8 (4) Violation of the rights of a recipient;

9 (5) Failure to submit or implement a plan of
10 correction within the specified timeperiod; or

11 (6) Failure to submit a workplace violence prevention
12 plan in compliance with the Health Care Workplace Violence
13 Prevention Act.

14 (b) If the Department determines that the operation of a
15 community ~~mental health or~~ developmental services agency or
16 one or more of the programs or placements certified by the
17 agency under this Act jeopardizes the health, safety or
18 welfare of the recipients served by the agency, the Department
19 may immediately revoke the agency's license and may direct the
20 agency to withdraw recipients from any such program or
21 placement. If an agency's license is revoked under this
22 subsection, then the Department or the Department's agents
23 shall have unimpeded, immediate, and full access to the
24 recipients served by that agency and the recipients'
25 medications, records, and personal possessions in order to
26 ensure a timely, safe, and smooth transition of those

1 individuals from the program or placement.

2 (c) Upon revocation of an agency's license under
3 subsection (b) of this Section, the agency shall continue
4 providing for the health, safety, and welfare of the
5 individuals that the agency was serving at the time the
6 agency's license was revoked during the period of transition.
7 The private, not-for-profit corporation designated by the
8 Governor to administer the State plan to protect and advocate
9 for the rights of persons with developmental disabilities
10 under Section 1 of the Protection and Advocacy for Persons
11 with Developmental Disabilities Act, contingent on State
12 funding from the Department, shall have unimpeded, immediate,
13 and full access to recipients and recipients' guardians to
14 inform them of the recipients' and recipients' guardians'
15 rights and options during the revocation and transition
16 process.

17 (d) The Office of Inspector General of the Department of
18 Human Services shall continue to have jurisdiction over an
19 agency and the individuals it served at the time the agency's
20 license was revoked for up to one year after the date that the
21 license was revoked.

22 (Source: P.A. 100-313, eff. 8-24-17.)

23 (210 ILCS 135/8) (from Ch. 91 1/2, par. 1708)

24 Sec. 8. (a) Any community ~~mental health or~~ developmental
25 services agency that continues to operate after its license is

1 revoked under this Act, or after its license expires and the
2 Department refuses to renew the license, is guilty of a
3 business offense and shall be fined an amount in excess of \$500
4 but not exceeding \$2,000, and each day of violation is a
5 separate offense. All fines shall be paid to the Mental Health
6 Fund.

7 (b) Whenever the Department is advised or has reason to
8 believe that any person, group of persons, association,
9 partnership or corporation is operating an agency without a
10 license or permit in violation of this Act, the Department may
11 investigate to ascertain the facts, may notify the person or
12 other entity that he is in violation of this Act, and may make
13 referrals to appropriate investigatory or law enforcement
14 agencies. Any person, group of persons, association,
15 partnership or corporation who continues to operate a
16 community ~~mental health~~ or developmental services agency as
17 defined in subsection (b) of Section 3 of this Act without a
18 license or temporary permit issued by the Department, after
19 receiving notice from the Department that such operation is in
20 violation of this Act, shall be guilty of a business offense
21 and shall be fined an amount in excess of \$500 but not
22 exceeding \$2,000, and each day of operation after receiving
23 such notice is a separate offense. All fines shall be paid to
24 the Mental Health Fund.

25 (Source: P.A. 85-1250.)

1 (210 ILCS 135/10) (from Ch. 91 1/2, par. 1710)

2 Sec. 10. Community integration.

3 (a) Community-integrated living arrangements shall be
4 located so as to enable residents to participate in and be
5 integrated into their community or neighborhood. The location
6 of such arrangements shall promote community integration of
7 persons with developmental ~~mental~~ disabilities.

8 (b) Beginning January 1, 1990, no Department of State
9 government, as defined in the Civil Administrative Code of
10 Illinois, shall place any person in or utilize any services of
11 a community-integrated living arrangement which is not
12 certified by an agency under this Act.

13 (Source: P.A. 100-602, eff. 7-13-18.)

14 Section 20. The Health Care Worker Background Check Act is
15 amended by changing Section 15 as follows:

16 (225 ILCS 46/15)

17 Sec. 15. Definitions. In this Act:

18 "Applicant" means an individual enrolling in a training
19 program, seeking employment, whether paid or on a volunteer
20 basis, with a health care employer who has received a bona fide
21 conditional offer of employment.

22 "Conditional offer of employment" means a bona fide offer
23 of employment by a health care employer to an applicant, which
24 is contingent upon the receipt of a report from the Department

1 of Public Health indicating that the applicant does not have a
2 record of conviction of any of the criminal offenses
3 enumerated in Section 25.

4 "Department" means the Department of Public Health.

5 "Direct care" means the provision of nursing care or
6 assistance with feeding, dressing, movement, bathing,
7 toileting, or other personal needs, including home services as
8 defined in the Home Health, Home Services, and Home Nursing
9 Agency Licensing Act.

10 The entity responsible for inspecting and licensing,
11 certifying, or registering the health care employer may, by
12 administrative rule, prescribe guidelines for interpreting
13 this definition with regard to the health care employers that
14 it licenses.

15 "Director" means the Director of Public Health.

16 "Disqualifying offenses" means those offenses set forth in
17 Section 25 of this Act.

18 "Employee" means any individual hired, employed, or
19 retained, whether paid or on a volunteer basis, to which this
20 Act applies.

21 "Finding" means the Department's determination of whether
22 an allegation is verified and substantiated.

23 "Fingerprint-based criminal history records check" means a
24 livescan fingerprint-based criminal history records check
25 submitted as a fee applicant inquiry in the form and manner
26 prescribed by the Illinois State Police.

1 "Health care employer" means:

2 (1) the owner or licensee of any of the following:

3 (i) a community living facility, as defined in the
4 Community Living Facilities Licensing Act;

5 (ii) a life care facility, as defined in the Life
6 Care Facilities Act;

7 (iii) a long-term care facility;

8 (iv) a home health agency, home services agency,
9 or home nursing agency as defined in the Home Health,
10 Home Services, and Home Nursing Agency Licensing Act;

11 (v) a hospice care program or volunteer hospice
12 program, as defined in the Hospice Program Licensing
13 Act;

14 (vi) a hospital, as defined in the Hospital
15 Licensing Act;

16 (vii) (blank);

17 (viii) a nurse agency, as defined in the Nurse
18 Agency Licensing Act;

19 (ix) a respite care provider, as defined in the
20 Respite Program Act;

21 (ix-a) an establishment licensed under the
22 Assisted Living and Shared Housing Act;

23 (x) a supportive living program, as defined in the
24 Illinois Public Aid Code;

25 (xi) early childhood intervention programs as
26 described in 59 Ill. Adm. Code 121;

1 (xii) the University of Illinois Hospital,
2 Chicago;

3 (xiii) programs funded by the Department on Aging
4 through the Community Care Program;

5 (xiv) programs certified to participate in the
6 Supportive Living Program authorized pursuant to
7 Section 5-5.01a of the Illinois Public Aid Code;

8 (xv) programs listed by the Emergency Medical
9 Services (EMS) Systems Act as Freestanding Emergency
10 Centers;

11 (xvi) locations licensed under the Alternative
12 Health Care Delivery Act;

13 (2) a day training program certified by the Department
14 of Human Services;

15 (3) a community integrated living arrangement operated
16 by a community ~~mental health and~~ developmental service
17 agency, as defined in the Community-Integrated Living
18 Arrangements Licensure and Certification Act;

19 (4) the State Long Term Care Ombudsman Program,
20 including any regional long term care ombudsman programs
21 under Section 4.04 of the Illinois Act on the Aging, only
22 for the purpose of securing background checks;

23 (5) the Department of Corrections or a third-party
24 vendor employing certified nursing assistants working with
25 the Department of Corrections;

26 (6) a financial management services entity contracted

1 with the Department of Human Services, Division of
2 Developmental Disabilities, which is not the employer of
3 personal support workers but supports individuals
4 receiving participant directed services, to administer the
5 individuals' employer authority. A financial management
6 services entity assists participants in completing
7 background check requirements, collecting and processing
8 time sheets for support workers, and processing payroll,
9 withholding, filing, and payment of applicable federal,
10 State, and local employment-related taxes and insurance;
11 or

12 (7) a Comprehensive Community Mental Health Center
13 certified by the Department of Human Services.

14 "Initiate" means obtaining from a student, applicant, or
15 employee his or her social security number, demographics, a
16 disclosure statement, and an authorization for the Department
17 of Public Health or its designee to request a
18 fingerprint-based criminal history records check; transmitting
19 this information electronically to the Department of Public
20 Health; conducting Internet searches on certain web sites,
21 including without limitation the Illinois Sex Offender
22 Registry, the Department of Corrections' Sex Offender Search
23 Engine, the Department of Corrections' Inmate Search Engine,
24 the Department of Corrections Wanted Fugitives Search Engine,
25 the National Sex Offender Public Registry, and the List of
26 Excluded Individuals and Entities database on the website of

1 the Health and Human Services Office of Inspector General to
2 determine if the applicant has been adjudicated a sex
3 offender, has been a prison inmate, or has committed Medicare
4 or Medicaid fraud, or conducting similar searches as defined
5 by rule; and having the student, applicant, or employee's
6 fingerprints collected and transmitted electronically to the
7 Illinois State Police.

8 "Livescan vendor" means an entity whose equipment has been
9 certified by the Illinois State Police to collect an
10 individual's demographics and inkless fingerprints and, in a
11 manner prescribed by the Illinois State Police and the
12 Department of Public Health, electronically transmit the
13 fingerprints and required data to the Illinois State Police
14 and a daily file of required data to the Department of Public
15 Health. The Department of Public Health shall negotiate a
16 contract with one or more vendors that effectively demonstrate
17 that the vendor has 2 or more years of experience transmitting
18 fingerprints electronically to the Illinois State Police and
19 that the vendor can successfully transmit the required data in
20 a manner prescribed by the Department of Public Health. Vendor
21 authorization may be further defined by administrative rule.

22 "Long-term care facility" means a facility licensed by the
23 State or certified under federal law as a long-term care
24 facility, including without limitation facilities licensed
25 under the Nursing Home Care Act, the Specialized Mental Health
26 Rehabilitation Act of 2013, the ID/DD Community Care Act, or

1 the MC/DD Act, a supportive living facility, an assisted
2 living establishment, or a shared housing establishment or
3 registered as a board and care home.

4 "Resident" means a person, individual, or patient under
5 the direct care of a health care employer or who has been
6 provided goods or services by a health care employer.

7 (Source: P.A. 102-226, eff. 7-30-21; 102-503, eff. 8-20-21;
8 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-303, eff.
9 1-1-24; 103-1032, eff. 1-1-25.)

10 Section 25. The Early Intervention Services System Act is
11 amended by changing Section 11 as follows:

12 (325 ILCS 20/11) (from Ch. 23, par. 4161)

13 (Section scheduled to be repealed on July 1, 2026)

14 Sec. 11. Individualized Family Service Plans.

15 (a) Each eligible infant or toddler and that infant's or
16 toddler's family shall receive:

17 (1) timely, comprehensive, multidisciplinary
18 assessment of the unique strengths and needs of each
19 eligible infant and toddler, and assessment of the
20 concerns and priorities of the families to appropriately
21 assist them in meeting their needs and identify supports
22 and services to meet those needs; and

23 (2) a written Individualized Family Service Plan
24 developed by a multidisciplinary team which includes the

1 parent or guardian. The individualized family service plan
2 shall be based on the multidisciplinary team's assessment
3 of the resources, priorities, and concerns of the family
4 and its identification of the supports and services
5 necessary to enhance the family's capacity to meet the
6 developmental needs of the infant or toddler, and shall
7 include the identification of services appropriate to meet
8 those needs, including the frequency, intensity, and
9 method of delivering services. During and as part of the
10 initial development of the individualized family services
11 plan, and any periodic reviews of the plan, the
12 multidisciplinary team may seek consultation from the lead
13 agency's designated experts, if any, to help determine
14 appropriate services and the frequency and intensity of
15 those services. All services in the individualized family
16 services plan must be justified by the multidisciplinary
17 assessment of the unique strengths and needs of the infant
18 or toddler and must be appropriate to meet those needs. At
19 the periodic reviews, the team shall determine whether
20 modification or revision of the outcomes or services is
21 necessary.

22 (b) The Individualized Family Service Plan shall be
23 evaluated once a year and the family shall be provided a review
24 of the Plan at 6-month intervals or more often where
25 appropriate based on infant or toddler and family needs. The
26 lead agency shall create a quality review process regarding

1 Individualized Family Service Plan development and changes
2 thereto, to monitor and help ensure that resources are being
3 used to provide appropriate early intervention services.

4 (c) The initial evaluation and initial assessment and
5 initial Plan meeting must be held within 45 days after the
6 initial contact with the early intervention services system.
7 The 45-day timeline does not apply for any period when the
8 child or parent is unavailable to complete the initial
9 evaluation, the initial assessments of the child and family,
10 or the initial Plan meeting, due to exceptional family
11 circumstances that are documented in the child's early
12 intervention records, or when the parent has not provided
13 consent for the initial evaluation or the initial assessment
14 of the child despite documented, repeated attempts to obtain
15 parental consent. As soon as exceptional family circumstances
16 no longer exist or parental consent has been obtained, the
17 initial evaluation, the initial assessment, and the initial
18 Plan meeting must be completed as soon as possible. With
19 parental consent, early intervention services may commence
20 before the completion of the comprehensive assessment and
21 development of the Plan. All early intervention services shall
22 be initiated as soon as possible but not later than 30 calendar
23 days after the consent of the parent or guardian has been
24 obtained for the individualized family service plan, in
25 accordance with rules adopted by the Department of Human
26 Services.

1 (d) Parents must be informed that early intervention
2 services shall be provided to each eligible infant and
3 toddler, to the maximum extent appropriate, in the natural
4 environment, which may include the home or other community
5 settings. Parents must also be informed of the availability of
6 early intervention services provided through telehealth
7 services. Parents shall make the final decision to accept or
8 decline early intervention services, including whether
9 accepted services are delivered in person or via telehealth
10 services. A decision to decline such services shall not be a
11 basis for administrative determination of parental fitness, or
12 other findings or sanctions against the parents. Parameters of
13 the Plan shall be set forth in rules.

14 (e) The regional intake offices shall explain to each
15 family, orally and in writing, all of the following:

16 (1) That the early intervention program will pay for
17 all early intervention services set forth in the
18 individualized family service plan that are not covered or
19 paid under the family's public or private insurance plan
20 or policy and not eligible for payment through any other
21 third party payor.

22 (2) That services will not be delayed due to any rules
23 or restrictions under the family's insurance plan or
24 policy.

25 (3) That the family may request, with appropriate
26 documentation supporting the request, a determination of

1 an exemption from private insurance use under Section
2 13.25.

3 (4) That responsibility for co-payments or
4 co-insurance under a family's private insurance plan or
5 policy will be transferred to the lead agency's central
6 billing office.

7 (5) That families will be responsible for payments of
8 family fees, which will be based on a sliding scale
9 according to the State's definition of ability to pay
10 which is comparing household size and income to the
11 sliding scale and considering out-of-pocket medical or
12 disaster expenses, and that these fees are payable to the
13 central billing office. Families who fail to provide
14 income information shall be charged the maximum amount on
15 the sliding scale.

16 (f) The individualized family service plan must state
17 whether the family has private insurance coverage and, if the
18 family has such coverage, must have attached to it a copy of
19 the family's insurance identification card or otherwise
20 include all of the following information:

21 (1) The name, address, and telephone number of the
22 insurance carrier.

23 (2) The contract number and policy number of the
24 insurance plan.

25 (3) The name, address, and social security number of
26 the primary insured.

1 (4) The beginning date of the insurance benefit year.

2 (g) A copy of the individualized family service plan must
3 be provided to each enrolled provider who is providing early
4 intervention services to the child who is the subject of that
5 plan.

6 (h) Children receiving services under this Act shall
7 receive a smooth and effective transition by their third
8 birthday consistent with federal regulations adopted pursuant
9 to Sections 1431 through 1444 of Title 20 of the United States
10 Code. Beginning on and after the effective date of this
11 amendatory Act of the 104th General Assembly January 1, 2022,
12 children who receive early intervention services prior to
13 their third birthday, have been found eligible for early
14 childhood special education services under the Individuals
15 with Disabilities Education Act, 20 U.S.C. 1414(d)(1)(A), and
16 this Section, have an individualized education program
17 developed and are found eligible for an individualized
18 education program under the Individuals with Disabilities
19 Education Act, ~~20 U.S.C. 1414(d)(1)(A),~~ and under Section
20 14-8.02 of the School Code, and whose birthday falls between
21 May 1 and August 31 may continue to receive early intervention
22 services until the beginning of the school year following
23 their third birthday in order to minimize gaps in services,
24 ensure better continuity of care, and align practices for the
25 enrollment of preschool children with special needs to the
26 enrollment practices of typically developing preschool

1 children.

2 (Source: P.A. 101-654, eff. 3-8-21; 102-104, eff. 7-22-21;
3 102-209, eff. 11-30-21 (See Section 5 of P.A. 102-671 for
4 effective date of P.A. 102-209); 102-813, eff. 5-13-22;
5 102-962, eff. 7-1-22.)

6 Section 30. The Mental Health and Developmental
7 Disabilities Code is amended by changing Sections 1-122,
8 6-103, 6-103.2, and 6-103.3 and by adding Section 1-120.1 as
9 follows:

10 (405 ILCS 5/1-120.1 new)

11 Sec. 1-120.1. Physician assistant. "Physician assistant"
12 means a person who is licensed as a physician assistant under
13 the Physician Assistant Practice Act of 1987 and is authorized
14 to practice under a collaborating physician.

15 (405 ILCS 5/1-122) (from Ch. 91 1/2, par. 1-122)

16 Sec. 1-122. Qualified examiner. "Qualified examiner" means
17 a person who is:

18 (a) a Clinical social worker as defined in this Act
19 and who is also a licensed clinical social worker licensed
20 under the Clinical Social Work and Social Work Practice
21 Act,

22 (b) a registered nurse with a master's degree in
23 psychiatric nursing who has 3 years of clinical training

1 and experience in the evaluation and treatment of mental
2 illness which has been acquired subsequent to any training
3 and experience which constituted a part of the degree
4 program,

5 (c) a licensed clinical professional counselor with a
6 master's or doctoral degree in counseling or psychology or
7 a similar master's or doctorate program from a regionally
8 accredited institution who has at least 3 years of
9 supervised post-master's clinical professional counseling
10 experience that includes the provision of mental health
11 services for the evaluation, treatment, and prevention of
12 mental and emotional disorders, ~~or~~

13 (d) a licensed marriage and family therapist with a
14 master's or doctoral degree in marriage and family therapy
15 from a regionally accredited educational institution or a
16 similar master's program or from a program accredited by
17 either the Commission on Accreditation for Marriage and
18 Family Therapy or the Commission on Accreditation for
19 Counseling Related Educational Programs, who has at least
20 3 years of supervised post-master's experience as a
21 marriage and family therapist that includes the provision
22 of mental health services for the evaluation, treatment,
23 and prevention of mental and emotional disorders, or -

24 (e) a physician assistant who has 3 years of clinical
25 training and experience in the evaluation and treatment of
26 mental illness which has been acquired subsequent to any

1 training and experience which constituted a part of the
2 degree program.

3 ~~A social worker who is a qualified examiner shall be a~~
4 ~~licensed clinical social worker under the Clinical Social Work~~
5 ~~and Social Work Practice Act.~~

6 (Source: P.A. 96-1357, eff. 1-1-11; 97-333, eff. 8-12-11.)

7 (405 ILCS 5/6-103) (from Ch. 91 1/2, par. 6-103)

8 Sec. 6-103. (a) All persons acting in good faith and
9 without negligence in connection with the preparation of
10 applications, petitions, certificates or other documents, for
11 the apprehension, transportation, examination, treatment,
12 habilitation, detention or discharge of an individual under
13 the provisions of this Act incur no liability, civil or
14 criminal, by reason of such acts.

15 (b) There shall be no liability on the part of, and no
16 cause of action shall arise against, any person who is a
17 physician, clinical psychologist, advanced practice
18 psychiatric nurse, or qualified examiner based upon that
19 person's failure to warn of and protect from a recipient's
20 threatened or actual violent behavior except where the
21 recipient has communicated to the person a serious threat of
22 physical violence against a reasonably identifiable victim or
23 victims. Nothing in this Section shall relieve any employee or
24 director of any residential mental health or developmental
25 disabilities facility from any duty he may have to protect the

1 residents of such a facility from any other resident.

2 (c) Any duty which any person may owe to anyone other than
3 a resident of a mental health and developmental disabilities
4 facility shall be discharged by that person making a
5 reasonable effort to communicate the threat to the victim and
6 to a law enforcement agency, or by a reasonable effort to
7 obtain the hospitalization of the recipient.

8 (d) An act of omission or commission by a peace officer
9 acting in good faith in rendering emergency assistance or
10 otherwise enforcing this Code does not impose civil liability
11 on the peace officer or his or her supervisor or employer
12 unless the act is a result of willful or wanton misconduct.

13 (Source: P.A. 91-726, eff. 6-2-00.)

14 (405 ILCS 5/6-103.2)

15 Sec. 6-103.2. Developmental disability; notice. If a
16 person 14 years old or older is determined to be a person with
17 a developmental disability by a physician, clinical
18 psychologist, advanced practice psychiatric nurse, or
19 qualified examiner, the physician, clinical psychologist,
20 advanced practice psychiatric nurse, or qualified examiner
21 shall notify the Department of Human Services within 7 days of
22 making the determination that the person has a developmental
23 disability. The Department of Human Services shall immediately
24 update its records and information relating to mental health
25 and developmental disabilities, and if appropriate, shall

1 notify the Illinois State Police in a form and manner
2 prescribed by the Illinois State Police. Information disclosed
3 under this Section shall remain privileged and confidential,
4 and shall not be redisclosed, except as required under
5 subsection (e) of Section 3.1 of the Firearm Owners
6 Identification Card Act, nor used for any other purpose. The
7 method of providing this information shall guarantee that the
8 information is not released beyond that which is necessary for
9 the purpose of this Section and shall be provided by rule by
10 the Department of Human Services. The identity of the person
11 reporting under this Section shall not be disclosed to the
12 subject of the report.

13 The physician, clinical psychologist, advanced practice
14 psychiatric nurse, or qualified examiner making the
15 determination and his or her employer may not be held
16 criminally, civilly, or professionally liable for making or
17 not making the notification required under this Section,
18 except for willful or wanton misconduct.

19 For purposes of this Section, "developmental disability"
20 means a disability which is attributable to any other
21 condition which results in impairment similar to that caused
22 by an intellectual disability and which requires services
23 similar to those required by intellectually disabled persons.
24 The disability must originate before the age of 18 years, be
25 expected to continue indefinitely, and constitute a
26 substantial disability. This disability results, in the

1 professional opinion of a physician, clinical psychologist,
2 advanced practice psychiatric nurse, or qualified examiner, in
3 significant functional limitations in 3 or more of the
4 following areas of major life activity:

- 5 (i) self-care;
6 (ii) receptive and expressive language;
7 (iii) learning;
8 (iv) mobility; or
9 (v) self-direction.

10 "Determined to be a person with a developmental disability
11 by a physician, clinical psychologist, advanced practice
12 psychiatric nurse, or qualified examiner" means in the
13 professional opinion of the physician, clinical psychologist,
14 advanced practice psychiatric nurse, or qualified examiner, a
15 person, with whom the physician, psychologist, nurse, or
16 examiner has a formal relationship in his or her professional
17 or official capacity, is diagnosed, assessed, or evaluated as
18 having a developmental disability.

19 (Source: P.A. 102-538, eff. 8-20-21.)

20 (405 ILCS 5/6-103.3)

21 Sec. 6-103.3. Clear and present danger; notice. If a
22 person is determined to pose a clear and present danger to
23 himself, herself, or to others by a physician, clinical
24 psychologist, advanced practice psychiatric nurse, or
25 qualified examiner, whether employed by the State, by any

1 public or private mental health facility or part thereof, or
2 by a law enforcement official or a school administrator, then
3 the physician, clinical psychologist, advanced practice
4 psychiatric nurse, or qualified examiner shall notify the
5 Department of Human Services and a law enforcement official or
6 school administrator shall notify the Illinois State Police,
7 within 24 hours of making the determination that the person
8 poses a clear and present danger. The Department of Human
9 Services shall immediately update its records and information
10 relating to mental health and developmental disabilities, and
11 if appropriate, shall notify the Illinois State Police in a
12 form and manner prescribed by the Illinois State Police.
13 Information disclosed under this Section shall remain
14 privileged and confidential, and shall not be redisclosed,
15 except as required under subsection (e) of Section 3.1 of the
16 Firearm Owners Identification Card Act, nor used for any other
17 purpose. The method of providing this information shall
18 guarantee that the information is not released beyond that
19 which is necessary for the purpose of this Section and shall be
20 provided by rule by the Department of Human Services. The
21 identity of the person reporting under this Section shall not
22 be disclosed to the subject of the report. The physician,
23 clinical psychologist, advanced practice psychiatric nurse,
24 qualified examiner, law enforcement official, or school
25 administrator making the determination and his or her employer
26 shall not be held criminally, civilly, or professionally

1 liable for making or not making the notification required
2 under this Section, except for willful or wanton misconduct.
3 This Section does not apply to a law enforcement official, if
4 making the notification under this Section will interfere with
5 an ongoing or pending criminal investigation.

6 For the purposes of this Section:

7 "Clear and present danger" has the meaning ascribed to
8 it in Section 1.1 of the Firearm Owners Identification
9 Card Act.

10 "Determined to pose a clear and present danger to
11 himself, herself, or to others by a physician, clinical
12 psychologist, advanced practice psychiatric nurse, or
13 qualified examiner" means in the professional opinion of
14 the physician, clinical psychologist, advanced practice
15 psychiatric nurse, or qualified examiner, a person, with
16 whom the physician, psychologist, nurse, or examiner has a
17 formal relationship in his or her official capacity, poses
18 a clear and present danger.

19 "School administrator" means the person required to
20 report under the School Administrator Reporting of Mental
21 Health Clear and Present Danger Determinations Law.

22 (Source: P.A. 102-538, eff. 8-20-21.)

23 Section 35. The Firearm Owners Identification Card Act is
24 amended by changing Sections 1.1, 8, 8.1, and 10 as follows:

1 (430 ILCS 65/1.1)

2 Sec. 1.1. For purposes of this Act:

3 "Addicted to narcotics" means a person who has been:

4 (1) convicted of an offense involving the use or
5 possession of cannabis, a controlled substance, or
6 methamphetamine within the past year; or

7 (2) determined by the Illinois State Police to be
8 addicted to narcotics based upon federal law or federal
9 guidelines.

10 "Addicted to narcotics" does not include possession or use
11 of a prescribed controlled substance under the direction and
12 authority of a physician or other person authorized to
13 prescribe the controlled substance when the controlled
14 substance is used in the prescribed manner.

15 "Adjudicated as a person with a mental disability" means
16 the person is the subject of a determination by a court, board,
17 commission or other lawful authority that the person, as a
18 result of marked subnormal intelligence, or mental illness,
19 mental impairment, incompetency, condition, or disease:

20 (1) presents a clear and present danger to himself,
21 herself, or to others;

22 (2) lacks the mental capacity to manage his or her own
23 affairs or is adjudicated a person with a disability as
24 defined in Section 11a-2 of the Probate Act of 1975;

25 (3) is not guilty in a criminal case by reason of
26 insanity, mental disease or defect;

1 (3.5) is guilty but mentally ill, as provided in
2 Section 5-2-6 of the Unified Code of Corrections;

3 (4) is incompetent to stand trial in a criminal case;

4 (5) is not guilty by reason of lack of mental
5 responsibility under Articles 50a and 72b of the Uniform
6 Code of Military Justice, 10 U.S.C. 850a, 876b;

7 (6) is a sexually violent person under subsection (f)
8 of Section 5 of the Sexually Violent Persons Commitment
9 Act;

10 (7) is a sexually dangerous person under the Sexually
11 Dangerous Persons Act;

12 (8) is unfit to stand trial under the Juvenile Court
13 Act of 1987;

14 (9) is not guilty by reason of insanity under the
15 Juvenile Court Act of 1987;

16 (10) is subject to involuntary admission as an
17 inpatient as defined in Section 1-119 of the Mental Health
18 and Developmental Disabilities Code;

19 (11) is subject to involuntary admission as an
20 outpatient as defined in Section 1-119.1 of the Mental
21 Health and Developmental Disabilities Code;

22 (12) is subject to judicial admission as set forth in
23 Section 4-500 of the Mental Health and Developmental
24 Disabilities Code; or

25 (13) is subject to the provisions of the Interstate
26 Agreements on Sexually Dangerous Persons Act.

1 "Advanced practice psychiatric nurse" has the meaning
2 ascribed to that term in Section 1-101.3 of the Mental Health
3 and Developmental Disabilities Code.

4 "Clear and present danger" means a person who:

5 (1) communicates a serious threat of physical violence
6 against a reasonably identifiable victim or poses a clear
7 and imminent risk of serious physical injury to himself,
8 herself, or another person as determined by a physician,
9 clinical psychologist, advanced practice psychiatric
10 nurse, or qualified examiner; or

11 (2) demonstrates threatening physical or verbal
12 behavior, such as violent, suicidal, or assaultive
13 threats, actions, or other behavior, as determined by a
14 physician, clinical psychologist, advanced practice
15 psychiatric nurse, qualified examiner, school
16 administrator, or law enforcement official.

17 "Clinical psychologist" has the meaning provided in
18 Section 1-103 of the Mental Health and Developmental
19 Disabilities Code.

20 "Controlled substance" means a controlled substance or
21 controlled substance analog as defined in the Illinois
22 Controlled Substances Act.

23 "Counterfeit" means to copy or imitate, without legal
24 authority, with intent to deceive.

25 "Developmental disability" means a severe, chronic
26 disability of an individual that:

1 (1) is attributable to a mental or physical impairment
2 or combination of mental and physical impairments;

3 (2) is manifested before the individual attains age
4 22;

5 (3) is likely to continue indefinitely;

6 (4) results in substantial functional limitations in 3
7 or more of the following areas of major life activity:

8 (A) Self-care.

9 (B) Receptive and expressive language.

10 (C) Learning.

11 (D) Mobility.

12 (E) Self-direction.

13 (F) Capacity for independent living.

14 (G) Economic self-sufficiency; and

15 (5) reflects the individual's need for a combination
16 and sequence of special, interdisciplinary, or generic
17 services, individualized supports, or other forms of
18 assistance that are of lifelong or extended duration and
19 are individually planned and coordinated.

20 "Federally licensed firearm dealer" means a person who is
21 licensed as a federal firearms dealer under Section 923 of the
22 federal Gun Control Act of 1968 (18 U.S.C. 923).

23 "Firearm" means any device, by whatever name known, which
24 is designed to expel a projectile or projectiles by the action
25 of an explosion, expansion of gas or escape of gas; excluding,
26 however:

1 (1) any pneumatic gun, spring gun, paint ball gun, or
2 B-B gun which expels a single globular projectile not
3 exceeding .18 inch in diameter or which has a maximum
4 muzzle velocity of less than 700 feet per second;

5 (1.1) any pneumatic gun, spring gun, paint ball gun,
6 or B-B gun which expels breakable paint balls containing
7 washable marking colors;

8 (2) any device used exclusively for signaling or
9 safety and required or recommended by the United States
10 Coast Guard or the Interstate Commerce Commission;

11 (3) any device used exclusively for the firing of stud
12 cartridges, explosive rivets or similar industrial
13 ammunition; and

14 (4) an antique firearm (other than a machine-gun)
15 which, although designed as a weapon, the Illinois State
16 Police finds by reason of the date of its manufacture,
17 value, design, and other characteristics is primarily a
18 collector's item and is not likely to be used as a weapon.

19 "Firearm ammunition" means any self-contained cartridge or
20 shotgun shell, by whatever name known, which is designed to be
21 used or adaptable to use in a firearm; excluding, however:

22 (1) any ammunition exclusively designed for use with a
23 device used exclusively for signaling or safety and
24 required or recommended by the United States Coast Guard
25 or the Interstate Commerce Commission; and

26 (2) any ammunition designed exclusively for use with a

1 stud or rivet driver or other similar industrial
2 ammunition.

3 "Gun show" means an event or function:

4 (1) at which the sale and transfer of firearms is the
5 regular and normal course of business and where 50 or more
6 firearms are displayed, offered, or exhibited for sale,
7 transfer, or exchange; or

8 (2) at which not less than 10 gun show vendors
9 display, offer, or exhibit for sale, sell, transfer, or
10 exchange firearms.

11 "Gun show" includes the entire premises provided for an
12 event or function, including parking areas for the event or
13 function, that is sponsored to facilitate the purchase, sale,
14 transfer, or exchange of firearms as described in this
15 Section. Nothing in this definition shall be construed to
16 exclude a gun show held in conjunction with competitive
17 shooting events at the World Shooting Complex sanctioned by a
18 national governing body in which the sale or transfer of
19 firearms is authorized under subparagraph (5) of paragraph (g)
20 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

21 Unless otherwise expressly stated, "gun show" does not
22 include training or safety classes, competitive shooting
23 events, such as rifle, shotgun, or handgun matches, trap,
24 skeet, or sporting clays shoots, dinners, banquets, raffles,
25 or any other event where the sale or transfer of firearms is
26 not the primary course of business.

1 "Gun show promoter" means a person who organizes or
2 operates a gun show.

3 "Gun show vendor" means a person who exhibits, sells,
4 offers for sale, transfers, or exchanges any firearms at a gun
5 show, regardless of whether the person arranges with a gun
6 show promoter for a fixed location from which to exhibit,
7 sell, offer for sale, transfer, or exchange any firearm.

8 "Intellectual disability" means significantly subaverage
9 general intellectual functioning, existing concurrently with
10 deficits in adaptive behavior and manifested during the
11 developmental period, which is defined as before the age of
12 22, that adversely affects a child's educational performance.

13 "Involuntarily admitted" has the meaning as prescribed in
14 Sections 1-119 and 1-119.1 of the Mental Health and
15 Developmental Disabilities Code.

16 "Mental health facility" means any licensed private
17 hospital or hospital affiliate, institution, or facility, or
18 part thereof, and any facility, or part thereof, operated by
19 the State or a political subdivision thereof which provides
20 treatment of persons with mental illness and includes all
21 hospitals, institutions, clinics, evaluation facilities,
22 mental health centers, colleges, universities, long-term care
23 facilities, and nursing homes, or parts thereof, which provide
24 treatment of persons with mental illness whether or not the
25 primary purpose is to provide treatment of persons with mental
26 illness.

1 "National governing body" means a group of persons who
2 adopt rules and formulate policy on behalf of a national
3 firearm sporting organization.

4 "Noncitizen" means a person who is not a citizen of the
5 United States, but is a person who is a foreign-born person who
6 lives in the United States, has not been naturalized, and is
7 still a citizen of a foreign country.

8 "Patient" means:

9 (1) a person who is admitted as an inpatient or
10 resident of a public or private mental health facility for
11 mental health treatment under Chapter III of the Mental
12 Health and Developmental Disabilities Code as an informal
13 admission, a voluntary admission, a minor admission, an
14 emergency admission, or an involuntary admission, unless
15 the treatment was solely for an alcohol abuse disorder; or

16 (2) a person who voluntarily or involuntarily receives
17 mental health treatment as an out-patient or is otherwise
18 provided services by a public or private mental health
19 facility and who poses a clear and present danger to
20 himself, herself, or others.

21 "Physician" has the meaning as defined in Section 1-120 of
22 the Mental Health and Developmental Disabilities Code.

23 "Protective order" means any orders of protection issued
24 under the Illinois Domestic Violence Act of 1986, stalking no
25 contact orders issued under the Stalking No Contact Order Act,
26 civil no contact orders issued under the Civil No Contact

1 Order Act, and firearms restraining orders issued under the
2 Firearms Restraining Order Act or a substantially similar
3 order issued by the court of another state, tribe, or United
4 States territory or military judge.

5 "Qualified examiner" has the meaning provided in Section
6 1-122 of the Mental Health and Developmental Disabilities
7 Code.

8 "Sanctioned competitive shooting event" means a shooting
9 contest officially recognized by a national or state shooting
10 sport association, and includes any sight-in or practice
11 conducted in conjunction with the event.

12 "School administrator" means the person required to report
13 under the School Administrator Reporting of Mental Health
14 Clear and Present Danger Determinations Law.

15 "Stun gun or taser" has the meaning ascribed to it in
16 Section 24-1 of the Criminal Code of 2012.

17 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
18 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 102-972, eff.
19 1-1-23; 102-1030, eff. 5-27-22; 103-154, eff. 6-30-23;
20 103-407, eff. 7-28-23.)

21 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

22 Sec. 8. Grounds for denial and revocation. The Illinois
23 State Police has authority to deny an application for or to
24 revoke and seize a Firearm Owner's Identification Card
25 previously issued under this Act only if the Illinois State

1 Police finds that the applicant or the person to whom such card
2 was issued is or was at the time of issuance:

3 (a) A person under 21 years of age who has been
4 convicted of a misdemeanor other than a traffic offense or
5 adjudged delinquent;

6 (b) This subsection (b) applies through the 180th day
7 following July 12, 2019 (the effective date of Public Act
8 101-80). A person under 21 years of age who does not have
9 the written consent of his parent or guardian to acquire
10 and possess firearms and firearm ammunition, or whose
11 parent or guardian has revoked such written consent, or
12 where such parent or guardian does not qualify to have a
13 Firearm Owner's Identification Card;

14 (b-5) This subsection (b-5) applies on and after the
15 181st day following July 12, 2019 (the effective date of
16 Public Act 101-80). A person under 21 years of age who is
17 not an active duty member of the United States Armed
18 Forces or the Illinois National Guard and does not have
19 the written consent of his or her parent or guardian to
20 acquire and possess firearms and firearm ammunition, or
21 whose parent or guardian has revoked such written consent,
22 or where such parent or guardian does not qualify to have a
23 Firearm Owner's Identification Card;

24 (c) A person convicted of a felony under the laws of
25 this or any other jurisdiction;

26 (d) A person addicted to narcotics;

1 (e) A person who has been a patient of a mental health
2 facility within the past 5 years or a person who has been a
3 patient in a mental health facility more than 5 years ago
4 who has not received the certification required under
5 subsection (u) of this Section. An active law enforcement
6 officer employed by a unit of government or a Department
7 of Corrections employee authorized to possess firearms who
8 is denied, revoked, or has his or her Firearm Owner's
9 Identification Card seized under this subsection (e) may
10 obtain relief as described in subsection (c-5) of Section
11 10 of this Act if the officer or employee did not act in a
12 manner threatening to the officer or employee, another
13 person, or the public as determined by the treating
14 clinical psychologist or physician, and the officer or
15 employee seeks mental health treatment;

16 (f) A person whose mental condition is of such a
17 nature that it poses a clear and present danger to the
18 applicant, any other person or persons, or the community;

19 (g) A person who has an intellectual disability;

20 (h) A person who intentionally makes a false statement
21 in the Firearm Owner's Identification Card application or
22 endorsement affidavit;

23 (i) A noncitizen who is unlawfully present in the
24 United States under the laws of the United States;

25 (i-5) A noncitizen who has been admitted to the United
26 States under a non-immigrant visa (as that term is defined

1 in Section 101(a)(26) of the Immigration and Nationality
2 Act (8 U.S.C. 1101(a)(26))), except that this subsection
3 (i-5) does not apply to any noncitizen who has been
4 lawfully admitted to the United States under a
5 non-immigrant visa if that noncitizen is:

6 (1) admitted to the United States for lawful
7 hunting or sporting purposes;

8 (2) an official representative of a foreign
9 government who is:

10 (A) accredited to the United States Government
11 or the Government's mission to an international
12 organization having its headquarters in the United
13 States; or

14 (B) en route to or from another country to
15 which that noncitizen is accredited;

16 (3) an official of a foreign government or
17 distinguished foreign visitor who has been so
18 designated by the Department of State;

19 (4) a foreign law enforcement officer of a
20 friendly foreign government entering the United States
21 on official business; or

22 (5) one who has received a waiver from the
23 Attorney General of the United States pursuant to 18
24 U.S.C. 922(y)(3);

25 (j) (Blank);

26 (k) A person who has been convicted within the past 5

1 years of battery, assault, aggravated assault, violation
2 of an order of protection, or a substantially similar
3 offense in another jurisdiction, in which a firearm was
4 used or possessed;

5 (l) A person who has been convicted of domestic
6 battery, aggravated domestic battery, or a substantially
7 similar offense in another jurisdiction committed before,
8 on or after January 1, 2012 (the effective date of Public
9 Act 97-158). If the applicant or person who has been
10 previously issued a Firearm Owner's Identification Card
11 under this Act knowingly and intelligently waives the
12 right to have an offense described in this paragraph (l)
13 tried by a jury, and by guilty plea or otherwise, results
14 in a conviction for an offense in which a domestic
15 relationship is not a required element of the offense but
16 in which a determination of the applicability of 18 U.S.C.
17 922(g) (9) is made under Section 112A-11.1 of the Code of
18 Criminal Procedure of 1963, an entry by the court of a
19 judgment of conviction for that offense shall be grounds
20 for denying an application for and for revoking and
21 seizing a Firearm Owner's Identification Card previously
22 issued to the person under this Act;

23 (m) (Blank);

24 (n) A person who is prohibited from acquiring or
25 possessing firearms or firearm ammunition by any Illinois
26 State statute or by federal law;

1 (o) A minor subject to a petition filed under Section
2 5-520 of the Juvenile Court Act of 1987 alleging that the
3 minor is a delinquent minor for the commission of an
4 offense that if committed by an adult would be a felony;

5 (p) An adult who had been adjudicated a delinquent
6 minor under the Juvenile Court Act of 1987 for the
7 commission of an offense that if committed by an adult
8 would be a felony;

9 (q) A person who is not a resident of the State of
10 Illinois, except as provided in subsection (a-10) of
11 Section 4;

12 (r) A person who has been adjudicated as a person with
13 a mental disability;

14 (s) A person who has been found to have a
15 developmental disability;

16 (t) A person involuntarily admitted into a mental
17 health facility; or

18 (u) A person who has had his or her Firearm Owner's
19 Identification Card revoked or denied under subsection (e)
20 of this Section or item (iv) of paragraph (2) of
21 subsection (a) of Section 4 of this Act because he or she
22 was a patient in a mental health facility as provided in
23 subsection (e) of this Section, shall not be permitted to
24 obtain a Firearm Owner's Identification Card, after the
25 5-year period has lapsed, unless he or she has received a
26 mental health evaluation by a physician, clinical

1 psychologist, advanced practice psychiatric nurse, or
2 qualified examiner as those terms are defined in the
3 Mental Health and Developmental Disabilities Code, and has
4 received a certification that he or she is not a clear and
5 present danger to himself, herself, or others. The
6 physician, clinical psychologist, advanced practice
7 psychiatric nurse, or qualified examiner making the
8 certification and his or her employer shall not be held
9 criminally, civilly, or professionally liable for making
10 or not making the certification required under this
11 subsection, except for willful or wanton misconduct. This
12 subsection does not apply to a person whose firearm
13 possession rights have been restored through
14 administrative or judicial action under Section 10 or 11
15 of this Act.

16 Upon revocation of a person's Firearm Owner's
17 Identification Card, the Illinois State Police shall provide
18 notice to the person and the person shall comply with Section
19 9.5 of this Act.

20 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
21 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.
22 5-27-22; 102-1116, eff. 1-10-23.)

23 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

24 Sec. 8.1. Notifications to the Illinois State Police.

25 (a) The Circuit Clerk shall, in the form and manner

1 required by the Supreme Court, notify the Illinois State
2 Police of all final dispositions of cases for which the
3 Department has received information reported to it under
4 Sections 2.1 and 2.2 of the Criminal Identification Act.

5 (b) Upon adjudication of any individual as a person with a
6 mental disability as defined in Section 1.1 of this Act or a
7 finding that a person has been involuntarily admitted, the
8 court shall direct the circuit court clerk to immediately
9 notify the Illinois State Police, Firearm Owner's
10 Identification (FOID) department, and shall forward a copy of
11 the court order to the Department.

12 (b-1) Beginning July 1, 2016, and each July 1 and December
13 30 of every year thereafter, the circuit court clerk shall, in
14 the form and manner prescribed by the Illinois State Police,
15 notify the Illinois State Police, Firearm Owner's
16 Identification (FOID) department if the court has not directed
17 the circuit court clerk to notify the Illinois State Police,
18 Firearm Owner's Identification (FOID) department under
19 subsection (b) of this Section, within the preceding 6 months,
20 because no person has been adjudicated as a person with a
21 mental disability by the court as defined in Section 1.1 of
22 this Act or if no person has been involuntarily admitted. The
23 Supreme Court may adopt any orders or rules necessary to
24 identify the persons who shall be reported to the Illinois
25 State Police under subsection (b), or any other orders or
26 rules necessary to implement the requirements of this Act.

1 (c) The Department of Human Services shall, in the form
2 and manner prescribed by the Illinois State Police, report all
3 information collected under subsection (b) of Section 12 of
4 the Mental Health and Developmental Disabilities
5 Confidentiality Act for the purpose of determining whether a
6 person who may be or may have been a patient in a mental health
7 facility is disqualified under State or federal law from
8 receiving or retaining a Firearm Owner's Identification Card,
9 or purchasing a weapon.

10 (d) If a person is determined to pose a clear and present
11 danger to himself, herself, or to others:

12 (1) by a physician, clinical psychologist, advanced
13 practice psychiatric nurse, or qualified examiner, or is
14 determined to have a developmental disability by a
15 physician, clinical psychologist, advanced practice
16 psychiatric nurse, or qualified examiner, whether employed
17 by the State or privately, then the physician, clinical
18 psychologist, advanced practice psychiatric nurse, or
19 qualified examiner shall, within 24 hours of making the
20 determination, notify the Department of Human Services
21 that the person poses a clear and present danger or has a
22 developmental disability; or

23 (2) by a law enforcement official or school
24 administrator, then the law enforcement official or school
25 administrator shall, within 24 hours of making the
26 determination, notify the Illinois State Police that the

1 person poses a clear and present danger.

2 The Department of Human Services shall immediately update
3 its records and information relating to mental health and
4 developmental disabilities, and if appropriate, shall notify
5 the Illinois State Police in a form and manner prescribed by
6 the Illinois State Police. The Illinois State Police shall
7 determine whether to revoke the person's Firearm Owner's
8 Identification Card under Section 8 of this Act. Any
9 information disclosed under this subsection shall remain
10 privileged and confidential, and shall not be redisclosed,
11 except as required under subsection (e) of Section 3.1 of this
12 Act, nor used for any other purpose. The method of providing
13 this information shall guarantee that the information is not
14 released beyond what is necessary for the purpose of this
15 Section and shall be provided by rule by the Department of
16 Human Services. The identity of the person reporting under
17 this Section shall not be disclosed to the subject of the
18 report. The physician, clinical psychologist, advanced
19 practice psychiatric nurse, qualified examiner, law
20 enforcement official, or school administrator making the
21 determination and his or her employer shall not be held
22 criminally, civilly, or professionally liable for making or
23 not making the notification required under this subsection,
24 except for willful or wanton misconduct.

25 (e) The Illinois State Police shall adopt rules to
26 implement this Section.

1 (Source: P.A. 102-538, eff. 8-20-21.)

2 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

3 Sec. 10. Appeals; hearing; relief from firearm
4 prohibitions.

5 (a) Whenever an application for a Firearm Owner's
6 Identification Card is denied or whenever such a Card is
7 revoked or seized as provided for in Section 8 of this Act, the
8 aggrieved party may (1) file a record challenge with the
9 Director regarding the record upon which the decision to deny
10 or revoke the Firearm Owner's Identification Card was based
11 under subsection (a-5); or (2) appeal to the Director of the
12 Illinois State Police through December 31, 2022, or beginning
13 January 1, 2023, the Firearm Owner's Identification Card
14 Review Board for a hearing seeking relief from such denial or
15 revocation unless the denial or revocation was based upon a
16 forcible felony, stalking, aggravated stalking, domestic
17 battery, any violation of the Illinois Controlled Substances
18 Act, the Methamphetamine Control and Community Protection Act,
19 or the Cannabis Control Act that is classified as a Class 2 or
20 greater felony, any felony violation of Article 24 of the
21 Criminal Code of 1961 or the Criminal Code of 2012, or any
22 adjudication as a delinquent minor for the commission of an
23 offense that if committed by an adult would be a felony, in
24 which case the aggrieved party may petition the circuit court
25 in writing in the county of his or her residence for a hearing

1 seeking relief from such denial or revocation.

2 (a-5) There is created a Firearm Owner's Identification
3 Card Review Board to consider any appeal under subsection (a)
4 beginning January 1, 2023, other than an appeal directed to
5 the circuit court and except when the applicant is challenging
6 the record upon which the decision to deny or revoke was based
7 as provided in subsection (a-10).

8 (0.05) In furtherance of the policy of this Act that
9 the Board shall exercise its powers and duties in an
10 independent manner, subject to the provisions of this Act
11 but free from the direction, control, or influence of any
12 other agency or department of State government. All
13 expenses and liabilities incurred by the Board in the
14 performance of its responsibilities hereunder shall be
15 paid from funds which shall be appropriated to the Board
16 by the General Assembly for the ordinary and contingent
17 expenses of the Board.

18 (1) The Board shall consist of 7 members appointed by
19 the Governor, with the advice and consent of the Senate,
20 with 3 members residing within the First Judicial District
21 and one member residing within each of the 4 remaining
22 Judicial Districts. No more than 4 members shall be
23 members of the same political party. The Governor shall
24 designate one member as the chairperson. The members shall
25 have actual experience in law, education, social work,
26 behavioral sciences, law enforcement, or community affairs

1 or in a combination of those areas.

2 (2) The terms of the members initially appointed after
3 January 1, 2022 (the effective date of Public Act 102-237)
4 shall be as follows: one of the initial members shall be
5 appointed for a term of one year, 3 shall be appointed for
6 terms of 2 years, and 3 shall be appointed for terms of 4
7 years. Thereafter, members shall hold office for 4 years,
8 with terms expiring on the second Monday in January
9 immediately following the expiration of their terms and
10 every 4 years thereafter. Members may be reappointed.
11 Vacancies in the office of member shall be filled in the
12 same manner as the original appointment, for the remainder
13 of the unexpired term. The Governor may remove a member
14 for incompetence, neglect of duty, malfeasance, or
15 inability to serve. Members shall receive compensation in
16 an amount equal to the compensation of members of the
17 Executive Ethics Commission and, beginning July 1, 2023,
18 shall be compensated from appropriations provided to the
19 Comptroller for this purpose. Members may be reimbursed,
20 from funds appropriated for such a purpose, for reasonable
21 expenses actually incurred in the performance of their
22 Board duties. The Illinois State Police shall designate an
23 employee to serve as Executive Director of the Board and
24 provide logistical and administrative assistance to the
25 Board.

26 (3) The Board shall meet at least quarterly each year

1 and at the call of the chairperson as often as necessary to
2 consider appeals of decisions made with respect to
3 applications for a Firearm Owner's Identification Card
4 under this Act. If necessary to ensure the participation
5 of a member, the Board shall allow a member to participate
6 in a Board meeting by electronic communication. Any member
7 participating electronically shall be deemed present for
8 purposes of establishing a quorum and voting.

9 (4) The Board shall adopt rules for the review of
10 appeals and the conduct of hearings. The Board shall
11 maintain a record of its decisions and all materials
12 considered in making its decisions. All Board decisions
13 and voting records shall be kept confidential and all
14 materials considered by the Board shall be exempt from
15 inspection except upon order of a court.

16 (5) In considering an appeal, the Board shall review
17 the materials received concerning the denial or revocation
18 by the Illinois State Police. By a vote of at least 4
19 members, the Board may request additional information from
20 the Illinois State Police or the applicant or the
21 testimony of the Illinois State Police or the applicant.
22 The Board may require that the applicant submit electronic
23 fingerprints to the Illinois State Police for an updated
24 background check if the Board determines it lacks
25 sufficient information to determine eligibility. The Board
26 may consider information submitted by the Illinois State

1 Police, a law enforcement agency, or the applicant. The
2 Board shall review each denial or revocation and determine
3 by a majority of members whether an applicant should be
4 granted relief under subsection (c).

5 (6) The Board shall by order issue summary decisions.
6 The Board shall issue a decision within 45 days of
7 receiving all completed appeal documents from the Illinois
8 State Police and the applicant. However, the Board need
9 not issue a decision within 45 days if:

10 (A) the Board requests information from the
11 applicant, including, but not limited to, electronic
12 fingerprints to be submitted to the Illinois State
13 Police, in accordance with paragraph (5) of this
14 subsection, in which case the Board shall make a
15 decision within 30 days of receipt of the required
16 information from the applicant;

17 (B) the applicant agrees, in writing, to allow the
18 Board additional time to consider an appeal; or

19 (C) the Board notifies the applicant and the
20 Illinois State Police that the Board needs an
21 additional 30 days to issue a decision. The Board may
22 only issue 2 extensions under this subparagraph (C).
23 The Board's notification to the applicant and the
24 Illinois State Police shall include an explanation for
25 the extension.

26 (7) If the Board determines that the applicant is

1 eligible for relief under subsection (c), the Board shall
2 notify the applicant and the Illinois State Police that
3 relief has been granted and the Illinois State Police
4 shall issue the Card.

5 (8) Meetings of the Board shall not be subject to the
6 Open Meetings Act and records of the Board shall not be
7 subject to the Freedom of Information Act.

8 (9) The Board shall report monthly to the Governor and
9 the General Assembly on the number of appeals received and
10 provide details of the circumstances in which the Board
11 has determined to deny Firearm Owner's Identification
12 Cards under this subsection (a-5). The report shall not
13 contain any identifying information about the applicants.

14 (a-10) Whenever an applicant or cardholder is not seeking
15 relief from a firearms prohibition under subsection (c) but
16 rather does not believe the applicant is appropriately denied
17 or revoked and is challenging the record upon which the
18 decision to deny or revoke the Firearm Owner's Identification
19 Card was based, or whenever the Illinois State Police fails to
20 act on an application within 30 days of its receipt, the
21 applicant shall file such challenge with the Director. The
22 Director shall render a decision within 60 business days of
23 receipt of all information supporting the challenge. The
24 Illinois State Police shall adopt rules for the review of a
25 record challenge.

26 (b) At least 30 days before any hearing in the circuit

1 court, the petitioner shall serve the relevant State's
2 Attorney with a copy of the petition. The State's Attorney may
3 object to the petition and present evidence. At the hearing,
4 the court shall determine whether substantial justice has been
5 done. Should the court determine that substantial justice has
6 not been done, the court shall issue an order directing the
7 Illinois State Police to issue a Card. However, the court
8 shall not issue the order if the petitioner is otherwise
9 prohibited from obtaining, possessing, or using a firearm
10 under federal law.

11 (c) Any person prohibited from possessing a firearm under
12 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
13 acquiring a Firearm Owner's Identification Card under Section
14 8 of this Act may apply to the Firearm Owner's Identification
15 Card Review Board or petition the circuit court in the county
16 where the petitioner resides, whichever is applicable in
17 accordance with subsection (a) of this Section, requesting
18 relief from such prohibition and the Board or court may grant
19 such relief if it is established by the applicant to the
20 court's or the Board's satisfaction that:

21 (0.05) when in the circuit court, the State's Attorney
22 has been served with a written copy of the petition at
23 least 30 days before any such hearing in the circuit court
24 and at the hearing the State's Attorney was afforded an
25 opportunity to present evidence and object to the
26 petition;

1 (1) the applicant has not been convicted of a forcible
2 felony under the laws of this State or any other
3 jurisdiction within 20 years of the applicant's
4 application for a Firearm Owner's Identification Card, or
5 at least 20 years have passed since the end of any period
6 of imprisonment imposed in relation to that conviction;

7 (2) the circumstances regarding a criminal conviction,
8 where applicable, the applicant's criminal history and his
9 reputation are such that the applicant will not be likely
10 to act in a manner dangerous to public safety;

11 (3) granting relief would not be contrary to the
12 public interest; and

13 (4) granting relief would not be contrary to federal
14 law.

15 (c-5) (1) An active law enforcement officer employed by a
16 unit of government or a Department of Corrections employee
17 authorized to possess firearms who is denied, revoked, or has
18 his or her Firearm Owner's Identification Card seized under
19 subsection (e) of Section 8 of this Act may apply to the
20 Firearm Owner's Identification Card Review Board requesting
21 relief if the officer or employee did not act in a manner
22 threatening to the officer or employee, another person, or the
23 public as determined by the treating clinical psychologist or
24 physician, and as a result of his or her work is referred by
25 the employer for or voluntarily seeks mental health evaluation
26 or treatment by a licensed clinical psychologist,

1 psychiatrist, advanced practice psychiatric nurse, or
2 qualified examiner, and:

3 (A) the officer or employee has not received treatment
4 involuntarily at a mental health facility, regardless of
5 the length of admission; or has not been voluntarily
6 admitted to a mental health facility for more than 30 days
7 and not for more than one incident within the past 5 years;
8 and

9 (B) the officer or employee has not left the mental
10 institution against medical advice.

11 (2) The Firearm Owner's Identification Card Review Board
12 shall grant expedited relief to active law enforcement
13 officers and employees described in paragraph (1) of this
14 subsection (c-5) upon a determination by the Board that the
15 officer's or employee's possession of a firearm does not
16 present a threat to themselves, others, or public safety. The
17 Board shall act on the request for relief within 30 business
18 days of receipt of:

19 (A) a notarized statement from the officer or employee
20 in the form prescribed by the Board detailing the
21 circumstances that led to the hospitalization;

22 (B) all documentation regarding the admission,
23 evaluation, treatment and discharge from the treating
24 licensed clinical psychologist or psychiatrist of the
25 officer;

26 (C) a psychological fitness for duty evaluation of the

1 person completed after the time of discharge; and

2 (D) written confirmation in the form prescribed by the
3 Board from the treating licensed clinical psychologist or
4 psychiatrist that the provisions set forth in paragraph
5 (1) of this subsection (c-5) have been met, the person
6 successfully completed treatment, and their professional
7 opinion regarding the person's ability to possess
8 firearms.

9 (3) Officers and employees eligible for the expedited
10 relief in paragraph (2) of this subsection (c-5) have the
11 burden of proof on eligibility and must provide all
12 information required. The Board may not consider granting
13 expedited relief until the proof and information is received.

14 (4) "Clinical psychologist", "psychiatrist", advanced
15 practice psychiatric nurse, and "qualified examiner" shall
16 have the same meaning as provided in Chapter I of the Mental
17 Health and Developmental Disabilities Code.

18 (c-10) (1) An applicant, who is denied, revoked, or has
19 his or her Firearm Owner's Identification Card seized under
20 subsection (e) of Section 8 of this Act based upon a
21 determination of a developmental disability or an intellectual
22 disability may apply to the Firearm Owner's Identification
23 Card Review Board requesting relief.

24 (2) The Board shall act on the request for relief within 60
25 business days of receipt of written certification, in the form
26 prescribed by the Board, from a physician or clinical

1 psychologist, advanced practice psychiatric nurse, or
2 qualified examiner, that the aggrieved party's developmental
3 disability or intellectual disability condition is determined
4 by a physician, clinical psychologist, or qualified to be
5 mild. If a fact-finding conference is scheduled to obtain
6 additional information concerning the circumstances of the
7 denial or revocation, the 60 business days the Director has to
8 act shall be tolled until the completion of the fact-finding
9 conference.

10 (3) The Board may grant relief if the aggrieved party's
11 developmental disability or intellectual disability is mild as
12 determined by a physician, clinical psychologist, advanced
13 practice psychiatric nurse, or qualified examiner and it is
14 established by the applicant to the Board's satisfaction that:

15 (A) granting relief would not be contrary to the
16 public interest; and

17 (B) granting relief would not be contrary to federal
18 law.

19 (4) The Board may not grant relief if the condition is
20 determined by a physician, clinical psychologist, advanced
21 practice psychiatric nurse, or qualified examiner to be
22 moderate, severe, or profound.

23 (5) The changes made to this Section by Public Act 99-29
24 apply to requests for relief pending on or before July 10, 2015
25 (the effective date of Public Act 99-29), except that the
26 60-day period for the Director to act on requests pending

1 before the effective date shall begin on July 10, 2015 (the
2 effective date of Public Act 99-29). All appeals as provided
3 in subsection (a-5) pending on January 1, 2023 shall be
4 considered by the Board.

5 (d) When a minor is adjudicated delinquent for an offense
6 which if committed by an adult would be a felony, the court
7 shall notify the Illinois State Police.

8 (e) The court shall review the denial of an application or
9 the revocation of a Firearm Owner's Identification Card of a
10 person who has been adjudicated delinquent for an offense that
11 if committed by an adult would be a felony if an application
12 for relief has been filed at least 10 years after the
13 adjudication of delinquency and the court determines that the
14 applicant should be granted relief from disability to obtain a
15 Firearm Owner's Identification Card. If the court grants
16 relief, the court shall notify the Illinois State Police that
17 the disability has been removed and that the applicant is
18 eligible to obtain a Firearm Owner's Identification Card.

19 (f) Any person who is subject to the disabilities of 18
20 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
21 of 1968 because of an adjudication or commitment that occurred
22 under the laws of this State or who was determined to be
23 subject to the provisions of subsections (e), (f), or (g) of
24 Section 8 of this Act may apply to the Illinois State Police
25 requesting relief from that prohibition. The Board shall grant
26 the relief if it is established by a preponderance of the

1 evidence that the person will not be likely to act in a manner
2 dangerous to public safety and that granting relief would not
3 be contrary to the public interest. In making this
4 determination, the Board shall receive evidence concerning (i)
5 the circumstances regarding the firearms disabilities from
6 which relief is sought; (ii) the petitioner's mental health
7 and criminal history records, if any; (iii) the petitioner's
8 reputation, developed at a minimum through character witness
9 statements, testimony, or other character evidence; and (iv)
10 changes in the petitioner's condition or circumstances since
11 the disqualifying events relevant to the relief sought. If
12 relief is granted under this subsection or by order of a court
13 under this Section, the Director shall as soon as practicable
14 but in no case later than 15 business days, update, correct,
15 modify, or remove the person's record in any database that the
16 Illinois State Police makes available to the National Instant
17 Criminal Background Check System and notify the United States
18 Attorney General that the basis for the record being made
19 available no longer applies. The Illinois State Police shall
20 adopt rules for the administration of this Section.

21 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
22 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1115, eff.
23 1-9-23; 102-1129, eff. 2-10-23; 103-605, eff. 7-1-24.)

24 Section 40. The Mental Health and Developmental
25 Disabilities Confidentiality Act is amended by changing

1 Section 5 as follows:

2 (740 ILCS 110/5) (from Ch. 91 1/2, par. 805)

3 Sec. 5. Disclosure; consent.

4 (a) Except as provided in Sections 6 through 12.2 of this
5 Act, records and communications may be disclosed to someone
6 other than those persons listed in Section 4 of this Act only
7 with the written consent of those persons who are entitled to
8 inspect and copy a recipient's record pursuant to Section 4 of
9 this Act.

10 (b) Every consent form shall be in writing and shall
11 specify the following:

12 (1) the person or agency to whom disclosure is to be
13 made;

14 (2) the purpose for which disclosure is to be made;

15 (3) the nature of the information to be disclosed;

16 (4) the right to inspect and copy the information to
17 be disclosed;

18 (5) the consequences of a refusal to consent, if any; and

19 (6) the calendar date on which the consent expires,
20 provided that if no calendar date is stated, information
21 may be released only on the day the consent form is
22 received by the therapist; and

23 (7) the right to revoke the consent at any time.

24 The consent form shall be signed by the person entitled to
25 give consent ~~and the signature shall be witnessed by a person~~

1 ~~who can attest to the identity of the person so entitled.~~ A
2 copy of the consent and a notation as to any action taken
3 thereon shall be entered in the recipient's record. Any
4 revocation of consent shall be in writing, signed by the
5 person who gave the consent ~~and the signature shall be~~
6 ~~witnessed by a person who can attest to the identity of the~~
7 ~~person so entitled.~~ No written revocation of consent shall be
8 effective to prevent disclosure of records and communications
9 until it is received by the person otherwise authorized to
10 disclose records and communications.

11 (c) Only information relevant to the purpose for which
12 disclosure is sought may be disclosed. Blanket consent to the
13 disclosure of unspecified information shall not be valid.
14 Advance consent may be valid only if the nature of the
15 information to be disclosed is specified in detail and the
16 duration of the consent is indicated. Consent may be revoked
17 in writing at any time; any such revocation shall have no
18 effect on disclosures made prior thereto.

19 (d) No person or agency to whom any information is
20 disclosed under this Section may redisclose such information
21 unless the person who consented to the disclosure specifically
22 consents to such redisclosure.

23 (e) Except as otherwise provided in this Act, records and
24 communications shall remain confidential after the death of a
25 recipient and shall not be disclosed unless the recipient's
26 representative, as defined in the Probate Act of 1975 and the

1 therapist consent to such disclosure or unless disclosure is
2 authorized by court order after in camera examination and upon
3 good cause shown.

4 (f) Paragraphs (a) through (e) of this Section shall not
5 apply to and shall not be construed to limit insurance
6 companies writing Life, Accident or Health insurance as
7 defined in Section 4 of the Illinois Insurance Code in
8 obtaining general consents for the release to them or their
9 designated representatives of any and all confidential
10 communications and records kept by agencies, hospitals,
11 therapists or record custodians, and utilizing such
12 information in connection with the underwriting of
13 applications for coverage for such policies or contracts, or
14 in connection with evaluating claims or liability under such
15 policies or contracts, or coordinating benefits pursuant to
16 policy or contract provisions.

17 (Source: P.A. 90-655, eff. 7-30-98)

18 (20 ILCS 1305/10-8 rep.)

19 Section 45. The Department of Human Services Act is
20 amended by repealing Section 10-8.

21 (30 ILCS 105/5.653 rep.)

22 Section 50. The State Finance Act is amended by repealing
23 Section 5.653.

1 (35 ILCS 5/507JJ rep.)

2 Section 55. The Illinois Income Tax Act is amended by
3 repealing Section 507JJ.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.

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3	20 ILCS 1305/1-17	
4	20 ILCS 2405/11	from Ch. 23, par. 3442
5	20 ILCS 2405/11a new	
6	20 ILCS 2405/17	from Ch. 23, par. 3448
7	105 ILCS 5/14-8.02	from Ch. 122, par. 14-8.02
8	210 ILCS 135/2	from Ch. 91 1/2, par. 1702
9	210 ILCS 135/3	from Ch. 91 1/2, par. 1703
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11	210 ILCS 135/6	from Ch. 91 1/2, par. 1706
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17	405 ILCS 5/1-122	from Ch. 91 1/2, par. 1-122
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19	405 ILCS 5/6-103.2	
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- 1 20 ILCS 1305/10-8 rep.
- 2 30 ILCS 105/5.653 rep.
- 3 35 ILCS 5/507JJ rep.