

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 Sections 1-17 and 10-8 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 upon  
22 written request. Unredacted investigative reports, as well as  
23 raw data, may be shared with the Department of Financial and  
24 Professional Regulation when there is a substantiated finding  
25 against a person licensed by the Department of Financial and  
26 Professional Regulation who is within the Office of the

1 Inspector General's jurisdiction, upon written request. If,  
2 during its investigation, the Office of the Inspector General  
3 found credible evidence of neglect by a person licensed by the  
4 Department of Financial and Professional Regulation who is not  
5 within the Office's jurisdiction, the Office may provide an  
6 unfounded or unsubstantiated investigative report or death  
7 report, as well as raw data, with the Department of Financial  
8 and Professional Regulation, upon written request.

9 (n) Written responses, clarification requests, and  
10 reconsideration requests.

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

24 (2) Requests for clarification. The facility, agency,  
25 victim or guardian, or the subject employee may request  
26 that the Office of Inspector General clarify the finding

1 or findings for which clarification is sought.

2 (3) Requests for reconsideration. The facility,  
3 agency, victim or guardian, or the subject employee may  
4 request that the Office of the Inspector General  
5 reconsider the finding or findings or the recommendations.  
6 A request for reconsideration shall be subject to a  
7 multi-layer review and shall include at least one reviewer  
8 who did not participate in the investigation or approval  
9 of the original investigative report. After the  
10 multi-layer review process has been completed, the  
11 Inspector General shall make the final determination on  
12 the reconsideration request. The investigation shall be  
13 reopened if the reconsideration determination finds that  
14 additional information is needed to complete the  
15 investigative record.

16 (o) Disclosure of the finding by the Inspector General.  
17 The Inspector General shall disclose the finding of an  
18 investigation to the following persons: (i) the Governor, (ii)  
19 the Secretary, (iii) the director of the facility or agency,  
20 (iv) the alleged victims and their guardians, (v) the  
21 complainant, and (vi) the accused. This information shall  
22 include whether the allegations were deemed substantiated,  
23 unsubstantiated, or unfounded.

24 (p) Secretary review. Upon review of the Inspector  
25 General's investigative report and any agency's or facility's  
26 written response, the Secretary, or the Secretary's designee,

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

9 (q) Action by facility or agency. Within 30 days of the  
10 date the Secretary, or the Secretary's designee, approves the  
11 written response or directs that further administrative action  
12 be taken, the facility or agency shall provide an  
13 implementation report to the Inspector General that provides  
14 the status of the action taken. The facility or agency shall be  
15 allowed an additional 30 days to send notice of completion of  
16 the action or to send an updated implementation report. If the  
17 action has not been completed within the additional 30-day  
18 period, the facility or agency shall send updated  
19 implementation reports every 60 days until completion. The  
20 Inspector General shall conduct a review of any implementation  
21 plan that takes more than 120 days after approval to complete,  
22 and shall monitor compliance through a random review of  
23 approved written responses, which may include, but are not  
24 limited to: (i) site visits, (ii) telephone contact, and (iii)  
25 requests for additional documentation evidencing compliance.

26 (r) Sanctions. Sanctions, if imposed by the Secretary

1 under Subdivision (p)(iv) of this Section, shall be designed  
2 to prevent further acts of mental abuse, physical abuse,  
3 sexual abuse, neglect, egregious neglect, or financial  
4 exploitation or some combination of one or more of those acts  
5 at a facility or agency, and may include any one or more of the  
6 following:

7 (1) Appointment of on-site monitors.

8 (2) Transfer or relocation of an individual or  
9 individuals.

10 (3) Closure of units.

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

12 (i) Department licensing, (ii) funding, or (iii)  
13 certification.

14 The Inspector General may seek the assistance of the  
15 Illinois Attorney General or the office of any State's  
16 Attorney in implementing sanctions.

17 (s) Health Care Worker Registry.

18 (1) Reporting to the Registry. The Inspector General  
19 shall report to the Department of Public Health's Health  
20 Care Worker Registry, a public registry, the identity and  
21 finding of each employee of a facility or agency against  
22 whom there is a final investigative report prepared by the  
23 Office of the Inspector General containing a substantiated  
24 allegation of physical or sexual abuse, financial  
25 exploitation, egregious neglect of an individual, or  
26 material obstruction of an investigation, unless the

1 Inspector General requests a stipulated disposition of the  
2 investigative report that does not include the reporting  
3 of the employee's name to the Health Care Worker Registry  
4 and the Secretary of Human Services agrees with the  
5 requested stipulated disposition.

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

25 (3) Registry hearings. If the employee requests an  
26 administrative hearing, the employee shall be granted an

1 opportunity to appear before an administrative law judge  
2 to present reasons why the employee's name should not be  
3 reported to the Registry. The Department shall bear the  
4 burden of presenting evidence that establishes, by a  
5 preponderance of the evidence, that the substantiated  
6 finding warrants reporting to the Registry. After  
7 considering all the evidence presented, the administrative  
8 law judge shall make a recommendation to the Secretary as  
9 to whether the substantiated finding warrants reporting  
10 the name of the employee to the Registry. The Secretary  
11 shall render the final decision. The Department and the  
12 employee shall have the right to request that the  
13 administrative law judge consider a stipulated disposition  
14 of these proceedings.

15 (4) Testimony at Registry hearings. A person who makes  
16 a report or who investigates a report under this Act shall  
17 testify fully in any judicial proceeding resulting from  
18 such a report, as to any evidence of physical abuse,  
19 sexual abuse, egregious neglect, financial exploitation,  
20 or material obstruction of an investigation, or the cause  
21 thereof. No evidence shall be excluded by reason of any  
22 common law or statutory privilege relating to  
23 communications between the alleged perpetrator of abuse or  
24 neglect, or the individual alleged as the victim in the  
25 report, and the person making or investigating the report.  
26 Testimony at hearings is exempt from the confidentiality

1 requirements of subsection (f) of Section 10 of the Mental  
2 Health and Developmental Disabilities Confidentiality Act.

3 (5) Employee's rights to collateral action. No  
4 reporting to the Registry shall occur and no hearing shall  
5 be set or proceed if an employee notifies the Inspector  
6 General in writing, including any supporting  
7 documentation, that he or she is formally contesting an  
8 adverse employment action resulting from a substantiated  
9 finding by complaint filed with the Illinois Civil Service  
10 Commission, or which otherwise seeks to enforce the  
11 employee's rights pursuant to any applicable collective  
12 bargaining agreement. If an action taken by an employer  
13 against an employee as a result of a finding of physical  
14 abuse, sexual abuse, egregious neglect, financial  
15 exploitation, or material obstruction of an investigation  
16 is overturned through an action filed with the Illinois  
17 Civil Service Commission or under any applicable  
18 collective bargaining agreement and if that employee's  
19 name has already been sent to the Registry, the employee's  
20 name shall be removed from the Registry.

21 (6) Removal from Registry. At any time after the  
22 report to the Registry, but no more than once in any  
23 12-month period, an employee may petition the Department  
24 in writing to remove his or her name from the Registry.  
25 Upon receiving notice of such request, the Inspector  
26 General shall conduct an investigation into the petition.

1           Upon receipt of such request, an administrative hearing  
2           will be set by the Department. At the hearing, the  
3           employee shall bear the burden of presenting evidence that  
4           establishes, by a preponderance of the evidence, that  
5           removal of the name from the Registry is in the public  
6           interest. The parties may jointly request that the  
7           administrative law judge consider a stipulated disposition  
8           of these proceedings.

9           (t) Review of Administrative Decisions. The Department  
10          shall preserve a record of all proceedings at any formal  
11          hearing conducted by the Department involving Health Care  
12          Worker Registry hearings. Final administrative decisions of  
13          the Department are subject to judicial review pursuant to  
14          provisions of the Administrative Review Law.

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

1 Members appointed by the Governor shall be qualified by  
2 professional knowledge or experience in the area of law,  
3 investigatory techniques, or in the area of care of the  
4 mentally ill or care of persons with developmental  
5 disabilities. Two members appointed by the Governor shall be  
6 persons with a disability or parents of persons with a  
7 disability. Members shall serve without compensation, but  
8 shall be reimbursed for expenses incurred in connection with  
9 the performance of their duties as members.

10 The Board shall meet quarterly, and may hold other  
11 meetings on the call of the chairman. Four members shall  
12 constitute a quorum allowing the Board to conduct its  
13 business. The Board may adopt rules and regulations it deems  
14 necessary to govern its own procedures.

15 The Board shall monitor and oversee the operations,  
16 policies, and procedures of the Inspector General to ensure  
17 the prompt and thorough investigation of allegations of  
18 neglect and abuse. In fulfilling these responsibilities, the  
19 Board may do the following:

20 (1) Provide independent, expert consultation to the  
21 Inspector General on policies and protocols for  
22 investigations of alleged abuse, neglect, or both abuse  
23 and neglect.

24 (2) Review existing regulations relating to the  
25 operation of facilities.

26 (3) Advise the Inspector General as to the content of

1 training activities authorized under this Section.

2 (4) Recommend policies concerning methods for  
3 improving the intergovernmental relationships between the  
4 Office of the Inspector General and other State or federal  
5 offices.

6 (v) Annual report. The Inspector General shall provide to  
7 the General Assembly and the Governor, no later than January 1  
8 of each year, a summary of reports and investigations made  
9 under this Act for the prior fiscal year with respect to  
10 individuals receiving mental health or developmental  
11 disabilities services. The report shall detail the imposition  
12 of sanctions, if any, and the final disposition of any  
13 corrective or administrative action directed by the Secretary.  
14 The summaries shall not contain any confidential or  
15 identifying information of any individual, but shall include  
16 objective data identifying any trends in the number of  
17 reported allegations, the timeliness of the Office of the  
18 Inspector General's investigations, and their disposition, for  
19 each facility and Department-wide, for the most recent 3-year  
20 time period. The report shall also identify, by facility, the  
21 staff-to-patient ratios taking account of direct care staff  
22 only. The report shall also include detailed recommended  
23 administrative actions and matters for consideration by the  
24 General Assembly.

25 (w) Program audit. The Auditor General shall conduct a  
26 program audit of the Office of the Inspector General on an

1 as-needed basis, as determined by the Auditor General. The  
2 audit shall specifically include the Inspector General's  
3 compliance with the Act and effectiveness in investigating  
4 reports of allegations occurring in any facility or agency.  
5 The Auditor General shall conduct the program audit according  
6 to the provisions of the Illinois State Auditing Act and shall  
7 report its findings to the General Assembly no later than  
8 January 1 following the audit period.

9 (x) Nothing in this Section shall be construed to mean  
10 that an individual is a victim of abuse or neglect because of  
11 health care services appropriately provided or not provided by  
12 health care professionals.

13 (y) Nothing in this Section shall require a facility,  
14 including its employees, agents, medical staff members, and  
15 health care professionals, to provide a service to an  
16 individual in contravention of that individual's stated or  
17 implied objection to the provision of that service on the  
18 ground that that service conflicts with the individual's  
19 religious beliefs or practices, nor shall the failure to  
20 provide a service to an individual be considered abuse under  
21 this Section if the individual has objected to the provision  
22 of that service based on his or her religious beliefs or  
23 practices.

24 (Source: P.A. 102-538, eff. 8-20-21; 102-883, eff. 5-13-22;  
25 102-1071, eff. 6-10-22; 103-76, eff. 6-9-23; 103-154, eff.  
26 6-30-23; 103-752, eff. 1-1-25.)

1 (20 ILCS 1305/10-8)

2 Sec. 10-8. The Autism Research Checkoff Fund; grants;  
3 scientific review committee. The Autism Research Checkoff Fund  
4 is created as a special fund in the State treasury. From  
5 appropriations to the Department from the Fund, the Department  
6 must make grants to public or private entities in Illinois for  
7 the purpose of funding research concerning the disorder of  
8 autism. For purposes of this Section, the term "research"  
9 includes, without limitation, expenditures to develop and  
10 advance the understanding, techniques, and modalities  
11 effective in the detection, prevention, screening, and  
12 treatment of autism and may include clinical trials. No more  
13 than 20% of the grant funds may be used for institutional  
14 overhead costs, indirect costs, other organizational levies,  
15 or costs of community-based support services.

16 Moneys received for the purposes of this Section,  
17 including, without limitation, income tax checkoff receipts  
18 and gifts, grants, and awards from any public or private  
19 entity, must be deposited into the Fund. Any interest earned  
20 on moneys in the Fund must be deposited into the Fund.

21 Each year, grantees of the grants provided under this  
22 Section must submit a written report to the Department that  
23 sets forth the types of research that is conducted with the  
24 grant moneys and the status of that research.

25 The Department shall promulgate rules for the creation of

1 a scientific review committee to review and assess  
2 applications for the grants authorized under this Section. The  
3 Committee shall serve without compensation.

4 Notwithstanding any other provision of law, on July 1,  
5 2025, or as soon thereafter as practical, the State  
6 Comptroller shall direct and the State Treasurer shall  
7 transfer the remaining balance from the Autism Research  
8 Checkoff Fund into the Autism Awareness Fund. Upon completion  
9 of the transfers, the Autism Research Checkoff Fund is  
10 dissolved, and any future deposits due to that Fund and any  
11 outstanding obligations or liabilities of that Fund shall pass  
12 to the Autism Awareness Fund. This Section is repealed on  
13 January 1, 2026.

14 (Source: P.A. 98-463, eff. 8-16-13.)

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

18 (20 ILCS 2405/11) (from Ch. 23, par. 3442)

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

1 related training to such young adults.

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

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

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

21 (20 ILCS 2405/11a new)

22 Sec. 11a. Illinois Center for Rehabilitation and  
23 Education-Wood. The Department shall operate and maintain the  
24 Illinois Center for Rehabilitation and Education-Wood for the  
25 education of individuals who are blind, visually impaired, or

1 DeafBlind and are seeking competitive integrated employment.

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

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

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

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

18 Sec. 17. Child Abuse and Neglect Reports.

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

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

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

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

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

17 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

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

20 (a) The State Board of Education shall make rules under  
21 which local school boards shall determine the eligibility of  
22 children to receive special education. Such rules shall ensure  
23 that a free appropriate public education be available to all  
24 children with disabilities as defined in Section 14-1.02. The

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

24 (b) No child shall be eligible for special education  
25 facilities except with a carefully completed case study fully  
26 reviewed by professional personnel in a multidisciplinary

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

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

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

1 September 1, 1993, the State Board of Education shall  
2 establish standards for the development, implementation and  
3 monitoring of appropriate bilingual special individualized  
4 educational programs. The State Board of Education shall  
5 further incorporate appropriate monitoring procedures to  
6 verify implementation of these standards. The district shall  
7 indicate to the parent, the State Board of Education, and, if  
8 applicable, the Department's Office of Education and  
9 Transition Services the nature of the services the child will  
10 receive for the regular school term while awaiting placement  
11 in the appropriate special education class. At the child's  
12 initial IEP meeting and at each annual review meeting, the  
13 child's IEP team shall provide the child's parent or guardian  
14 and, if applicable, the Department's Office of Education and  
15 Transition Services with a written notification that informs  
16 the parent or guardian or the Department's Office of Education  
17 and Transition Services that the IEP team is required to  
18 consider whether the child requires assistive technology in  
19 order to receive free, appropriate public education. The  
20 notification must also include a toll-free telephone number  
21 and internet address for the State's assistive technology  
22 program.

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

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

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

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

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

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

25 (4) The needs resulting from resistance to  
26 environmental change or change in daily routines.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 Section 15. The Community-Integrated Living Arrangements  
25 Licensure and Certification Act is amended by changing

1 Sections 2, 3, 4, 6, 8, and 10, as follows:

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

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

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

19 (210 ILCS 135/3) (from Ch. 91 1/2, par. 1703)

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

22 (a) "Applicant" means a person, group of persons,  
23 association, partnership or corporation that applies for a  
24 license as a community ~~mental health or~~ developmental services

1 agency under this Act.

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

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

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

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

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

25 (3) "Crisis residential care", a non-medical living  
26 arrangement where recipients in need of non-medical,

1 crisis services are supervised by on-site staff 24 hours a  
2 day;

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

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

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

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

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

23 (f) "Unrelated" means that persons residing together in  
24 programs or placements certified by a community ~~mental health~~  
25 ~~or~~ developmental services agency under this Act do not have  
26 any of the following relationships by blood, marriage or

1 adoption: parent, son, daughter, brother, sister, grandparent,  
2 uncle, aunt, nephew, niece, great grandparent, great uncle,  
3 great aunt, stepbrother, stepsister, stepson, stepdaughter,  
4 stepparent or first cousin.

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

6 (210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

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

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

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

23 (2) ensuring that recipients' rights are protected and  
24 that all programs provided to and placements arranged for  
25 recipients comply with this Act, the Mental Health and

1           Developmental Disabilities Code, and applicable Department  
2           rules and regulations;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 process by which the determination to initiate a review shall  
2 be made and the timeframe to initiate a review upon the making  
3 of such determination.

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

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

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

15 (210 ILCS 135/6) (from Ch. 91 1/2, par. 1706)

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

1 permit, shall include but not be limited to:

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

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

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

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

8 (5) Failure to submit or implement a plan of  
9 correction within the specified time period; or

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

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

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

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

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

22           (210 ILCS 135/8) (from Ch. 91 1/2, par. 1708)

23           Sec. 8. (a) Any community ~~mental health or~~ developmental  
24 services agency that continues to operate after its license is  
25 revoked under this Act, or after its license expires and the

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

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

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

25 (210 ILCS 135/10) (from Ch. 91 1/2, par. 1710)

1           Sec. 10. Community integration.

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

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

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

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

15           (225 ILCS 46/15)

16           Sec. 15. Definitions. In this Act:

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

21           "Conditional offer of employment" means a bona fide offer  
22 of employment by a health care employer to an applicant, which  
23 is contingent upon the receipt of a report from the Department  
24 of Public Health indicating that the applicant does not have a

1 record of conviction of any of the criminal offenses  
2 enumerated in Section 25.

3 "Department" means the Department of Public Health.

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

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

14 "Director" means the Director of Public Health.

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

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

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

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

26 "Health care employer" means:

- 1 (1) the owner or licensee of any of the following:
- 2 (i) a community living facility, as defined in the  
3 Community Living Facilities Licensing Act;
- 4 (ii) a life care facility, as defined in the Life  
5 Care Facilities Act;
- 6 (iii) a long-term care facility;
- 7 (iv) a home health agency, home services agency,  
8 or home nursing agency as defined in the Home Health,  
9 Home Services, and Home Nursing Agency Licensing Act;
- 10 (v) a hospice care program or volunteer hospice  
11 program, as defined in the Hospice Program Licensing  
12 Act;
- 13 (vi) a hospital, as defined in the Hospital  
14 Licensing Act;
- 15 (vii) (blank);
- 16 (viii) a nurse agency, as defined in the Nurse  
17 Agency Licensing Act;
- 18 (ix) a respite care provider, as defined in the  
19 Respite Program Act;
- 20 (ix-a) an establishment licensed under the  
21 Assisted Living and Shared Housing Act;
- 22 (x) a supportive living program, as defined in the  
23 Illinois Public Aid Code;
- 24 (xi) early childhood intervention programs as  
25 described in 59 Ill. Adm. Code 121;
- 26 (xii) the University of Illinois Hospital,

1 Chicago;

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

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

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

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

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

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

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

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

25 (6) a financial management services entity contracted  
26 with the Department of Human Services, Division of

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

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

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

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

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

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

1 living establishment, or a shared housing establishment or  
2 registered as a board and care home.

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

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

9 Section 23. The Department of Early Childhood Act is  
10 amended by changing Section 10-65 as follows:

11 (325 ILCS 3/10-65)

12 Sec. 10-65. Individualized Family Service Plans.

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

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

21 (2) a written Individualized Family Service Plan  
22 developed by a multidisciplinary team which includes the  
23 parent or guardian. The individualized family service plan  
24 shall be based on the multidisciplinary team's assessment

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

20 (b) The Individualized Family Service Plan shall be  
21 evaluated once a year and the family shall be provided a review  
22 of the Plan at 6-month intervals or more often where  
23 appropriate based on infant or toddler and family needs. The  
24 lead agency shall create a quality review process regarding  
25 Individualized Family Service Plan development and changes  
26 thereto, to monitor and help ensure that resources are being

1 used to provide appropriate early intervention services.

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

24 (d) Parents must be informed that early intervention  
25 services shall be provided to each eligible infant and  
26 toddler, to the maximum extent appropriate, in the natural

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

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

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

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

22 (3) That the family may request, with appropriate  
23 documentation supporting the request, a determination of  
24 an exemption from private insurance use under Section  
25 10-100.

26 (4) That responsibility for co-payments or

1 co-insurance under a family's private insurance plan or  
2 policy will be transferred to the lead agency's central  
3 billing office.

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

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

18 (1) The name, address, and telephone number of the  
19 insurance carrier.

20 (2) The contract number and policy number of the  
21 insurance plan.

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

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

25 (g) A copy of the individualized family service plan must  
26 be provided to each enrolled provider who is providing early

1 intervention services to the child who is the subject of that  
2 plan.

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

25 (Source: P.A. 103-594, eff. 6-25-24.)

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

3 (325 ILCS 20/11) (from Ch. 23, par. 4161)

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

5 Sec. 11. Individualized Family Service Plans.

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

8 (1) timely, comprehensive, multidisciplinary  
9 assessment of the unique strengths and needs of each  
10 eligible infant and toddler, and assessment of the  
11 concerns and priorities of the families to appropriately  
12 assist them in meeting their needs and identify supports  
13 and services to meet those needs; and

14 (2) a written Individualized Family Service Plan  
15 developed by a multidisciplinary team which includes the  
16 parent or guardian. The individualized family service plan  
17 shall be based on the multidisciplinary team's assessment  
18 of the resources, priorities, and concerns of the family  
19 and its identification of the supports and services  
20 necessary to enhance the family's capacity to meet the  
21 developmental needs of the infant or toddler, and shall  
22 include the identification of services appropriate to meet  
23 those needs, including the frequency, intensity, and  
24 method of delivering services. During and as part of the  
25 initial development of the individualized family services

1 plan, and any periodic reviews of the plan, the  
2 multidisciplinary team may seek consultation from the lead  
3 agency's designated experts, if any, to help determine  
4 appropriate services and the frequency and intensity of  
5 those services. All services in the individualized family  
6 services plan must be justified by the multidisciplinary  
7 assessment of the unique strengths and needs of the infant  
8 or toddler and must be appropriate to meet those needs. At  
9 the periodic reviews, the team shall determine whether  
10 modification or revision of the outcomes or services is  
11 necessary.

12 (b) The Individualized Family Service Plan shall be  
13 evaluated once a year and the family shall be provided a review  
14 of the Plan at 6-month intervals or more often where  
15 appropriate based on infant or toddler and family needs. The  
16 lead agency shall create a quality review process regarding  
17 Individualized Family Service Plan development and changes  
18 thereto, to monitor and help ensure that resources are being  
19 used to provide appropriate early intervention services.

20 (c) The initial evaluation and initial assessment and  
21 initial Plan meeting must be held within 45 days after the  
22 initial contact with the early intervention services system.  
23 The 45-day timeline does not apply for any period when the  
24 child or parent is unavailable to complete the initial  
25 evaluation, the initial assessments of the child and family,  
26 or the initial Plan meeting, due to exceptional family

1 circumstances that are documented in the child's early  
2 intervention records, or when the parent has not provided  
3 consent for the initial evaluation or the initial assessment  
4 of the child despite documented, repeated attempts to obtain  
5 parental consent. As soon as exceptional family circumstances  
6 no longer exist or parental consent has been obtained, the  
7 initial evaluation, the initial assessment, and the initial  
8 Plan meeting must be completed as soon as possible. With  
9 parental consent, early intervention services may commence  
10 before the completion of the comprehensive assessment and  
11 development of the Plan. All early intervention services shall  
12 be initiated as soon as possible but not later than 30 calendar  
13 days after the consent of the parent or guardian has been  
14 obtained for the individualized family service plan, in  
15 accordance with rules adopted by the Department of Human  
16 Services.

17 (d) Parents must be informed that early intervention  
18 services shall be provided to each eligible infant and  
19 toddler, to the maximum extent appropriate, in the natural  
20 environment, which may include the home or other community  
21 settings. Parents must also be informed of the availability of  
22 early intervention services provided through telehealth  
23 services. Parents shall make the final decision to accept or  
24 decline early intervention services, including whether  
25 accepted services are delivered in person or via telehealth  
26 services. A decision to decline such services shall not be a

1 basis for administrative determination of parental fitness, or  
2 other findings or sanctions against the parents. Parameters of  
3 the Plan shall be set forth in rules.

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

6 (1) That the early intervention program will pay for  
7 all early intervention services set forth in the  
8 individualized family service plan that are not covered or  
9 paid under the family's public or private insurance plan  
10 or policy and not eligible for payment through any other  
11 third party payor.

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

15 (3) That the family may request, with appropriate  
16 documentation supporting the request, a determination of  
17 an exemption from private insurance use under Section  
18 13.25.

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

23 (5) That families will be responsible for payments of  
24 family fees, which will be based on a sliding scale  
25 according to the State's definition of ability to pay  
26 which is comparing household size and income to the

1 sliding scale and considering out-of-pocket medical or  
2 disaster expenses, and that these fees are payable to the  
3 central billing office. Families who fail to provide  
4 income information shall be charged the maximum amount on  
5 the sliding scale.

6 (f) The individualized family service plan must state  
7 whether the family has private insurance coverage and, if the  
8 family has such coverage, must have attached to it a copy of  
9 the family's insurance identification card or otherwise  
10 include all of the following information:

11 (1) The name, address, and telephone number of the  
12 insurance carrier.

13 (2) The contract number and policy number of the  
14 insurance plan.

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

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

18 (g) A copy of the individualized family service plan must  
19 be provided to each enrolled provider who is providing early  
20 intervention services to the child who is the subject of that  
21 plan.

22 (h) Children receiving services under this Act shall  
23 receive a smooth and effective transition by their third  
24 birthday consistent with federal regulations adopted pursuant  
25 to Sections 1431 through 1444 of Title 20 of the United States  
26 Code. On and after the effective date of this amendatory Act of

1 the 104th General Assembly Beginning January 1, 2022, children  
2 who receive early intervention services prior to their third  
3 birthday, who have been found eligible for early childhood  
4 special education services under the Individuals with  
5 Disabilities Education Act, 20 U.S.C. 1414(d)(1)(A), and this  
6 Section, who have an individualized education program  
7 developed and are found eligible for an individualized  
8 education program under the Individuals with Disabilities  
9 Education Act, ~~20 U.S.C. 1414(d)(1)(A)~~, and under Section  
10 14-8.02 of the School Code, and whose birthday falls between  
11 May 1 and August 31 may continue to receive early intervention  
12 services until the beginning of the school year following  
13 their third birthday in order to minimize gaps in services,  
14 ensure better continuity of care, and align practices for the  
15 enrollment of preschool children with special needs to the  
16 enrollment practices of typically developing preschool  
17 children.

18 (Source: P.A. 101-654, eff. 3-8-21; 102-104, eff. 7-22-21;  
19 102-209, eff. 11-30-21 (See Section 5 of P.A. 102-671 for  
20 effective date of P.A. 102-209); 102-813, eff. 5-13-22;  
21 102-962, eff. 7-1-22.)

22 Section 30. The Mental Health and Developmental  
23 Disabilities Code is amended by changing Sections 1-122,  
24 6-103, 6-103.2, and 6-103.3 and by adding Section 1-120.1 as  
25 follows:

1 (405 ILCS 5/1-120.1 new)

2 Sec. 1-120.1. Physician assistant. "Physician assistant"  
3 means a person who is licensed as a physician assistant under  
4 the Physician Assistant Practice Act of 1987 and is authorized  
5 to practice under a collaborating physician.

6 (405 ILCS 5/1-122) (from Ch. 91 1/2, par. 1-122)

7 Sec. 1-122. Qualified examiner. "Qualified examiner" means  
8 a person who is:

9 (a) a Clinical social worker as defined in this Act  
10 and who is also a licensed clinical social worker licensed  
11 under the Clinical Social Work and Social Work Practice  
12 Act,

13 (b) a registered nurse with a master's degree in  
14 psychiatric nursing who has 3 years of clinical training  
15 and experience in the evaluation and treatment of mental  
16 illness which has been acquired subsequent to any training  
17 and experience which constituted a part of the degree  
18 program,

19 (c) a licensed clinical professional counselor with a  
20 master's or doctoral degree in counseling or psychology or  
21 a similar master's or doctorate program from a regionally  
22 accredited institution who has at least 3 years of  
23 supervised post-master's clinical professional counseling  
24 experience that includes the provision of mental health

1 services for the evaluation, treatment, and prevention of  
2 mental and emotional disorders, ~~or~~

3 (d) a licensed marriage and family therapist with a  
4 master's or doctoral degree in marriage and family therapy  
5 from a regionally accredited educational institution or a  
6 similar master's program or from a program accredited by  
7 either the Commission on Accreditation for Marriage and  
8 Family Therapy or the Commission on Accreditation for  
9 Counseling Related Educational Programs, who has at least  
10 3 years of supervised post-master's experience as a  
11 marriage and family therapist that includes the provision  
12 of mental health services for the evaluation, treatment,  
13 and prevention of mental and emotional disorders, or -

14 (e) a physician assistant who has 3 years of clinical  
15 training and experience in the evaluation and treatment of  
16 mental illness which has been acquired subsequent to any  
17 training and experience which constituted a part of the  
18 degree program.

19 ~~A social worker who is a qualified examiner shall be a~~  
20 ~~licensed clinical social worker under the Clinical Social Work~~  
21 ~~and Social Work Practice Act.~~

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

23 (405 ILCS 5/6-103) (from Ch. 91 1/2, par. 6-103)

24 Sec. 6-103. (a) All persons acting in good faith and  
25 without negligence in connection with the preparation of

1 applications, petitions, certificates or other documents, for  
2 the apprehension, transportation, examination, treatment,  
3 habilitation, detention or discharge of an individual under  
4 the provisions of this Act incur no liability, civil or  
5 criminal, by reason of such acts.

6 (b) There shall be no liability on the part of, and no  
7 cause of action shall arise against, any person who is a  
8 physician, clinical psychologist, advanced practice  
9 psychiatric nurse, or qualified examiner based upon that  
10 person's failure to warn of and protect from a recipient's  
11 threatened or actual violent behavior except where the  
12 recipient has communicated to the person a serious threat of  
13 physical violence against a reasonably identifiable victim or  
14 victims. Nothing in this Section shall relieve any employee or  
15 director of any residential mental health or developmental  
16 disabilities facility from any duty he may have to protect the  
17 residents of such a facility from any other resident.

18 (c) Any duty which any person may owe to anyone other than  
19 a resident of a mental health and developmental disabilities  
20 facility shall be discharged by that person making a  
21 reasonable effort to communicate the threat to the victim and  
22 to a law enforcement agency, or by a reasonable effort to  
23 obtain the hospitalization of the recipient.

24 (d) An act of omission or commission by a peace officer  
25 acting in good faith in rendering emergency assistance or  
26 otherwise enforcing this Code does not impose civil liability

1 on the peace officer or his or her supervisor or employer  
2 unless the act is a result of willful or wanton misconduct.

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

4 (405 ILCS 5/6-103.2)

5 Sec. 6-103.2. Developmental disability; notice. If a  
6 person 14 years old or older is determined to be a person with  
7 a developmental disability by a physician, clinical  
8 psychologist, advanced practice psychiatric nurse, or  
9 qualified examiner, the physician, clinical psychologist,  
10 advanced practice psychiatric nurse, or qualified examiner  
11 shall notify the Department of Human Services within 7 days of  
12 making the determination that the person has a developmental  
13 disability. The Department of Human Services shall immediately  
14 update its records and information relating to mental health  
15 and developmental disabilities, and if appropriate, shall  
16 notify the Illinois State Police in a form and manner  
17 prescribed by the Illinois State Police. Information disclosed  
18 under this Section shall remain privileged and confidential,  
19 and shall not be redisclosed, except as required under  
20 subsection (e) of Section 3.1 of the Firearm Owners  
21 Identification Card Act, nor used for any other purpose. The  
22 method of providing this information shall guarantee that the  
23 information is not released beyond that which is necessary for  
24 the purpose of this Section and shall be provided by rule by  
25 the Department of Human Services. The identity of the person

1 reporting under this Section shall not be disclosed to the  
2 subject of the report.

3 The physician, clinical psychologist, advanced practice  
4 psychiatric nurse, or qualified examiner making the  
5 determination and his or her employer may not be held  
6 criminally, civilly, or professionally liable for making or  
7 not making the notification required under this Section,  
8 except for willful or wanton misconduct.

9 For purposes of this Section, "developmental disability"  
10 means a disability which is attributable to any other  
11 condition which results in impairment similar to that caused  
12 by an intellectual disability and which requires services  
13 similar to those required by intellectually disabled persons.  
14 The disability must originate before the age of 18 years, be  
15 expected to continue indefinitely, and constitute a  
16 substantial disability. This disability results, in the  
17 professional opinion of a physician, clinical psychologist,  
18 advanced practice psychiatric nurse, or qualified examiner, in  
19 significant functional limitations in 3 or more of the  
20 following areas of major life activity:

- 21 (i) self-care;  
22 (ii) receptive and expressive language;  
23 (iii) learning;  
24 (iv) mobility; or  
25 (v) self-direction.

26 "Determined to be a person with a developmental disability

1 by a physician, clinical psychologist, advanced practice  
2 psychiatric nurse, or qualified examiner" means in the  
3 professional opinion of the physician, clinical psychologist,  
4 advanced practice psychiatric nurse, or qualified examiner, a  
5 person, with whom the physician, psychologist, nurse, or  
6 examiner has a formal relationship in his or her professional  
7 or official capacity, is diagnosed, assessed, or evaluated as  
8 having a developmental disability.

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

10 (405 ILCS 5/6-103.3)

11 Sec. 6-103.3. Clear and present danger; notice. If a  
12 person is determined to pose a clear and present danger to  
13 himself, herself, or to others by a physician, clinical  
14 psychologist, advanced practice psychiatric nurse, or  
15 qualified examiner, whether employed by the State, by any  
16 public or private mental health facility or part thereof, or  
17 by a law enforcement official or a school administrator, then  
18 the physician, clinical psychologist, advanced practice  
19 psychiatric nurse, or qualified examiner shall notify the  
20 Department of Human Services and a law enforcement official or  
21 school administrator shall notify the Illinois State Police,  
22 within 24 hours of making the determination that the person  
23 poses a clear and present danger. The Department of Human  
24 Services shall immediately update its records and information  
25 relating to mental health and developmental disabilities, and

1 if appropriate, shall notify the Illinois State Police in a  
2 form and manner prescribed by the Illinois State Police.  
3 Information disclosed under this Section shall remain  
4 privileged and confidential, and shall not be redisclosed,  
5 except as required under subsection (e) of Section 3.1 of the  
6 Firearm Owners Identification Card Act, nor used for any other  
7 purpose. The method of providing this information shall  
8 guarantee that the information is not released beyond that  
9 which is necessary for the purpose of this Section and shall be  
10 provided by rule by the Department of Human Services. The  
11 identity of the person reporting under this Section shall not  
12 be disclosed to the subject of the report. The physician,  
13 clinical psychologist, advanced practice psychiatric nurse,  
14 qualified examiner, law enforcement official, or school  
15 administrator making the determination and his or her employer  
16 shall not be held criminally, civilly, or professionally  
17 liable for making or not making the notification required  
18 under this Section, except for willful or wanton misconduct.  
19 This Section does not apply to a law enforcement official, if  
20 making the notification under this Section will interfere with  
21 an ongoing or pending criminal investigation.

22 For the purposes of this Section:

23 "Clear and present danger" has the meaning ascribed to  
24 it in Section 1.1 of the Firearm Owners Identification  
25 Card Act.

26 "Determined to pose a clear and present danger to

1 himself, herself, or to others by a physician, clinical  
2 psychologist, advanced practice psychiatric nurse, or  
3 qualified examiner" means in the professional opinion of  
4 the physician, clinical psychologist, advanced practice  
5 psychiatric nurse, or qualified examiner, a person, with  
6 whom the physician, psychologist, nurse, or examiner has a  
7 formal relationship in his or her official capacity, poses  
8 a clear and present danger.

9 "School administrator" means the person required to  
10 report under the School Administrator Reporting of Mental  
11 Health Clear and Present Danger Determinations Law.

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

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

15 (430 ILCS 65/1.1)

16 Sec. 1.1. For purposes of this Act:

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

18 (1) convicted of an offense involving the use or  
19 possession of cannabis, a controlled substance, or  
20 methamphetamine within the past year; or

21 (2) determined by the Illinois State Police to be  
22 addicted to narcotics based upon federal law or federal  
23 guidelines.

24 "Addicted to narcotics" does not include possession or use

1 of a prescribed controlled substance under the direction and  
2 authority of a physician or other person authorized to  
3 prescribe the controlled substance when the controlled  
4 substance is used in the prescribed manner.

5 "Adjudicated as a person with a mental disability" means  
6 the person is the subject of a determination by a court, board,  
7 commission or other lawful authority that the person, as a  
8 result of marked subnormal intelligence, or mental illness,  
9 mental impairment, incompetency, condition, or disease:

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

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

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

17 (3.5) is guilty but mentally ill, as provided in  
18 Section 5-2-6 of the Unified Code of Corrections;

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

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

23 (6) is a sexually violent person under subsection (f)  
24 of Section 5 of the Sexually Violent Persons Commitment  
25 Act;

26 (7) is a sexually dangerous person under the Sexually

1 Dangerous Persons Act;

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

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

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

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

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

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

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

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

21 (1) communicates a serious threat of physical violence  
22 against a reasonably identifiable victim or poses a clear  
23 and imminent risk of serious physical injury to himself,  
24 herself, or another person as determined by a physician,  
25 clinical psychologist, advanced practice psychiatric  
26 nurse, or qualified examiner; or

1           (2) demonstrates threatening physical or verbal  
2 behavior, such as violent, suicidal, or assaultive  
3 threats, actions, or other behavior, as determined by a  
4 physician, clinical psychologist, advanced practice  
5 psychiatric nurse, qualified examiner, school  
6 administrator, or law enforcement official.

7           "Clinical psychologist" has the meaning provided in  
8 Section 1-103 of the Mental Health and Developmental  
9 Disabilities Code.

10          "Controlled substance" means a controlled substance or  
11 controlled substance analog as defined in the Illinois  
12 Controlled Substances Act.

13          "Counterfeit" means to copy or imitate, without legal  
14 authority, with intent to deceive.

15          "Developmental disability" means a severe, chronic  
16 disability of an individual that:

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

19           (2) is manifested before the individual attains age  
20 22;

21           (3) is likely to continue indefinitely;

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

24           (A) Self-care.

25           (B) Receptive and expressive language.

26           (C) Learning.

1 (D) Mobility.

2 (E) Self-direction.

3 (F) Capacity for independent living.

4 (G) Economic self-sufficiency; and

5 (5) reflects the individual's need for a combination  
6 and sequence of special, interdisciplinary, or generic  
7 services, individualized supports, or other forms of  
8 assistance that are of lifelong or extended duration and  
9 are individually planned and coordinated.

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

13 "Firearm" means any device, by whatever name known, which  
14 is designed to expel a projectile or projectiles by the action  
15 of an explosion, expansion of gas or escape of gas; excluding,  
16 however:

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

21 (1.1) any pneumatic gun, spring gun, paint ball gun,  
22 or B-B gun which expels breakable paint balls containing  
23 washable marking colors;

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

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

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

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

12           (1) any ammunition exclusively designed for use with a  
13           device used exclusively for signaling or safety and  
14           required or recommended by the United States Coast Guard  
15           or the Interstate Commerce Commission; and

16           (2) any ammunition designed exclusively for use with a  
17           stud or rivet driver or other similar industrial  
18           ammunition.

19          "Gun show" means an event or function:

20           (1) at which the sale and transfer of firearms is the  
21           regular and normal course of business and where 50 or more  
22           firearms are displayed, offered, or exhibited for sale,  
23           transfer, or exchange; or

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

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

11 Unless otherwise expressly stated, "gun show" does not  
12 include training or safety classes, competitive shooting  
13 events, such as rifle, shotgun, or handgun matches, trap,  
14 skeet, or sporting clays shoots, dinners, banquets, raffles,  
15 or any other event where the sale or transfer of firearms is  
16 not the primary course of business.

17 "Gun show promoter" means a person who organizes or  
18 operates a gun show.

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

24 "Intellectual disability" means significantly subaverage  
25 general intellectual functioning, existing concurrently with  
26 deficits in adaptive behavior and manifested during the

1 developmental period, which is defined as before the age of  
2 22, that adversely affects a child's educational performance.

3 "Involuntarily admitted" has the meaning as prescribed in  
4 Sections 1-119 and 1-119.1 of the Mental Health and  
5 Developmental Disabilities Code.

6 "Mental health facility" means any licensed private  
7 hospital or hospital affiliate, institution, or facility, or  
8 part thereof, and any facility, or part thereof, operated by  
9 the State or a political subdivision thereof which provides  
10 treatment of persons with mental illness and includes all  
11 hospitals, institutions, clinics, evaluation facilities,  
12 mental health centers, colleges, universities, long-term care  
13 facilities, and nursing homes, or parts thereof, which provide  
14 treatment of persons with mental illness whether or not the  
15 primary purpose is to provide treatment of persons with mental  
16 illness.

17 "National governing body" means a group of persons who  
18 adopt rules and formulate policy on behalf of a national  
19 firearm sporting organization.

20 "Noncitizen" means a person who is not a citizen of the  
21 United States, but is a person who is a foreign-born person who  
22 lives in the United States, has not been naturalized, and is  
23 still a citizen of a foreign country.

24 "Patient" means:

25 (1) a person who is admitted as an inpatient or  
26 resident of a public or private mental health facility for

1 mental health treatment under Chapter III of the Mental  
2 Health and Developmental Disabilities Code as an informal  
3 admission, a voluntary admission, a minor admission, an  
4 emergency admission, or an involuntary admission, unless  
5 the treatment was solely for an alcohol abuse disorder; or

6 (2) a person who voluntarily or involuntarily receives  
7 mental health treatment as an out-patient or is otherwise  
8 provided services by a public or private mental health  
9 facility and who poses a clear and present danger to  
10 himself, herself, or others.

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

13 "Protective order" means any orders of protection issued  
14 under the Illinois Domestic Violence Act of 1986, stalking no  
15 contact orders issued under the Stalking No Contact Order Act,  
16 civil no contact orders issued under the Civil No Contact  
17 Order Act, and firearms restraining orders issued under the  
18 Firearms Restraining Order Act or a substantially similar  
19 order issued by the court of another state, tribe, or United  
20 States territory or military judge.

21 "Qualified examiner" has the meaning provided in Section  
22 1-122 of the Mental Health and Developmental Disabilities  
23 Code.

24 "Sanctioned competitive shooting event" means a shooting  
25 contest officially recognized by a national or state shooting  
26 sport association, and includes any sight-in or practice

1 conducted in conjunction with the event.

2 "School administrator" means the person required to report  
3 under the School Administrator Reporting of Mental Health  
4 Clear and Present Danger Determinations Law.

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

7 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
8 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 102-972, eff.  
9 1-1-23; 102-1030, eff. 5-27-22; 103-154, eff. 6-30-23;  
10 103-407, eff. 7-28-23.)

11 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

12 Sec. 8. Grounds for denial and revocation. The Illinois  
13 State Police has authority to deny an application for or to  
14 revoke and seize a Firearm Owner's Identification Card  
15 previously issued under this Act only if the Illinois State  
16 Police finds that the applicant or the person to whom such card  
17 was issued is or was at the time of issuance:

18 (a) A person under 21 years of age who has been  
19 convicted of a misdemeanor other than a traffic offense or  
20 adjudged delinquent;

21 (b) This subsection (b) applies through the 180th day  
22 following July 12, 2019 (the effective date of Public Act  
23 101-80). A person under 21 years of age who does not have  
24 the written consent of his parent or guardian to acquire  
25 and possess firearms and firearm ammunition, or whose

1 parent or guardian has revoked such written consent, or  
2 where such parent or guardian does not qualify to have a  
3 Firearm Owner's Identification Card;

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

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

16 (d) A person addicted to narcotics;

17 (e) A person who has been a patient of a mental health  
18 facility within the past 5 years or a person who has been a  
19 patient in a mental health facility more than 5 years ago  
20 who has not received the certification required under  
21 subsection (u) of this Section. An active law enforcement  
22 officer employed by a unit of government or a Department  
23 of Corrections employee authorized to possess firearms who  
24 is denied, revoked, or has his or her Firearm Owner's  
25 Identification Card seized under this subsection (e) may  
26 obtain relief as described in subsection (c-5) of Section

1           10 of this Act if the officer or employee did not act in a  
2           manner threatening to the officer or employee, another  
3           person, or the public as determined by the treating  
4           clinical psychologist or physician, and the officer or  
5           employee seeks mental health treatment;

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

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

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

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

15          (i-5) A noncitizen who has been admitted to the United  
16          States under a non-immigrant visa (as that term is defined  
17          in Section 101(a)(26) of the Immigration and Nationality  
18          Act (8 U.S.C. 1101(a)(26))), except that this subsection  
19          (i-5) does not apply to any noncitizen who has been  
20          lawfully admitted to the United States under a  
21          non-immigrant visa if that noncitizen is:

22                  (1) admitted to the United States for lawful  
23                  hunting or sporting purposes;

24                  (2) an official representative of a foreign  
25                  government who is:

26                          (A) accredited to the United States Government

1           or the Government's mission to an international  
2           organization having its headquarters in the United  
3           States; or

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

6           (3) an official of a foreign government or  
7           distinguished foreign visitor who has been so  
8           designated by the Department of State;

9           (4) a foreign law enforcement officer of a  
10          friendly foreign government entering the United States  
11          on official business; or

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

15          (j) (Blank);

16          (k) A person who has been convicted within the past 5  
17          years of battery, assault, aggravated assault, violation  
18          of an order of protection, or a substantially similar  
19          offense in another jurisdiction, in which a firearm was  
20          used or possessed;

21          (l) A person who has been convicted of domestic  
22          battery, aggravated domestic battery, or a substantially  
23          similar offense in another jurisdiction committed before,  
24          on or after January 1, 2012 (the effective date of Public  
25          Act 97-158). If the applicant or person who has been  
26          previously issued a Firearm Owner's Identification Card

1 under this Act knowingly and intelligently waives the  
2 right to have an offense described in this paragraph (l)  
3 tried by a jury, and by guilty plea or otherwise, results  
4 in a conviction for an offense in which a domestic  
5 relationship is not a required element of the offense but  
6 in which a determination of the applicability of 18 U.S.C.  
7 922(g)(9) is made under Section 112A-11.1 of the Code of  
8 Criminal Procedure of 1963, an entry by the court of a  
9 judgment of conviction for that offense shall be grounds  
10 for denying an application for and for revoking and  
11 seizing a Firearm Owner's Identification Card previously  
12 issued to the person under this Act;

13 (m) (Blank);

14 (n) A person who is prohibited from acquiring or  
15 possessing firearms or firearm ammunition by any Illinois  
16 State statute or by federal law;

17 (o) A minor subject to a petition filed under Section  
18 5-520 of the Juvenile Court Act of 1987 alleging that the  
19 minor is a delinquent minor for the commission of an  
20 offense that if committed by an adult would be a felony;

21 (p) An adult who had been adjudicated a delinquent  
22 minor under the Juvenile Court Act of 1987 for the  
23 commission of an offense that if committed by an adult  
24 would be a felony;

25 (q) A person who is not a resident of the State of  
26 Illinois, except as provided in subsection (a-10) of

1 Section 4;

2 (r) A person who has been adjudicated as a person with  
3 a mental disability;

4 (s) A person who has been found to have a  
5 developmental disability;

6 (t) A person involuntarily admitted into a mental  
7 health facility; or

8 (u) A person who has had his or her Firearm Owner's  
9 Identification Card revoked or denied under subsection (e)  
10 of this Section or item (iv) of paragraph (2) of  
11 subsection (a) of Section 4 of this Act because he or she  
12 was a patient in a mental health facility as provided in  
13 subsection (e) of this Section, shall not be permitted to  
14 obtain a Firearm Owner's Identification Card, after the  
15 5-year period has lapsed, unless he or she has received a  
16 mental health evaluation by a physician, clinical  
17 psychologist, advanced practice psychiatric nurse, or  
18 qualified examiner as those terms are defined in the  
19 Mental Health and Developmental Disabilities Code, and has  
20 received a certification that he or she is not a clear and  
21 present danger to himself, herself, or others. The  
22 physician, clinical psychologist, advanced practice  
23 psychiatric nurse, or qualified examiner making the  
24 certification and his or her employer shall not be held  
25 criminally, civilly, or professionally liable for making  
26 or not making the certification required under this

1 subsection, except for willful or wanton misconduct. This  
2 subsection does not apply to a person whose firearm  
3 possession rights have been restored through  
4 administrative or judicial action under Section 10 or 11  
5 of this Act.

6 Upon revocation of a person's Firearm Owner's  
7 Identification Card, the Illinois State Police shall provide  
8 notice to the person and the person shall comply with Section  
9 9.5 of this Act.

10 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;  
11 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.  
12 5-27-22; 102-1116, eff. 1-10-23.)

13 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

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

15 (a) The Circuit Clerk shall, in the form and manner  
16 required by the Supreme Court, notify the Illinois State  
17 Police of all final dispositions of cases for which the  
18 Department has received information reported to it under  
19 Sections 2.1 and 2.2 of the Criminal Identification Act.

20 (b) Upon adjudication of any individual as a person with a  
21 mental disability as defined in Section 1.1 of this Act or a  
22 finding that a person has been involuntarily admitted, the  
23 court shall direct the circuit court clerk to immediately  
24 notify the Illinois State Police, Firearm Owner's  
25 Identification (FOID) department, and shall forward a copy of

1 the court order to the Department.

2 (b-1) Beginning July 1, 2016, and each July 1 and December  
3 30 of every year thereafter, the circuit court clerk shall, in  
4 the form and manner prescribed by the Illinois State Police,  
5 notify the Illinois State Police, Firearm Owner's  
6 Identification (FOID) department if the court has not directed  
7 the circuit court clerk to notify the Illinois State Police,  
8 Firearm Owner's Identification (FOID) department under  
9 subsection (b) of this Section, within the preceding 6 months,  
10 because no person has been adjudicated as a person with a  
11 mental disability by the court as defined in Section 1.1 of  
12 this Act or if no person has been involuntarily admitted. The  
13 Supreme Court may adopt any orders or rules necessary to  
14 identify the persons who shall be reported to the Illinois  
15 State Police under subsection (b), or any other orders or  
16 rules necessary to implement the requirements of this Act.

17 (c) The Department of Human Services shall, in the form  
18 and manner prescribed by the Illinois State Police, report all  
19 information collected under subsection (b) of Section 12 of  
20 the Mental Health and Developmental Disabilities  
21 Confidentiality Act for the purpose of determining whether a  
22 person who may be or may have been a patient in a mental health  
23 facility is disqualified under State or federal law from  
24 receiving or retaining a Firearm Owner's Identification Card,  
25 or purchasing a weapon.

26 (d) If a person is determined to pose a clear and present

1 danger to himself, herself, or to others:

2 (1) by a physician, clinical psychologist, advanced  
3 practice psychiatric nurse, or qualified examiner, or is  
4 determined to have a developmental disability by a  
5 physician, clinical psychologist, advanced practice  
6 psychiatric nurse, or qualified examiner, whether employed  
7 by the State or privately, then the physician, clinical  
8 psychologist, advanced practice psychiatric nurse, or  
9 qualified examiner shall, within 24 hours of making the  
10 determination, notify the Department of Human Services  
11 that the person poses a clear and present danger or has a  
12 developmental disability; or

13 (2) by a law enforcement official or school  
14 administrator, then the law enforcement official or school  
15 administrator shall, within 24 hours of making the  
16 determination, notify the Illinois State Police that the  
17 person poses a clear and present danger.

18 The Department of Human Services shall immediately update  
19 its records and information relating to mental health and  
20 developmental disabilities, and if appropriate, shall notify  
21 the Illinois State Police in a form and manner prescribed by  
22 the Illinois State Police. The Illinois State Police shall  
23 determine whether to revoke the person's Firearm Owner's  
24 Identification Card under Section 8 of this Act. Any  
25 information disclosed under this subsection shall remain  
26 privileged and confidential, and shall not be redisclosed,

1 except as required under subsection (e) of Section 3.1 of this  
2 Act, nor used for any other purpose. The method of providing  
3 this information shall guarantee that the information is not  
4 released beyond what is necessary for the purpose of this  
5 Section and shall be provided by rule by the Department of  
6 Human Services. The identity of the person reporting under  
7 this Section shall not be disclosed to the subject of the  
8 report. The physician, clinical psychologist, advanced  
9 practice psychiatric nurse, qualified examiner, law  
10 enforcement official, or school administrator making the  
11 determination and his or her employer shall not be held  
12 criminally, civilly, or professionally liable for making or  
13 not making the notification required under this subsection,  
14 except for willful or wanton misconduct.

15 (e) The Illinois State Police shall adopt rules to  
16 implement this Section.

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

18 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

19 Sec. 10. Appeals; hearing; relief from firearm  
20 prohibitions.

21 (a) Whenever an application for a Firearm Owner's  
22 Identification Card is denied or whenever such a Card is  
23 revoked or seized as provided for in Section 8 of this Act, the  
24 aggrieved party may (1) file a record challenge with the  
25 Director regarding the record upon which the decision to deny

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

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

24 (0.05) In furtherance of the policy of this Act that  
25 the Board shall exercise its powers and duties in an  
26 independent manner, subject to the provisions of this Act

1 but free from the direction, control, or influence of any  
2 other agency or department of State government. All  
3 expenses and liabilities incurred by the Board in the  
4 performance of its responsibilities hereunder shall be  
5 paid from funds which shall be appropriated to the Board  
6 by the General Assembly for the ordinary and contingent  
7 expenses of the Board.

8 (1) The Board shall consist of 7 members appointed by  
9 the Governor, with the advice and consent of the Senate,  
10 with 3 members residing within the First Judicial District  
11 and one member residing within each of the 4 remaining  
12 Judicial Districts. No more than 4 members shall be  
13 members of the same political party. The Governor shall  
14 designate one member as the chairperson. The members shall  
15 have actual experience in law, education, social work,  
16 behavioral sciences, law enforcement, or community affairs  
17 or in a combination of those areas.

18 (2) The terms of the members initially appointed after  
19 January 1, 2022 (the effective date of Public Act 102-237)  
20 shall be as follows: one of the initial members shall be  
21 appointed for a term of one year, 3 shall be appointed for  
22 terms of 2 years, and 3 shall be appointed for terms of 4  
23 years. Thereafter, members shall hold office for 4 years,  
24 with terms expiring on the second Monday in January  
25 immediately following the expiration of their terms and  
26 every 4 years thereafter. Members may be reappointed.

1 Vacancies in the office of member shall be filled in the  
2 same manner as the original appointment, for the remainder  
3 of the unexpired term. The Governor may remove a member  
4 for incompetence, neglect of duty, malfeasance, or  
5 inability to serve. Members shall receive compensation in  
6 an amount equal to the compensation of members of the  
7 Executive Ethics Commission and, beginning July 1, 2023,  
8 shall be compensated from appropriations provided to the  
9 Comptroller for this purpose. Members may be reimbursed,  
10 from funds appropriated for such a purpose, for reasonable  
11 expenses actually incurred in the performance of their  
12 Board duties. The Illinois State Police shall designate an  
13 employee to serve as Executive Director of the Board and  
14 provide logistical and administrative assistance to the  
15 Board.

16 (3) The Board shall meet at least quarterly each year  
17 and at the call of the chairperson as often as necessary to  
18 consider appeals of decisions made with respect to  
19 applications for a Firearm Owner's Identification Card  
20 under this Act. If necessary to ensure the participation  
21 of a member, the Board shall allow a member to participate  
22 in a Board meeting by electronic communication. Any member  
23 participating electronically shall be deemed present for  
24 purposes of establishing a quorum and voting.

25 (4) The Board shall adopt rules for the review of  
26 appeals and the conduct of hearings. The Board shall

1 maintain a record of its decisions and all materials  
2 considered in making its decisions. All Board decisions  
3 and voting records shall be kept confidential and all  
4 materials considered by the Board shall be exempt from  
5 inspection except upon order of a court.

6 (5) In considering an appeal, the Board shall review  
7 the materials received concerning the denial or revocation  
8 by the Illinois State Police. By a vote of at least 4  
9 members, the Board may request additional information from  
10 the Illinois State Police or the applicant or the  
11 testimony of the Illinois State Police or the applicant.  
12 The Board may require that the applicant submit electronic  
13 fingerprints to the Illinois State Police for an updated  
14 background check if the Board determines it lacks  
15 sufficient information to determine eligibility. The Board  
16 may consider information submitted by the Illinois State  
17 Police, a law enforcement agency, or the applicant. The  
18 Board shall review each denial or revocation and determine  
19 by a majority of members whether an applicant should be  
20 granted relief under subsection (c).

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

26 (A) the Board requests information from the

1 applicant, including, but not limited to, electronic  
2 fingerprints to be submitted to the Illinois State  
3 Police, in accordance with paragraph (5) of this  
4 subsection, in which case the Board shall make a  
5 decision within 30 days of receipt of the required  
6 information from the applicant;

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

9 (C) the Board notifies the applicant and the  
10 Illinois State Police that the Board needs an  
11 additional 30 days to issue a decision. The Board may  
12 only issue 2 extensions under this subparagraph (C).  
13 The Board's notification to the applicant and the  
14 Illinois State Police shall include an explanation for  
15 the extension.

16 (7) If the Board determines that the applicant is  
17 eligible for relief under subsection (c), the Board shall  
18 notify the applicant and the Illinois State Police that  
19 relief has been granted and the Illinois State Police  
20 shall issue the Card.

21 (8) Meetings of the Board shall not be subject to the  
22 Open Meetings Act and records of the Board shall not be  
23 subject to the Freedom of Information Act.

24 (9) The Board shall report monthly to the Governor and  
25 the General Assembly on the number of appeals received and  
26 provide details of the circumstances in which the Board

1           has determined to deny Firearm Owner's Identification  
2           Cards under this subsection (a-5). The report shall not  
3           contain any identifying information about the applicants.

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

16          (b) At least 30 days before any hearing in the circuit  
17          court, the petitioner shall serve the relevant State's  
18          Attorney with a copy of the petition. The State's Attorney may  
19          object to the petition and present evidence. At the hearing,  
20          the court shall determine whether substantial justice has been  
21          done. Should the court determine that substantial justice has  
22          not been done, the court shall issue an order directing the  
23          Illinois State Police to issue a Card. However, the court  
24          shall not issue the order if the petitioner is otherwise  
25          prohibited from obtaining, possessing, or using a firearm  
26          under federal law.

1           (c) Any person prohibited from possessing a firearm under  
2 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or  
3 acquiring a Firearm Owner's Identification Card under Section  
4 8 of this Act may apply to the Firearm Owner's Identification  
5 Card Review Board or petition the circuit court in the county  
6 where the petitioner resides, whichever is applicable in  
7 accordance with subsection (a) of this Section, requesting  
8 relief from such prohibition and the Board or court may grant  
9 such relief if it is established by the applicant to the  
10 court's or the Board's satisfaction that:

11           (0.05) when in the circuit court, the State's Attorney  
12 has been served with a written copy of the petition at  
13 least 30 days before any such hearing in the circuit court  
14 and at the hearing the State's Attorney was afforded an  
15 opportunity to present evidence and object to the  
16 petition;

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

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

1           (3) granting relief would not be contrary to the  
2 public interest; and

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

5           (c-5) (1) An active law enforcement officer employed by a  
6 unit of government or a Department of Corrections employee  
7 authorized to possess firearms who is denied, revoked, or has  
8 his or her Firearm Owner's Identification Card seized under  
9 subsection (e) of Section 8 of this Act may apply to the  
10 Firearm Owner's Identification Card Review Board requesting  
11 relief if the officer or employee did not act in a manner  
12 threatening to the officer or employee, another person, or the  
13 public as determined by the treating clinical psychologist or  
14 physician, and as a result of his or her work is referred by  
15 the employer for or voluntarily seeks mental health evaluation  
16 or treatment by a licensed clinical psychologist,  
17 psychiatrist, advanced practice psychiatric nurse, or  
18 qualified examiner, and:

19           (A) the officer or employee has not received treatment  
20 involuntarily at a mental health facility, regardless of  
21 the length of admission; or has not been voluntarily  
22 admitted to a mental health facility for more than 30 days  
23 and not for more than one incident within the past 5 years;  
24 and

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

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

9           (A) a notarized statement from the officer or employee  
10 in the form prescribed by the Board detailing the  
11 circumstances that led to the hospitalization;

12           (B) all documentation regarding the admission,  
13 evaluation, treatment and discharge from the treating  
14 licensed clinical psychologist or psychiatrist of the  
15 officer;

16           (C) a psychological fitness for duty evaluation of the  
17 person completed after the time of discharge; and

18           (D) written confirmation in the form prescribed by the  
19 Board from the treating licensed clinical psychologist or  
20 psychiatrist that the provisions set forth in paragraph  
21 (1) of this subsection (c-5) have been met, the person  
22 successfully completed treatment, and their professional  
23 opinion regarding the person's ability to possess  
24 firearms.

25           (3) Officers and employees eligible for the expedited  
26 relief in paragraph (2) of this subsection (c-5) have the

1 burden of proof on eligibility and must provide all  
2 information required. The Board may not consider granting  
3 expedited relief until the proof and information is received.

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

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

14 (2) The Board shall act on the request for relief within 60  
15 business days of receipt of written certification, in the form  
16 prescribed by the Board, from a physician or clinical  
17 psychologist, advanced practice psychiatric nurse, or  
18 qualified examiner, that the aggrieved party's developmental  
19 disability or intellectual disability condition is determined  
20 by a physician, clinical psychologist, or qualified to be  
21 mild. If a fact-finding conference is scheduled to obtain  
22 additional information concerning the circumstances of the  
23 denial or revocation, the 60 business days the Director has to  
24 act shall be tolled until the completion of the fact-finding  
25 conference.

26 (3) The Board may grant relief if the aggrieved party's

1 developmental disability or intellectual disability is mild as  
2 determined by a physician, clinical psychologist, advanced  
3 practice psychiatric nurse, or qualified examiner and it is  
4 established by the applicant to the Board's satisfaction that:

5 (A) granting relief would not be contrary to the  
6 public interest; and

7 (B) granting relief would not be contrary to federal  
8 law.

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

13 (5) The changes made to this Section by Public Act 99-29  
14 apply to requests for relief pending on or before July 10, 2015  
15 (the effective date of Public Act 99-29), except that the  
16 60-day period for the Director to act on requests pending  
17 before the effective date shall begin on July 10, 2015 (the  
18 effective date of Public Act 99-29). All appeals as provided  
19 in subsection (a-5) pending on January 1, 2023 shall be  
20 considered by the Board.

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

24 (e) The court shall review the denial of an application or  
25 the revocation of a Firearm Owner's Identification Card of a  
26 person who has been adjudicated delinquent for an offense that

1 if committed by an adult would be a felony if an application  
2 for relief has been filed at least 10 years after the  
3 adjudication of delinquency and the court determines that the  
4 applicant should be granted relief from disability to obtain a  
5 Firearm Owner's Identification Card. If the court grants  
6 relief, the court shall notify the Illinois State Police that  
7 the disability has been removed and that the applicant is  
8 eligible to obtain a Firearm Owner's Identification Card.

9 (f) Any person who is subject to the disabilities of 18  
10 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act  
11 of 1968 because of an adjudication or commitment that occurred  
12 under the laws of this State or who was determined to be  
13 subject to the provisions of subsections (e), (f), or (g) of  
14 Section 8 of this Act may apply to the Illinois State Police  
15 requesting relief from that prohibition. The Board shall grant  
16 the relief if it is established by a preponderance of the  
17 evidence that the person will not be likely to act in a manner  
18 dangerous to public safety and that granting relief would not  
19 be contrary to the public interest. In making this  
20 determination, the Board shall receive evidence concerning (i)  
21 the circumstances regarding the firearms disabilities from  
22 which relief is sought; (ii) the petitioner's mental health  
23 and criminal history records, if any; (iii) the petitioner's  
24 reputation, developed at a minimum through character witness  
25 statements, testimony, or other character evidence; and (iv)  
26 changes in the petitioner's condition or circumstances since

1 the disqualifying events relevant to the relief sought. If  
2 relief is granted under this subsection or by order of a court  
3 under this Section, the Director shall as soon as practicable  
4 but in no case later than 15 business days, update, correct,  
5 modify, or remove the person's record in any database that the  
6 Illinois State Police makes available to the National Instant  
7 Criminal Background Check System and notify the United States  
8 Attorney General that the basis for the record being made  
9 available no longer applies. The Illinois State Police shall  
10 adopt rules for the administration of this Section.

11 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
12 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1115, eff.  
13 1-9-23; 102-1129, eff. 2-10-23; 103-605, eff. 7-1-24.)

14 Section 40. The Mental Health and Developmental  
15 Disabilities Confidentiality Act is amended by changing  
16 Section 5 as follows:

17 (740 ILCS 110/5) (from Ch. 91 1/2, par. 805)

18 Sec. 5. Disclosure; consent.

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

1 (b) Every consent form shall be in writing and shall  
2 specify the following:

3 (1) the person or agency to whom disclosure is to be  
4 made;

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

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

7 (4) the right to inspect and copy the information to  
8 be disclosed;

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

10 (6) the calendar date on which the consent expires,  
11 provided that if no calendar date is stated, information  
12 may be released only on the day the consent form is  
13 received by the therapist; and

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

15 The consent form shall be signed by the person entitled to  
16 give consent ~~and the signature shall be witnessed by a person~~  
17 ~~who can attest to the identity of the person so entitled.~~ A  
18 copy of the consent and a notation as to any action taken  
19 thereon shall be entered in the recipient's record. Any  
20 revocation of consent shall be in writing, signed by the  
21 person who gave the consent ~~and the signature shall be~~  
22 ~~witnessed by a person who can attest to the identity of the~~  
23 ~~person so entitled.~~ No written revocation of consent shall be  
24 effective to prevent disclosure of records and communications  
25 until it is received by the person otherwise authorized to  
26 disclose records and communications.

1           (c) Only information relevant to the purpose for which  
2 disclosure is sought may be disclosed. Blanket consent to the  
3 disclosure of unspecified information shall not be valid.  
4 Advance consent may be valid only if the nature of the  
5 information to be disclosed is specified in detail and the  
6 duration of the consent is indicated. Consent may be revoked  
7 in writing at any time; any such revocation shall have no  
8 effect on disclosures made prior thereto.

9           (d) No person or agency to whom any information is  
10 disclosed under this Section may redisclose such information  
11 unless the person who consented to the disclosure specifically  
12 consents to such redisclosure.

13           (e) Except as otherwise provided in this Act, records and  
14 communications shall remain confidential after the death of a  
15 recipient and shall not be disclosed unless the recipient's  
16 representative, as defined in the Probate Act of 1975 and the  
17 therapist consent to such disclosure or unless disclosure is  
18 authorized by court order after in camera examination and upon  
19 good cause shown.

20           (f) Paragraphs (a) through (e) of this Section shall not  
21 apply to and shall not be construed to limit insurance  
22 companies writing Life, Accident or Health insurance as  
23 defined in Section 4 of the Illinois Insurance Code in  
24 obtaining general consents for the release to them or their  
25 designated representatives of any and all confidential  
26 communications and records kept by agencies, hospitals,

1 therapists or record custodians, and utilizing such  
2 information in connection with the underwriting of  
3 applications for coverage for such policies or contracts, or  
4 in connection with evaluating claims or liability under such  
5 policies or contracts, or coordinating benefits pursuant to  
6 policy or contract provisions.

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

8 (30 ILCS 105/5.653 rep.)

9 Section 50. The State Finance Act is amended by repealing  
10 Section 5.653.

11 (35 ILCS 5/507JJ rep.)

12 Section 55. The Illinois Income Tax Act is amended by  
13 repealing Section 507JJ.

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