



Rep. Camille Y. Lilly

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1 AMENDMENT TO HOUSE BILL 3078

2 AMENDMENT NO. _____. Amend House Bill 3078 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Human Services Act is
5 amended 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

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

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

7 "Agency" or "community agency" means (i) a community
8 agency licensed, funded, or certified by the Department, but
9 not licensed or certified by any other human services agency
10 of the State, to provide mental health service or
11 developmental disabilities service, or (ii) a program
12 licensed, funded, or certified by the Department, but not
13 licensed or certified by any other human services agency of
14 the State, to provide mental health service or developmental
15 disabilities service.

16 "Aggravating circumstance" means a factor that is
17 attendant to a finding and that tends to compound or increase
18 the culpability of the accused.

19 "Allegation" means an assertion, complaint, suspicion, or
20 incident involving any of the following conduct by an
21 employee, facility, or agency against an individual or
22 individuals: mental abuse, physical abuse, sexual abuse,
23 neglect, financial exploitation, or material obstruction of an
24 investigation.

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

26 "Deflection" means a situation in which an individual is

1 presented for admission to a facility or agency, and the
2 facility staff or agency staff do not admit the individual.
3 "Deflection" includes triage, redirection, and denial of
4 admission.

5 "Department" means the Department of Human Services.

6 "Developmental disability" means "developmental
7 disability" as defined in the Mental Health and Developmental
8 Disabilities Code.

9 "Egregious neglect" means a finding of neglect as
10 determined by the Inspector General that (i) represents a
11 gross failure to adequately provide for, or a callused
12 indifference to, the health, safety, or medical needs of an
13 individual and (ii) results in an individual's death or other
14 serious deterioration of an individual's physical condition or
15 mental condition.

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

26 "Facility" or "State-operated facility" means a mental

1 health facility or developmental disabilities facility
2 operated by the Department.

3 "Financial exploitation" means taking unjust advantage of
4 an individual's assets, property, or financial resources
5 through deception, intimidation, or conversion for the
6 employee's, facility's, or agency's own advantage or benefit.

7 "Finding" means the Office of Inspector General's
8 determination regarding whether an allegation is
9 substantiated, unsubstantiated, or unfounded.

10 "Health Care Worker Registry" or "Registry" means the
11 Health Care Worker Registry under the Health Care Worker
12 Background Check Act.

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

16 "Material obstruction of an investigation" means the
17 purposeful interference with an investigation of physical
18 abuse, sexual abuse, mental abuse, neglect, or financial
19 exploitation and includes, but is not limited to, the
20 withholding or altering of documentation or recorded evidence;
21 influencing, threatening, or impeding witness testimony;
22 presenting untruthful information during an interview; failing
23 to cooperate with an investigation conducted by the Office of
24 the Inspector General. If an employee, following a criminal
25 investigation of physical abuse, sexual abuse, mental abuse,
26 neglect, or financial exploitation, is convicted of an offense

1 that is factually predicated on the employee presenting
2 untruthful information during the course of the investigation,
3 that offense constitutes obstruction of an investigation.
4 Obstruction of an investigation does not include: an
5 employee's lawful exercising of his or her constitutional
6 right against self-incrimination, an employee invoking his or
7 her lawful rights to union representation as provided by a
8 collective bargaining agreement or the Illinois Public Labor
9 Relations Act, or a union representative's lawful activities
10 providing representation under a collective bargaining
11 agreement or the Illinois Public Labor Relations Act.
12 Obstruction of an investigation is considered material when it
13 could significantly impair an investigator's ability to gather
14 all relevant facts. An employee shall not be placed on the
15 Health Care Worker Registry for presenting untruthful
16 information during an interview conducted by the Office of the
17 Inspector General, unless, prior to the interview, the
18 employee was provided with any previous signed statements he
19 or she made during the course of the investigation.

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

26 "Mental illness" means "mental illness" as defined in the

1 Mental Health and Developmental Disabilities Code.

2 "Mentally ill" means having a mental illness.

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

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

17 "Person with a developmental disability" means a person
18 having a developmental disability.

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

24 "Presenting untruthful information" means making a false
25 statement, material to an investigation of physical abuse,
26 sexual abuse, mental abuse, neglect, or financial

1 exploitation, knowing the statement is false.

2 "Recommendation" means an admonition, separate from a
3 finding, that requires action by the facility, agency, or
4 Department to correct a systemic issue, problem, or deficiency
5 identified during an investigation. "Recommendation" can also
6 mean an admonition to correct a systemic issue, problem or
7 deficiency during a review.

8 "Required reporter" means any employee who suspects,
9 witnesses, or is informed of an allegation of any one or more
10 of the following: mental abuse, physical abuse, sexual abuse,
11 neglect, or financial exploitation.

12 "Secretary" means the Chief Administrative Officer of the
13 Department.

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

1 "Sexually explicit images" includes, but is not limited
2 to, any material which depicts nudity, sexual conduct, or
3 sado-masochistic abuse, or which contains explicit and
4 detailed verbal descriptions or narrative accounts of sexual
5 excitement, sexual conduct, or sado-masochistic abuse.

6 "Substantiated" means there is a preponderance of the
7 evidence to support the allegation.

8 "Unfounded" means there is no credible evidence to support
9 the allegation.

10 "Unsubstantiated" means there is credible evidence, but
11 less than a preponderance of evidence to support the
12 allegation.

13 (c) Appointment. The Governor shall appoint, and the
14 Senate shall confirm, an Inspector General. The Inspector
15 General shall be appointed for a term of 4 years and shall
16 function within the Department of Human Services and report to
17 the Secretary and the Governor.

18 (d) Operation and appropriation. The Inspector General
19 shall function independently within the Department with
20 respect to the operations of the Office, including the
21 performance of investigations and issuance of findings and
22 recommendations and the performance of site visits and reviews
23 of facilities and community agencies. The appropriation for
24 the Office of Inspector General shall be separate from the
25 overall appropriation for the Department.

26 (e) Powers and duties. The Inspector General shall

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

1 Inspector General for investigation.

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

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

1 abuse, sexual abuse, neglect, egregious neglect, financial
2 exploitation, and material obstruction of an investigation.

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

4 (1) Site visits. The Inspector General shall conduct
5 unannounced site visits to each facility at least annually
6 for the purpose of reviewing and making recommendations on
7 systemic issues relative to preventing, reporting,
8 investigating, and responding to all of the following:
9 mental abuse, physical abuse, sexual abuse, neglect,
10 egregious neglect, financial exploitation, or material
11 obstruction of an investigation.

12 (2) Review authority. In response to complaints or
13 information gathered from investigations, the Inspector
14 General shall have and may exercise the authority to
15 initiate reviews of facilities and agencies related to
16 preventing, reporting, investigating, and responding to
17 all of the following: mental abuse, physical abuse, sexual
18 abuse, neglect, egregious neglect, financial exploitation,
19 or material obstruction of an investigation. Upon
20 concluding a review, the Inspector General shall issue a
21 written report setting forth its conclusions and
22 recommendations. The report shall be distributed to the
23 Secretary and to the director of the facility or agency
24 that was the subject of review. Within 45 calendar days,
25 the facility or agency shall submit a written response
26 addressing the Inspector General's conclusions and

1 recommendations and, in a concise and reasoned manner, the
2 actions taken, if applicable, to: (i) protect the
3 individual or individuals; (ii) prevent recurrences; and
4 (iii) eliminate the problems identified. The response
5 shall include the implementation and completion dates of
6 such actions.

7 (h) Training programs. The Inspector General shall (i)
8 establish a comprehensive program to ensure that every person
9 authorized to conduct investigations receives ongoing training
10 relative to investigation techniques, communication skills,
11 and the appropriate means of interacting with persons
12 receiving treatment for mental illness, developmental
13 disability, or both mental illness and developmental
14 disability, and (ii) establish and conduct periodic training
15 programs for facility and agency employees concerning the
16 prevention and reporting of any one or more of the following:
17 mental abuse, physical abuse, sexual abuse, neglect, egregious
18 neglect, financial exploitation, or material obstruction of an
19 investigation. The Inspector General shall further ensure (i)
20 every person authorized to conduct investigations at community
21 agencies receives ongoing training in Title 59, Parts 115,
22 116, and 119 of the Illinois Administrative Code, and (ii)
23 every person authorized to conduct investigations shall
24 receive ongoing training in Title 59, Part 50 of the Illinois
25 Administrative Code. Nothing in this Section shall be deemed
26 to prevent the Office of Inspector General from conducting any

1 other training as determined by the Inspector General to be
2 necessary or helpful.

3 (i) Duty to cooperate.

4 (1) The Inspector General shall at all times be
5 granted access to any facility or agency for the purpose
6 of investigating any allegation, conducting unannounced
7 site visits, monitoring compliance with a written
8 response, conducting reviews of facilities and agencies,
9 or completing any other statutorily assigned duty.

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

1 in violation of this Act.

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

15 (k) Reporting allegations and deaths.

16 (1) Allegations. If an employee witnesses, is told of,
17 or has reason to believe an incident of mental abuse,
18 physical abuse, sexual abuse, neglect, financial
19 exploitation, or material obstruction of an investigation
20 has occurred, the employee, agency, or facility shall
21 report the allegation by phone to the Office of the
22 Inspector General hotline according to the agency's or
23 facility's procedures, but in no event later than 4 hours
24 after the initial discovery of the incident, allegation,
25 or suspicion of any one or more of the following: mental
26 abuse, physical abuse, sexual abuse, neglect, financial

1 exploitation, or material obstruction of an investigation.
2 A required reporter as defined in subsection (b) of this
3 Section who knowingly or intentionally fails to comply
4 with these reporting requirements is guilty of a Class A
5 misdemeanor.

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

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

13 (ii) Any death of an individual occurring within
14 24 hours after deflection from a residential program
15 or facility.

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

19 (3) Retaliation. It is a violation of this Act for any
20 employee or administrator of an agency or facility to take
21 retaliatory action against an employee who acts in good
22 faith in conformance with his or her duties as a required
23 reporter.

24 (1) Reporting to law enforcement. Reporting criminal acts.
25 Within 24 hours after determining that there is credible
26 evidence indicating that a criminal act may have been

1 committed or that special expertise may be required in an
2 investigation, the Inspector General shall notify the Illinois
3 State Police or other appropriate law enforcement authority,
4 or ensure that such notification is made. The Illinois State
5 Police shall investigate any report from a State-operated
6 facility indicating a possible murder, sexual assault, or
7 other felony by an employee. All investigations conducted by
8 the Inspector General shall be conducted in a manner designed
9 to ensure the preservation of evidence for possible use in a
10 criminal prosecution.

11 (m) Investigative reports. Upon completion of an
12 investigation, the Office of Inspector General shall issue an
13 investigative report identifying whether the allegations are
14 substantiated, unsubstantiated, or unfounded. Within 10
15 business days after the transmittal of a completed
16 investigative report substantiating an allegation, finding an
17 allegation is unsubstantiated, or if a recommendation is made,
18 the Inspector General shall provide the investigative report
19 on the case to the Secretary and to the director of the
20 facility or agency where any one or more of the following
21 occurred: mental abuse, physical abuse, sexual abuse, neglect,
22 egregious neglect, financial exploitation, or material
23 obstruction of an investigation. The director of the facility
24 or agency shall be responsible for maintaining the
25 confidentiality of the investigative report consistent with
26 State and federal law. In a substantiated case, the

1 investigative report shall include any mitigating or
2 aggravating circumstances that were identified during the
3 investigation. If the case involves substantiated neglect, the
4 investigative report shall also state whether egregious
5 neglect was found. An investigative report may also set forth
6 recommendations. All investigative reports prepared by the
7 Office of the Inspector General shall be considered
8 confidential and shall not be released except as provided by
9 the law of this State or as required under applicable federal
10 law. Unsubstantiated and unfounded reports shall not be
11 disclosed except as allowed under Section 6 of the Abused and
12 Neglected Long Term Care Facility Residents Reporting Act. Raw
13 data used to compile the investigative report shall not be
14 subject to release unless required by law or a court order.
15 "Raw data used to compile the investigative report" includes,
16 but is not limited to, any one or more of the following: the
17 initial complaint, witness statements, photographs,
18 investigator's notes, police reports, or incident reports. If
19 the allegations are substantiated, the victim, the victim's
20 guardian, and the accused shall be provided with a redacted
21 copy of the investigative report. Death reports where there
22 was no allegation of abuse or neglect shall only be released to
23 the Secretary, or the Secretary's designee, and to the
24 director of the facility or agency when a recommendation is
25 made and pursuant to applicable State or federal law or a valid
26 court order. Unredacted investigative reports, as well as raw

1 data, may be shared with a local law enforcement entity, a
2 State's Attorney's office, ~~or~~ a county coroner's office, or
3 the Department of Financial and Professional Regulation upon
4 written request.

5 (n) Written responses, clarification requests, and
6 reconsideration requests.

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

20 (2) Requests for clarification. The facility, agency,
21 victim or guardian, or the subject employee may request
22 that the Office of Inspector General clarify the finding
23 or findings for which clarification is sought.

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

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

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

20 (p) Secretary review. Upon review of the Inspector
21 General's investigative report and any agency's or facility's
22 written response, the Secretary, or the Secretary's designee,
23 shall accept or reject the written response and notify the
24 Inspector General of that determination. The Secretary, or the
25 Secretary's designee, may further direct that other
26 administrative action be taken, including, but not limited to,

1 any one or more of the following: (i) additional site visits,
2 (ii) training, (iii) provision of technical assistance
3 relative to administrative needs, licensure, or certification,
4 or (iv) the imposition of appropriate sanctions.

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

22 (r) Sanctions. Sanctions, if imposed by the Secretary
23 under Subdivision (p)(iv) of this Section, shall be designed
24 to prevent further acts of mental abuse, physical abuse,
25 sexual abuse, neglect, egregious neglect, or financial
26 exploitation or some combination of one or more of those acts

1 at a facility or agency, and may include any one or more of the
2 following:

3 (1) Appointment of on-site monitors.

4 (2) Transfer or relocation of an individual or
5 individuals.

6 (3) Closure of units.

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

8 (i) Department licensing, (ii) funding, or (iii)
9 certification.

10 The Inspector General may seek the assistance of the
11 Illinois Attorney General or the office of any State's
12 Attorney in implementing sanctions.

13 (s) Health Care Worker Registry.

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

1 requested stipulated disposition.

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

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

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

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

25 (5) Employee's rights to collateral action. No
26 reporting to the Registry shall occur and no hearing shall

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

17 (6) Removal from Registry. At any time after the
18 report to the Registry, but no more than once in any
19 12-month period, an employee may petition the Department
20 in writing to remove his or her name from the Registry.
21 Upon receiving notice of such request, the Inspector
22 General shall conduct an investigation into the petition.
23 Upon receipt of such request, an administrative hearing
24 will be set by the Department. At the hearing, the
25 employee shall bear the burden of presenting evidence that
26 establishes, by a preponderance of the evidence, that

1 removal of the name from the Registry is in the public
2 interest. The parties may jointly request that the
3 administrative law judge consider a stipulated disposition
4 of these proceedings.

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

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

23 Members appointed by the Governor shall be qualified by
24 professional knowledge or experience in the area of law,
25 investigatory techniques, or in the area of care of the
26 mentally ill or care of persons with developmental

1 disabilities. Two members appointed by the Governor shall be
2 persons with a disability or parents of persons with a
3 disability. Members shall serve without compensation, but
4 shall be reimbursed for expenses incurred in connection with
5 the performance of their duties as members.

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

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

16 (1) Provide independent, expert consultation to the
17 Inspector General on policies and protocols for
18 investigations of alleged abuse, neglect, or both abuse
19 and neglect.

20 (2) Review existing regulations relating to the
21 operation of facilities.

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

24 (4) Recommend policies concerning methods for
25 improving the intergovernmental relationships between the
26 Office of the Inspector General and other State or federal

1 offices.

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

21 (w) Program audit. The Auditor General shall conduct a
22 program audit of the Office of the Inspector General on an
23 as-needed basis, as determined by the Auditor General. The
24 audit shall specifically include the Inspector General's
25 compliance with the Act and effectiveness in investigating
26 reports of allegations occurring in any facility or agency.

1 The Auditor General shall conduct the program audit according
2 to the provisions of the Illinois State Auditing Act and shall
3 report its findings to the General Assembly no later than
4 January 1 following the audit period.

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

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

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

23 (20 ILCS 1305/10-8)

24 Sec. 10-8. The Autism Research Checkoff Fund; grants;
25 scientific review committee. The Autism Research Checkoff Fund

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

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

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

22 The Department shall promulgate rules for the creation of
23 a scientific review committee to review and assess
24 applications for the grants authorized under this Section. The
25 Committee shall serve without compensation.

26 Notwithstanding any other provision of law, on July 1,

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

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

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

14 (20 ILCS 2405/11) (from Ch. 23, par. 3442)

15 Sec. 11. Illinois Center for Rehabilitation and
16 Education-Roosevelt. The Department shall operate and maintain
17 the Illinois Center for Rehabilitation and Education-Roosevelt
18 for the care and education of educable young adults with one or
19 more physical disabilities and provide in connection therewith
20 nursing and medical care and academic, occupational, and
21 related training to such young adults.

22 Any Illinois resident under the age of 22 years who is
23 educable but has such a severe physical disability as a result
24 of cerebral palsy, muscular dystrophy, spina bifida, or other

1 cause that he or she is unable to take advantage of the system
2 of free education in the State of Illinois, may be admitted to
3 the Center or be entitled to services and facilities provided
4 hereunder. Young adults shall be admitted to the Center or be
5 eligible for such services and facilities only after diagnosis
6 according to procedures approved for this purpose. The
7 Department may avail itself of the services of other public or
8 private agencies in determining any young adult's eligibility
9 for admission to, or discharge from, the Center.

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

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

17 (20 ILCS 2405/11a new)

18 Sec. 11a. Illinois Center for Rehabilitation and
19 Education-Wood. The Department shall operate and maintain the
20 Illinois Center for Rehabilitation and Education-Wood for the
21 education of individuals who are blind, visually impaired, or
22 DeafBlind and are seeking competitive integrated employment.

23 Individuals who are blind, visually impaired, or DeafBlind
24 seeking services through the Illinois Center for
25 Rehabilitation and Education-Wood must meet all requirements

1 set forth in 89 Ill. Adm. Code 730.

2 The Department may avail itself of the services of other
3 public or private agencies in determining eligibility for
4 admission to or discharge from the Illinois Center for
5 Rehabilitation and Education-Wood.

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

13 (20 ILCS 2405/17) (from Ch. 23, par. 3448)

14 Sec. 17. Child Abuse and Neglect Reports.

15 (a) All applicants for employment at the Illinois School
16 for the Visually Impaired, the Illinois School for the Deaf,
17 the Illinois Center for the Rehabilitation and
18 Education-Roosevelt, and the Illinois Center for the
19 Rehabilitation and Education-Wood shall as a condition of
20 employment authorize, in writing on a form prescribed by the
21 Department of Children and Family Services, an investigation
22 of the Central Register, as defined in the Abused and
23 Neglected Child Reporting Act, to ascertain if the applicant
24 has been determined to be a perpetrator in an indicated report
25 of child abuse or neglect.

1 (b) The information concerning a prospective employee
2 obtained by the Department shall be confidential and exempt
3 from public inspection and copying, as provided under Section
4 7 of The Freedom of Information Act, and the information shall
5 not be transmitted outside the Department, except as provided
6 in the Abused and Neglected Child Reporting Act, and shall not
7 be transmitted to anyone within the Department except as
8 needed for the purposes of evaluation of an application for
9 employment.

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

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

13 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

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

16 (a) The State Board of Education shall make rules under
17 which local school boards shall determine the eligibility of
18 children to receive special education. Such rules shall ensure
19 that a free appropriate public education be available to all
20 children with disabilities as defined in Section 14-1.02. The
21 State Board of Education shall require local school districts
22 to administer non-discriminatory procedures or tests to
23 English learners coming from homes in which a language other
24 than English is used to determine their eligibility to receive

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

20 (b) No child shall be eligible for special education
21 facilities except with a carefully completed case study fully
22 reviewed by professional personnel in a multidisciplinary
23 staff conference and only upon the recommendation of qualified
24 specialists or a qualified bilingual specialist, if available.
25 At the conclusion of the multidisciplinary staff conference,
26 the parent of the child and, if the child is in the legal

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

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

1 parent disagrees with the findings of the evaluation, then the
2 school district may initiate an impartial due process hearing
3 under this Section. The school district may evaluate the child
4 if that is the decision resulting from the impartial due
5 process hearing and the decision is not appealed or if the
6 decision is affirmed on appeal. The determination of
7 eligibility shall be made and the IEP meeting shall be
8 completed within 60 school days from the date of written
9 parental consent. In those instances when written parental
10 consent is obtained with fewer than 60 pupil attendance days
11 left in the school year, the eligibility determination shall
12 be made and the IEP meeting shall be completed prior to the
13 first day of the following school year. Special education and
14 related services must be provided in accordance with the
15 student's IEP no later than 10 school attendance days after
16 notice is provided to the parents pursuant to Section 300.503
17 of Title 34 of the Code of Federal Regulations and
18 implementing rules adopted by the State Board of Education.
19 The appropriate program pursuant to the individualized
20 educational program of students whose native tongue is a
21 language other than English shall reflect the special
22 education, cultural and linguistic needs. No later than
23 September 1, 1993, the State Board of Education shall
24 establish standards for the development, implementation and
25 monitoring of appropriate bilingual special individualized
26 educational programs. The State Board of Education shall

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

19 If the child is deaf, hard of hearing, blind, or visually
20 impaired or has an orthopedic impairment or physical
21 disability and he or she might be eligible to receive services
22 from the Illinois School for the Deaf, the Illinois School for
23 the Visually Impaired, the Illinois Center for Rehabilitation
24 and Education-Wood, or the Illinois Center for Rehabilitation
25 and Education-Roosevelt, the school district shall notify the
26 parents, in writing, of the existence of these schools and the

1 services they provide and shall make a reasonable effort to
2 inform the parents of the existence of other, local schools
3 that provide similar services and the services that these
4 other schools provide. This notification shall include,
5 without limitation, information on school services, school
6 admissions criteria, and school contact information.

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

15 (1) The verbal and nonverbal communication needs of
16 the child.

17 (2) The need to develop social interaction skills and
18 proficiencies.

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

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

23 (5) The needs resulting from engagement in repetitive
24 activities and stereotyped movements.

25 (6) The need for any positive behavioral
26 interventions, strategies, and supports to address any

1 behavioral difficulties resulting from autism spectrum
2 disorder.

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

6 Public Act 95-257 does not create any new entitlement to a
7 service, program, or benefit, but must not affect any
8 entitlement to a service, program, or benefit created by any
9 other law.

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

23 (c) In the development of the individualized education
24 program for a student who is functionally blind, it shall be
25 presumed that proficiency in Braille reading and writing is
26 essential for the student's satisfactory educational progress.

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

1 medium or media based on the assessment report.

2 (d) To the maximum extent appropriate, the placement shall
3 provide the child with the opportunity to be educated with
4 children who do not have a disability; provided that children
5 with disabilities who are recommended to be placed into
6 regular education classrooms are provided with supplementary
7 services to assist the children with disabilities to benefit
8 from the regular classroom instruction and are included on the
9 teacher's regular education class register. Subject to the
10 limitation of the preceding sentence, placement in special
11 classes, separate schools or other removal of the child with a
12 disability from the regular educational environment shall
13 occur only when the nature of the severity of the disability is
14 such that education in the regular classes with the use of
15 supplementary aids and services cannot be achieved
16 satisfactorily. The placement of English learners with
17 disabilities shall be in non-restrictive environments which
18 provide for integration with peers who do not have
19 disabilities in bilingual classrooms. Annually, each January,
20 school districts shall report data on students from
21 non-English speaking backgrounds receiving special education
22 and related services in public and private facilities as
23 prescribed in Section 2-3.30. If there is a disagreement
24 between parties involved regarding the special education
25 placement of any child, either in-state or out-of-state, the
26 placement is subject to impartial due process procedures

1 described in Article 10 of the Rules and Regulations to Govern
2 the Administration and Operation of Special Education.

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

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

16 (g) School boards or their designee shall provide to the
17 parents of a child or, if applicable, the Department of
18 Children and Family Services' Office of Education and
19 Transition Services prior written notice of any decision (a)
20 proposing to initiate or change, or (b) refusing to initiate
21 or change, the identification, evaluation, or educational
22 placement of the child or the provision of a free appropriate
23 public education to their child, and the reasons therefor. For
24 a parent, such written notification shall also inform the
25 parent of the opportunity to present complaints with respect
26 to any matter relating to the educational placement of the

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

1 meeting under this subsection to assist a parent who has
2 limited English proficiency.

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

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

1 agreeable. Visitors shall comply with school safety, security,
2 and visitation policies at all times. School district
3 visitation policies must not conflict with this subsection
4 (g-5). Visitors shall be required to comply with the
5 requirements of applicable privacy laws, including those laws
6 protecting the confidentiality of education records such as
7 the federal Family Educational Rights and Privacy Act and the
8 Illinois School Student Records Act. The visitor shall not
9 disrupt the educational process.

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

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

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

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

17 (Source: P.A. 102-199, eff. 7-1-22; 102-264, eff. 8-6-21;
18 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1072, eff.
19 6-10-22; 103-197, eff. 1-1-24; 103-605, eff. 7-1-24.)

20 Section 15. The Community-Integrated Living Arrangements
21 Licensure and Certification Act is amended by changing
22 Sections 2, 3, 4, 6, 8, and 10, as follows:

23 (210 ILCS 135/2) (from Ch. 91 1/2, par. 1702)

24 Sec. 2. The purpose of this Act is to promote the operation

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

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

16 (210 ILCS 135/3) (from Ch. 91 1/2, par. 1703)

17 Sec. 3. As used in this Act, unless the context requires
18 otherwise:

19 (a) "Applicant" means a person, group of persons,
20 association, partnership or corporation that applies for a
21 license as a community ~~mental health or~~ developmental services
22 agency under this Act.

23 (b) "Community ~~mental health or~~ developmental services
24 agency" or "agency" means a public or private agency,
25 association, partnership, corporation or organization which,

1 pursuant to this Act, certifies community-integrated living
2 arrangements for ~~persons with mental illness~~ or persons with a
3 developmental disability.

4 (c) "Department" means the Department of Human Services
5 (as successor to the Department of Mental Health and
6 Developmental Disabilities).

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

14 (1) "Adult foster care", a living arrangement for
15 recipients in residences of families unrelated to them,
16 for the purpose of providing family care for the
17 recipients on a full-time basis;

18 (2) "Assisted residential care", an independent living
19 arrangement where recipients are intermittently supervised
20 by off-site staff;

21 (3) "Crisis residential care", a non-medical living
22 arrangement where recipients in need of non-medical,
23 crisis services are supervised by on-site staff 24 hours a
24 day;

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

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

4 (6) "Community residential alternatives", as defined
5 in the Community Residential Alternatives Licensing Act;
6 and

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

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

19 (f) "Unrelated" means that persons residing together in
20 programs or placements certified by a community ~~mental health~~
21 ~~or~~ developmental services agency under this Act do not have
22 any of the following relationships by blood, marriage or
23 adoption: parent, son, daughter, brother, sister, grandparent,
24 uncle, aunt, nephew, niece, great grandparent, great uncle,
25 great aunt, stepbrother, stepsister, stepson, stepdaughter,
26 stepparent or first cousin.

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

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

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

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

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

19 (2) ensuring that recipients' rights are protected and
20 that all programs provided to and placements arranged for
21 recipients comply with this Act, the Mental Health and
22 Developmental Disabilities Code, and applicable Department
23 rules and regulations;

24 (3) maintaining the integrity of communities by
25 requiring regular monitoring and inspection of placements

1 and other services provided in community-integrated living
2 arrangements.

3 The licensure system shall be administered by a quality
4 assurance unit within the Department which shall be
5 administratively independent of units responsible for funding
6 of agencies or community services.

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

10 (1) all recipients residing in community-integrated
11 living arrangements are receiving appropriate
12 community-based services, including treatment, training
13 and habilitation or rehabilitation;

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

16 (3) all programs provided to and placements arranged
17 for recipients comply with this Act, the Mental Health and
18 Developmental Disabilities Code, and applicable Department
19 rules and regulations.

20 (c-5) Each developmental services agency licensed under
21 this Act shall submit an annual report to the Department, as a
22 contractual requirement between the Department and the
23 developmental services agency, certifying that all
24 legislatively or administratively mandated wage increases to
25 benefit workers are passed through in accordance with the
26 legislative or administrative mandate. The Department shall

1 determine the manner and form of the annual report.

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

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

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

18 (g) (1) The Department may conduct site visits to an agency
19 licensed under this Act, or to any program or placement
20 certified by the agency, and inspect the records or premises,
21 or both, of such agency, program or placement as it deems
22 appropriate, for the purpose of determining compliance with
23 this Act, the Mental Health and Developmental Disabilities
24 Code, and applicable Department rules and regulations. The
25 Department shall conduct inspections of the records and
26 premises of each community-integrated living arrangement

1 certified under this Act at least once every 2 years.

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

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

26 (h) Upon the expiration of any license issued under this

1 Act, a license renewal application shall be required of and a
2 license renewal fee in an amount established by the Department
3 shall be charged to a community ~~mental health or~~ developmental
4 services agency, provided that such fee shall not be more than
5 \$200.

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

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

11 (210 ILCS 135/6) (from Ch. 91 1/2, par. 1706)

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

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

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

1 (3) Violation of this Act or rules and regulations
2 promulgated under this Act;

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

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

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

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

23 (c) Upon revocation of an agency's license under
24 subsection (b) of this Section, the agency shall continue
25 providing for the health, safety, and welfare of the
26 individuals that the agency was serving at the time the

1 agency's license was revoked during the period of transition.
2 The private, not-for-profit corporation designated by the
3 Governor to administer the State plan to protect and advocate
4 for the rights of persons with developmental disabilities
5 under Section 1 of the Protection and Advocacy for Persons
6 with Developmental Disabilities Act, contingent on State
7 funding from the Department, shall have unimpeded, immediate,
8 and full access to recipients and recipients' guardians to
9 inform them of the recipients' and recipients' guardians'
10 rights and options during the revocation and transition
11 process.

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

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

18 (210 ILCS 135/8) (from Ch. 91 1/2, par. 1708)

19 Sec. 8. (a) Any community ~~mental health or~~ developmental
20 services agency that continues to operate after its license is
21 revoked under this Act, or after its license expires and the
22 Department refuses to renew the license, is guilty of a
23 business offense and shall be fined an amount in excess of \$500
24 but not exceeding \$2,000, and each day of violation is a
25 separate offense. All fines shall be paid to the Mental Health

1 Fund.

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

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

21 (210 ILCS 135/10) (from Ch. 91 1/2, par. 1710)

22 Sec. 10. Community integration.

23 (a) Community-integrated living arrangements shall be
24 located so as to enable residents to participate in and be
25 integrated into their community or neighborhood. The location

1 of such arrangements shall promote community integration of
2 persons with developmental ~~mental~~ disabilities.

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

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

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

11 (225 ILCS 46/15)

12 Sec. 15. Definitions. In this Act:

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

17 "Conditional offer of employment" means a bona fide offer
18 of employment by a health care employer to an applicant, which
19 is contingent upon the receipt of a report from the Department
20 of Public Health indicating that the applicant does not have a
21 record of conviction of any of the criminal offenses
22 enumerated in Section 25.

23 "Department" means the Department of Public Health.

24 "Direct care" means the provision of nursing care or

1 assistance with feeding, dressing, movement, bathing,
2 toileting, or other personal needs, including home services as
3 defined in the Home Health, Home Services, and Home Nursing
4 Agency Licensing Act.

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

10 "Director" means the Director of Public Health.

11 "Disqualifying offenses" means those offenses set forth in
12 Section 25 of this Act.

13 "Employee" means any individual hired, employed, or
14 retained, whether paid or on a volunteer basis, to which this
15 Act applies.

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

18 "Fingerprint-based criminal history records check" means a
19 livescan fingerprint-based criminal history records check
20 submitted as a fee applicant inquiry in the form and manner
21 prescribed by the Illinois State Police.

22 "Health care employer" means:

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

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

26 (ii) a life care facility, as defined in the Life

1 Care Facilities Act;

2 (iii) a long-term care facility;

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

6 (v) a hospice care program or volunteer hospice
7 program, as defined in the Hospice Program Licensing
8 Act;

9 (vi) a hospital, as defined in the Hospital
10 Licensing Act;

11 (vii) (blank);

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

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

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

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

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

22 (xii) the University of Illinois Hospital,
23 Chicago;

24 (xiii) programs funded by the Department on Aging
25 through the Community Care Program;

26 (xiv) programs certified to participate in the

1 Supportive Living Program authorized pursuant to
2 Section 5-5.01a of the Illinois Public Aid Code;

3 (xv) programs listed by the Emergency Medical
4 Services (EMS) Systems Act as Freestanding Emergency
5 Centers;

6 (xvi) locations licensed under the Alternative
7 Health Care Delivery Act;

8 (2) a day training program certified by the Department
9 of Human Services;

10 (3) a community integrated living arrangement operated
11 by a community ~~mental health and~~ developmental service
12 agency, as defined in the Community-Integrated Living
13 Arrangements Licensure and Certification Act;

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

18 (5) the Department of Corrections or a third-party
19 vendor employing certified nursing assistants working with
20 the Department of Corrections;

21 (6) a financial management services entity contracted
22 with the Department of Human Services, Division of
23 Developmental Disabilities, which is not the employer of
24 personal support workers but supports individuals
25 receiving participant directed services, to administer the
26 individuals' employer authority. A financial management

1 services entity assists participants in completing
2 background check requirements, collecting and processing
3 time sheets for support workers, and processing payroll,
4 withholding, filing, and payment of applicable federal,
5 State, and local employment-related taxes and insurance;
6 or

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

9 "Initiate" means obtaining from a student, applicant, or
10 employee his or her social security number, demographics, a
11 disclosure statement, and an authorization for the Department
12 of Public Health or its designee to request a
13 fingerprint-based criminal history records check; transmitting
14 this information electronically to the Department of Public
15 Health; conducting Internet searches on certain web sites,
16 including without limitation the Illinois Sex Offender
17 Registry, the Department of Corrections' Sex Offender Search
18 Engine, the Department of Corrections' Inmate Search Engine,
19 the Department of Corrections Wanted Fugitives Search Engine,
20 the National Sex Offender Public Registry, and the List of
21 Excluded Individuals and Entities database on the website of
22 the Health and Human Services Office of Inspector General to
23 determine if the applicant has been adjudicated a sex
24 offender, has been a prison inmate, or has committed Medicare
25 or Medicaid fraud, or conducting similar searches as defined
26 by rule; and having the student, applicant, or employee's

1 fingerprints collected and transmitted electronically to the
2 Illinois State Police.

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

17 "Long-term care facility" means a facility licensed by the
18 State or certified under federal law as a long-term care
19 facility, including without limitation facilities licensed
20 under the Nursing Home Care Act, the Specialized Mental Health
21 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
22 the MC/DD Act, a supportive living facility, an assisted
23 living establishment, or a shared housing establishment or
24 registered as a board and care home.

25 "Resident" means a person, individual, or patient under
26 the direct care of a health care employer or who has been

1 provided goods or services by a health care employer.

2 (Source: P.A. 102-226, eff. 7-30-21; 102-503, eff. 8-20-21;
3 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-303, eff.
4 1-1-24; 103-1032, eff. 1-1-25.)

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

7 (325 ILCS 3/10-65)

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

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

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

17 (2) a written Individualized Family Service Plan
18 developed by a multidisciplinary team which includes the
19 parent or guardian. The individualized family service plan
20 shall be based on the multidisciplinary team's assessment
21 of the resources, priorities, and concerns of the family
22 and its identification of the supports and services
23 necessary to enhance the family's capacity to meet the
24 developmental needs of the infant or toddler, and shall

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

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

24 (c) The initial evaluation and initial assessment and
25 initial Plan meeting must be held within 45 days after the
26 initial contact with the early intervention services system.

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

20 (d) Parents must be informed that early intervention
21 services shall be provided to each eligible infant and
22 toddler, to the maximum extent appropriate, in the natural
23 environment, which may include the home or other community
24 settings. Parents must also be informed of the availability of
25 early intervention services provided through telehealth
26 services. Parents shall make the final decision to accept or

1 decline early intervention services, including whether
2 accepted services are delivered in person or via telehealth
3 services. A decision to decline such services shall not be a
4 basis for administrative determination of parental fitness, or
5 other findings or sanctions against the parents. Parameters of
6 the Plan shall be set forth in rules.

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

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

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

18 (3) That the family may request, with appropriate
19 documentation supporting the request, a determination of
20 an exemption from private insurance use under Section
21 10-100.

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

26 (5) That families will be responsible for payments of

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

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

14 (1) The name, address, and telephone number of the
15 insurance carrier.

16 (2) The contract number and policy number of the
17 insurance plan.

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

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

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

25 (h) Children receiving services under this Act shall
26 receive a smooth and effective transition by their third

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

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

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

24 (325 ILCS 20/11) (from Ch. 23, par. 4161)

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

2 Sec. 11. Individualized Family Service Plans.

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

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

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

1 those services. All services in the individualized family
2 services plan must be justified by the multidisciplinary
3 assessment of the unique strengths and needs of the infant
4 or toddler and must be appropriate to meet those needs. At
5 the periodic reviews, the team shall determine whether
6 modification or revision of the outcomes or services is
7 necessary.

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

16 (c) The initial evaluation and initial assessment and
17 initial Plan meeting must be held within 45 days after the
18 initial contact with the early intervention services system.
19 The 45-day timeline does not apply for any period when the
20 child or parent is unavailable to complete the initial
21 evaluation, the initial assessments of the child and family,
22 or the initial Plan meeting, due to exceptional family
23 circumstances that are documented in the child's early
24 intervention records, or when the parent has not provided
25 consent for the initial evaluation or the initial assessment
26 of the child despite documented, repeated attempts to obtain

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

13 (d) Parents must be informed that early intervention
14 services shall be provided to each eligible infant and
15 toddler, to the maximum extent appropriate, in the natural
16 environment, which may include the home or other community
17 settings. Parents must also be informed of the availability of
18 early intervention services provided through telehealth
19 services. Parents shall make the final decision to accept or
20 decline early intervention services, including whether
21 accepted services are delivered in person or via telehealth
22 services. A decision to decline such services shall not be a
23 basis for administrative determination of parental fitness, or
24 other findings or sanctions against the parents. Parameters of
25 the Plan shall be set forth in rules.

26 (e) The regional intake offices shall explain to each

1 family, orally and in writing, all of the following:

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

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

11 (3) That the family may request, with appropriate
12 documentation supporting the request, a determination of
13 an exemption from private insurance use under Section
14 13.25.

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

19 (5) That families will be responsible for payments of
20 family fees, which will be based on a sliding scale
21 according to the State's definition of ability to pay
22 which is comparing household size and income to the
23 sliding scale and considering out-of-pocket medical or
24 disaster expenses, and that these fees are payable to the
25 central billing office. Families who fail to provide
26 income information shall be charged the maximum amount on

1 the sliding scale.

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

7 (1) The name, address, and telephone number of the
8 insurance carrier.

9 (2) The contract number and policy number of the
10 insurance plan.

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

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

14 (g) A copy of the individualized family service plan must
15 be provided to each enrolled provider who is providing early
16 intervention services to the child who is the subject of that
17 plan.

18 (h) Children receiving services under this Act shall
19 receive a smooth and effective transition by their third
20 birthday consistent with federal regulations adopted pursuant
21 to Sections 1431 through 1444 of Title 20 of the United States
22 Code. On and after the effective date of this amendatory Act of
23 the 104th General Assembly Beginning January 1, 2022, children
24 who receive early intervention services prior to their third
25 birthday, who have been found eligible for early childhood
26 special education services under the Individuals with

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

14 (Source: P.A. 101-654, eff. 3-8-21; 102-104, eff. 7-22-21;
15 102-209, eff. 11-30-21 (See Section 5 of P.A. 102-671 for
16 effective date of P.A. 102-209); 102-813, eff. 5-13-22;
17 102-962, eff. 7-1-22.)

18 Section 30. The Mental Health and Developmental
19 Disabilities Code is amended by changing Sections 1-122,
20 6-103, 6-103.2, and 6-103.3 and by adding Section 1-120.1 as
21 follows:

22 (405 ILCS 5/1-120.1 new)

23 Sec. 1-120.1. Physician assistant. "Physician assistant"
24 means a person who is licensed as a physician assistant under

1 the Physician Assistant Practice Act of 1987 and is authorized
2 to practice under a collaborating physician.

3 (405 ILCS 5/1-122) (from Ch. 91 1/2, par. 1-122)

4 Sec. 1-122. Qualified examiner. "Qualified examiner" means
5 a person who is:

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

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

16 (c) a licensed clinical professional counselor with a
17 master's or doctoral degree in counseling or psychology or
18 a similar master's or doctorate program from a regionally
19 accredited institution who has at least 3 years of
20 supervised post-master's clinical professional counseling
21 experience that includes the provision of mental health
22 services for the evaluation, treatment, and prevention of
23 mental and emotional disorders, ~~or~~

24 (d) a licensed marriage and family therapist with a
25 master's or doctoral degree in marriage and family therapy

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

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

15 ~~A social worker who is a qualified examiner shall be a~~
16 ~~licensed clinical social worker under the Clinical Social Work~~
17 ~~and Social Work Practice Act.~~

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

19 (405 ILCS 5/6-103) (from Ch. 91 1/2, par. 6-103)

20 Sec. 6-103. (a) All persons acting in good faith and
21 without negligence in connection with the preparation of
22 applications, petitions, certificates or other documents, for
23 the apprehension, transportation, examination, treatment,
24 habilitation, detention or discharge of an individual under
25 the provisions of this Act incur no liability, civil or

1 criminal, by reason of such acts.

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

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

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

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

1 (405 ILCS 5/6-103.2)

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

25 The physician, clinical psychologist, advanced practice
26 psychiatric nurse, or qualified examiner making the

1 determination and his or her employer may not be held
2 criminally, civilly, or professionally liable for making or
3 not making the notification required under this Section,
4 except for willful or wanton misconduct.

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

- 17 (i) self-care;
18 (ii) receptive and expressive language;
19 (iii) learning;
20 (iv) mobility; or
21 (v) self-direction.

22 "Determined to be a person with a developmental disability
23 by a physician, clinical psychologist, advanced practice
24 psychiatric nurse, or qualified examiner" means in the
25 professional opinion of the physician, clinical psychologist,
26 advanced practice psychiatric nurse, or qualified examiner, a

1 person, with whom the physician, psychologist, nurse, or
2 examiner has a formal relationship in his or her professional
3 or official capacity, is diagnosed, assessed, or evaluated as
4 having a developmental disability.

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

6 (405 ILCS 5/6-103.3)

7 Sec. 6-103.3. Clear and present danger; notice. If a
8 person is determined to pose a clear and present danger to
9 himself, herself, or to others by a physician, clinical
10 psychologist, advanced practice psychiatric nurse, or
11 qualified examiner, whether employed by the State, by any
12 public or private mental health facility or part thereof, or
13 by a law enforcement official or a school administrator, then
14 the physician, clinical psychologist, advanced practice
15 psychiatric nurse, or qualified examiner shall notify the
16 Department of Human Services and a law enforcement official or
17 school administrator shall notify the Illinois State Police,
18 within 24 hours of making the determination that the person
19 poses a clear and present danger. The Department of Human
20 Services shall immediately update its records and information
21 relating to mental health and developmental disabilities, and
22 if appropriate, shall notify the Illinois State Police in a
23 form and manner prescribed by the Illinois State Police.
24 Information disclosed under this Section shall remain
25 privileged and confidential, and shall not be redisclosed,

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

18 For the purposes of this Section:

19 "Clear and present danger" has the meaning ascribed to
20 it in Section 1.1 of the Firearm Owners Identification
21 Card Act.

22 "Determined to pose a clear and present danger to
23 himself, herself, or to others by a physician, clinical
24 psychologist, advanced practice psychiatric nurse, or
25 qualified examiner" means in the professional opinion of
26 the physician, clinical psychologist, advanced practice

1 psychiatric nurse, or qualified examiner, a person, with
2 whom the physician, psychologist, nurse, or examiner has a
3 formal relationship in his or her official capacity, poses
4 a clear and present danger.

5 "School administrator" means the person required to
6 report under the School Administrator Reporting of Mental
7 Health Clear and Present Danger Determinations Law.

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

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

11 (430 ILCS 65/1.1)

12 Sec. 1.1. For purposes of this Act:

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

14 (1) convicted of an offense involving the use or
15 possession of cannabis, a controlled substance, or
16 methamphetamine within the past year; or

17 (2) determined by the Illinois State Police to be
18 addicted to narcotics based upon federal law or federal
19 guidelines.

20 "Addicted to narcotics" does not include possession or use
21 of a prescribed controlled substance under the direction and
22 authority of a physician or other person authorized to
23 prescribe the controlled substance when the controlled
24 substance is used in the prescribed manner.

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

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

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

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

13 (3.5) is guilty but mentally ill, as provided in
14 Section 5-2-6 of the Unified Code of Corrections;

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

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

19 (6) is a sexually violent person under subsection (f)
20 of Section 5 of the Sexually Violent Persons Commitment
21 Act;

22 (7) is a sexually dangerous person under the Sexually
23 Dangerous Persons Act;

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

26 (9) is not guilty by reason of insanity under the

1 Juvenile Court Act of 1987;

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

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

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

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

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

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

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

23 (2) demonstrates threatening physical or verbal
24 behavior, such as violent, suicidal, or assaultive
25 threats, actions, or other behavior, as determined by a
26 physician, clinical psychologist, advanced practice

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

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

9 "Firearm" means any device, by whatever name known, which
10 is designed to expel a projectile or projectiles by the action
11 of an explosion, expansion of gas or escape of gas; excluding,
12 however:

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

17 (1.1) any pneumatic gun, spring gun, paint ball gun,
18 or B-B gun which expels breakable paint balls containing
19 washable marking colors;

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

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

26 (4) an antique firearm (other than a machine-gun)

1 which, although designed as a weapon, the Illinois State
2 Police finds by reason of the date of its manufacture,
3 value, design, and other characteristics is primarily a
4 collector's item and is not likely to be used as a weapon.

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

8 (1) any ammunition exclusively designed for use with a
9 device used exclusively for signaling or safety and
10 required or recommended by the United States Coast Guard
11 or the Interstate Commerce Commission; and

12 (2) any ammunition designed exclusively for use with a
13 stud or rivet driver or other similar industrial
14 ammunition.

15 "Gun show" means an event or function:

16 (1) at which the sale and transfer of firearms is the
17 regular and normal course of business and where 50 or more
18 firearms are displayed, offered, or exhibited for sale,
19 transfer, or exchange; or

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

23 "Gun show" includes the entire premises provided for an
24 event or function, including parking areas for the event or
25 function, that is sponsored to facilitate the purchase, sale,
26 transfer, or exchange of firearms as described in this

1 Section. Nothing in this definition shall be construed to
2 exclude a gun show held in conjunction with competitive
3 shooting events at the World Shooting Complex sanctioned by a
4 national governing body in which the sale or transfer of
5 firearms is authorized under subparagraph (5) of paragraph (g)
6 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

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

13 "Gun show promoter" means a person who organizes or
14 operates a gun show.

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

20 "Intellectual disability" means significantly subaverage
21 general intellectual functioning, existing concurrently with
22 deficits in adaptive behavior and manifested during the
23 developmental period, which is defined as before the age of
24 22, that adversely affects a child's educational performance.

25 "Involuntarily admitted" has the meaning as prescribed in
26 Sections 1-119 and 1-119.1 of the Mental Health and

1 Developmental Disabilities Code.

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

13 "National governing body" means a group of persons who
14 adopt rules and formulate policy on behalf of a national
15 firearm sporting organization.

16 "Noncitizen" means a person who is not a citizen of the
17 United States, but is a person who is a foreign-born person who
18 lives in the United States, has not been naturalized, and is
19 still a citizen of a foreign country.

20 "Patient" means:

21 (1) a person who is admitted as an inpatient or
22 resident of a public or private mental health facility for
23 mental health treatment under Chapter III of the Mental
24 Health and Developmental Disabilities Code as an informal
25 admission, a voluntary admission, a minor admission, an
26 emergency admission, or an involuntary admission, unless

1 the treatment was solely for an alcohol abuse disorder; or

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

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

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

17 "Qualified examiner" has the meaning provided in Section
18 1-122 of the Mental Health and Developmental Disabilities
19 Code.

20 "Sanctioned competitive shooting event" means a shooting
21 contest officially recognized by a national or state shooting
22 sport association, and includes any sight-in or practice
23 conducted in conjunction with the event.

24 "School administrator" means the person required to report
25 under the School Administrator Reporting of Mental Health
26 Clear and Present Danger Determinations Law.

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

3 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
4 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 102-972, eff.
5 1-1-23; 102-1030, eff. 5-27-22; 103-154, eff. 6-30-23;
6 103-407, eff. 7-28-23.)

7 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

14 (a) A person under 21 years of age who has been
15 convicted of a misdemeanor other than a traffic offense or
16 adjudged delinquent;

17 (b) This subsection (b) applies through the 180th day
18 following July 12, 2019 (the effective date of Public Act
19 101-80). A person under 21 years of age who does not have
20 the written consent of his parent or guardian to acquire
21 and possess firearms and firearm ammunition, or whose
22 parent or guardian has revoked such written consent, or
23 where such parent or guardian does not qualify to have a
24 Firearm Owner's Identification Card;

25 (b-5) This subsection (b-5) applies on and after the

1 181st day following July 12, 2019 (the effective date of
2 Public Act 101-80). A person under 21 years of age who is
3 not an active duty member of the United States Armed
4 Forces or the Illinois National Guard and does not have
5 the written consent of his or her parent or guardian to
6 acquire and possess firearms and firearm ammunition, or
7 whose parent or guardian has revoked such written consent,
8 or where such parent or guardian does not qualify to have a
9 Firearm Owner's Identification Card;

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

12 (d) A person addicted to narcotics;

13 (e) A person who has been a patient of a mental health
14 facility within the past 5 years or a person who has been a
15 patient in a mental health facility more than 5 years ago
16 who has not received the certification required under
17 subsection (u) of this Section. An active law enforcement
18 officer employed by a unit of government or a Department
19 of Corrections employee authorized to possess firearms who
20 is denied, revoked, or has his or her Firearm Owner's
21 Identification Card seized under this subsection (e) may
22 obtain relief as described in subsection (c-5) of Section
23 10 of this Act if the officer or employee did not act in a
24 manner threatening to the officer or employee, another
25 person, or the public as determined by the treating
26 clinical psychologist or physician, and the officer or

1 employee seeks mental health treatment;

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

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

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

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

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

18 (1) admitted to the United States for lawful
19 hunting or sporting purposes;

20 (2) an official representative of a foreign
21 government who is:

22 (A) accredited to the United States Government
23 or the Government's mission to an international
24 organization having its headquarters in the United
25 States; or

26 (B) en route to or from another country to

1 which that noncitizen is accredited;

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

5 (4) a foreign law enforcement officer of a
6 friendly foreign government entering the United States
7 on official business; or

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

11 (j) (Blank);

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

17 (l) A person who has been convicted of domestic
18 battery, aggravated domestic battery, or a substantially
19 similar offense in another jurisdiction committed before,
20 on or after January 1, 2012 (the effective date of Public
21 Act 97-158). If the applicant or person who has been
22 previously issued a Firearm Owner's Identification Card
23 under this Act knowingly and intelligently waives the
24 right to have an offense described in this paragraph (l)
25 tried by a jury, and by guilty plea or otherwise, results
26 in a conviction for an offense in which a domestic

1 relationship is not a required element of the offense but
2 in which a determination of the applicability of 18 U.S.C.
3 922(g)(9) is made under Section 112A-11.1 of the Code of
4 Criminal Procedure of 1963, an entry by the court of a
5 judgment of conviction for that offense shall be grounds
6 for denying an application for and for revoking and
7 seizing a Firearm Owner's Identification Card previously
8 issued to the person under this Act;

9 (m) (Blank);

10 (n) A person who is prohibited from acquiring or
11 possessing firearms or firearm ammunition by any Illinois
12 State statute or by federal law;

13 (o) A minor subject to a petition filed under Section
14 5-520 of the Juvenile Court Act of 1987 alleging that the
15 minor is a delinquent minor for the commission of an
16 offense that if committed by an adult would be a felony;

17 (p) An adult who had been adjudicated a delinquent
18 minor under the Juvenile Court Act of 1987 for the
19 commission of an offense that if committed by an adult
20 would be a felony;

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

24 (r) A person who has been adjudicated as a person with
25 a mental disability;

26 (s) A person who has been found to have a

1 developmental disability;

2 (t) A person involuntarily admitted into a mental
3 health facility; or

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

1 of this Act.

2 Upon revocation of a person's Firearm Owner's
3 Identification Card, the Illinois State Police shall provide
4 notice to the person and the person shall comply with Section
5 9.5 of this Act.

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

9 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

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

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

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

23 (b-1) Beginning July 1, 2016, and each July 1 and December
24 30 of every year thereafter, the circuit court clerk shall, in
25 the form and manner prescribed by the Illinois State Police,

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

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

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

24 (1) by a physician, clinical psychologist, advanced
25 practice psychiatric nurse, or qualified examiner, or is
26 determined to have a developmental disability by a

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

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

14 The Department of Human Services shall immediately update
15 its records and information relating to mental health and
16 developmental disabilities, and if appropriate, shall notify
17 the Illinois State Police in a form and manner prescribed by
18 the Illinois State Police. The Illinois State Police shall
19 determine whether to revoke the person's Firearm Owner's
20 Identification Card under Section 8 of this Act. Any
21 information disclosed under this subsection shall remain
22 privileged and confidential, and shall not be redisclosed,
23 except as required under subsection (e) of Section 3.1 of this
24 Act, nor used for any other purpose. The method of providing
25 this information shall guarantee that the information is not
26 released beyond what is necessary for the purpose of this

1 Section and shall be provided by rule by the Department of
2 Human Services. The identity of the person reporting under
3 this Section shall not be disclosed to the subject of the
4 report. The physician, clinical psychologist, advanced
5 practice psychiatric nurse, qualified examiner, law
6 enforcement official, or school administrator making the
7 determination and his or her employer shall not be held
8 criminally, civilly, or professionally liable for making or
9 not making the notification required under this subsection,
10 except for willful or wanton misconduct.

11 (e) The Illinois State Police shall adopt rules to
12 implement this Section.

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

14 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

15 Sec. 10. Appeals; hearing; relief from firearm
16 prohibitions.

17 (a) Whenever an application for a Firearm Owner's
18 Identification Card is denied or whenever such a Card is
19 revoked or seized as provided for in Section 8 of this Act, the
20 aggrieved party may (1) file a record challenge with the
21 Director regarding the record upon which the decision to deny
22 or revoke the Firearm Owner's Identification Card was based
23 under subsection (a-5); or (2) appeal to the Director of the
24 Illinois State Police through December 31, 2022, or beginning
25 January 1, 2023, the Firearm Owner's Identification Card

1 Review Board for a hearing seeking relief from such denial or
2 revocation unless the denial or revocation was based upon a
3 forcible felony, stalking, aggravated stalking, domestic
4 battery, any violation of the Illinois Controlled Substances
5 Act, the Methamphetamine Control and Community Protection Act,
6 or the Cannabis Control Act that is classified as a Class 2 or
7 greater felony, any felony violation of Article 24 of the
8 Criminal Code of 1961 or the Criminal Code of 2012, or any
9 adjudication as a delinquent minor for the commission of an
10 offense that if committed by an adult would be a felony, in
11 which case the aggrieved party may petition the circuit court
12 in writing in the county of his or her residence for a hearing
13 seeking relief from such denial or revocation.

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

20 (0.05) In furtherance of the policy of this Act that
21 the Board shall exercise its powers and duties in an
22 independent manner, subject to the provisions of this Act
23 but free from the direction, control, or influence of any
24 other agency or department of State government. All
25 expenses and liabilities incurred by the Board in the
26 performance of its responsibilities hereunder shall be

1 paid from funds which shall be appropriated to the Board
2 by the General Assembly for the ordinary and contingent
3 expenses of the Board.

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

14 (2) The terms of the members initially appointed after
15 January 1, 2022 (the effective date of Public Act 102-237)
16 shall be as follows: one of the initial members shall be
17 appointed for a term of one year, 3 shall be appointed for
18 terms of 2 years, and 3 shall be appointed for terms of 4
19 years. Thereafter, members shall hold office for 4 years,
20 with terms expiring on the second Monday in January
21 immediately following the expiration of their terms and
22 every 4 years thereafter. Members may be reappointed.
23 Vacancies in the office of member shall be filled in the
24 same manner as the original appointment, for the remainder
25 of the unexpired term. The Governor may remove a member
26 for incompetence, neglect of duty, malfeasance, or

1 inability to serve. Members shall receive compensation in
2 an amount equal to the compensation of members of the
3 Executive Ethics Commission and, beginning July 1, 2023,
4 shall be compensated from appropriations provided to the
5 Comptroller for this purpose. Members may be reimbursed,
6 from funds appropriated for such a purpose, for reasonable
7 expenses actually incurred in the performance of their
8 Board duties. The Illinois State Police shall designate an
9 employee to serve as Executive Director of the Board and
10 provide logistical and administrative assistance to the
11 Board.

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

21 (4) The Board shall adopt rules for the review of
22 appeals and the conduct of hearings. The Board shall
23 maintain a record of its decisions and all materials
24 considered in making its decisions. All Board decisions
25 and voting records shall be kept confidential and all
26 materials considered by the Board shall be exempt from

1 inspection except upon order of a court.

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

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

22 (A) the Board requests information from the
23 applicant, including, but not limited to, electronic
24 fingerprints to be submitted to the Illinois State
25 Police, in accordance with paragraph (5) of this
26 subsection, in which case the Board shall make a

1 decision within 30 days of receipt of the required
2 information from the applicant;

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

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

12 (7) If the Board determines that the applicant is
13 eligible for relief under subsection (c), the Board shall
14 notify the applicant and the Illinois State Police that
15 relief has been granted and the Illinois State Police
16 shall issue the Card.

17 (8) Meetings of the Board shall not be subject to the
18 Open Meetings Act and records of the Board shall not be
19 subject to the Freedom of Information Act.

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

26 (a-10) Whenever an applicant or cardholder is not seeking

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

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

23 (c) Any person prohibited from possessing a firearm under
24 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
25 acquiring a Firearm Owner's Identification Card under Section
26 8 of this Act may apply to the Firearm Owner's Identification

1 Card Review Board or petition the circuit court in the county
2 where the petitioner resides, whichever is applicable in
3 accordance with subsection (a) of this Section, requesting
4 relief from such prohibition and the Board or court may grant
5 such relief if it is established by the applicant to the
6 court's or the Board's satisfaction that:

7 (0.05) when in the circuit court, the State's Attorney
8 has been served with a written copy of the petition at
9 least 30 days before any such hearing in the circuit court
10 and at the hearing the State's Attorney was afforded an
11 opportunity to present evidence and object to the
12 petition;

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

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

23 (3) granting relief would not be contrary to the
24 public interest; and

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

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

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

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

23 (2) The Firearm Owner's Identification Card Review Board
24 shall grant expedited relief to active law enforcement
25 officers and employees described in paragraph (1) of this
26 subsection (c-5) upon a determination by the Board that the

1 officer's or employee's possession of a firearm does not
2 present a threat to themselves, others, or public safety. The
3 Board shall act on the request for relief within 30 business
4 days of receipt of:

5 (A) a notarized statement from the officer or employee
6 in the form prescribed by the Board detailing the
7 circumstances that led to the hospitalization;

8 (B) all documentation regarding the admission,
9 evaluation, treatment and discharge from the treating
10 licensed clinical psychologist or psychiatrist of the
11 officer;

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

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

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

26 (4) "Clinical psychologist", "psychiatrist", advanced

1 practice psychiatric nurse, and "qualified examiner" shall
2 have the same meaning as provided in Chapter I of the Mental
3 Health and Developmental Disabilities Code.

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

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

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

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

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

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

9 (5) The changes made to this Section by Public Act 99-29
10 apply to requests for relief pending on or before July 10, 2015
11 (the effective date of Public Act 99-29), except that the
12 60-day period for the Director to act on requests pending
13 before the effective date shall begin on July 10, 2015 (the
14 effective date of Public Act 99-29). All appeals as provided
15 in subsection (a-5) pending on January 1, 2023 shall be
16 considered by the Board.

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

20 (e) The court shall review the denial of an application or
21 the revocation of a Firearm Owner's Identification Card of a
22 person who has been adjudicated delinquent for an offense that
23 if committed by an adult would be a felony if an application
24 for relief has been filed at least 10 years after the
25 adjudication of delinquency and the court determines that the
26 applicant should be granted relief from disability to obtain a

1 Firearm Owner's Identification Card. If the court grants
2 relief, the court shall notify the Illinois State Police that
3 the disability has been removed and that the applicant is
4 eligible to obtain a Firearm Owner's Identification Card.

5 (f) Any person who is subject to the disabilities of 18
6 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
7 of 1968 because of an adjudication or commitment that occurred
8 under the laws of this State or who was determined to be
9 subject to the provisions of subsections (e), (f), or (g) of
10 Section 8 of this Act may apply to the Illinois State Police
11 requesting relief from that prohibition. The Board shall grant
12 the relief if it is established by a preponderance of the
13 evidence that the person will not be likely to act in a manner
14 dangerous to public safety and that granting relief would not
15 be contrary to the public interest. In making this
16 determination, the Board shall receive evidence concerning (i)
17 the circumstances regarding the firearms disabilities from
18 which relief is sought; (ii) the petitioner's mental health
19 and criminal history records, if any; (iii) the petitioner's
20 reputation, developed at a minimum through character witness
21 statements, testimony, or other character evidence; and (iv)
22 changes in the petitioner's condition or circumstances since
23 the disqualifying events relevant to the relief sought. If
24 relief is granted under this subsection or by order of a court
25 under this Section, the Director shall as soon as practicable
26 but in no case later than 15 business days, update, correct,

1 modify, or remove the person's record in any database that the
2 Illinois State Police makes available to the National Instant
3 Criminal Background Check System and notify the United States
4 Attorney General that the basis for the record being made
5 available no longer applies. The Illinois State Police shall
6 adopt rules for the administration of this Section.

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

10 Section 40. The Mental Health and Developmental
11 Disabilities Confidentiality Act is amended by changing
12 Section 5 as follows:

13 (740 ILCS 110/5) (from Ch. 91 1/2, par. 805)

14 Sec. 5. Disclosure; consent.

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

21 (b) Every consent form shall be in writing and shall
22 specify the following:

23 (1) the person or agency to whom disclosure is to be
24 made;

- 1 (2) the purpose for which disclosure is to be made;
- 2 (3) the nature of the information to be disclosed;
- 3 (4) the right to inspect and copy the information to
- 4 be disclosed;
- 5 (5) the consequences of a refusal to consent, if any; and
- 6 (6) the calendar date on which the consent expires,
- 7 provided that if no calendar date is stated, information
- 8 may be released only on the day the consent form is
- 9 received by the therapist; and
- 10 (7) the right to revoke the consent at any time.

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

23 (c) Only information relevant to the purpose for which
24 disclosure is sought may be disclosed. Blanket consent to the
25 disclosure of unspecified information shall not be valid.
26 Advance consent may be valid only if the nature of the

1 information to be disclosed is specified in detail and the
2 duration of the consent is indicated. Consent may be revoked
3 in writing at any time; any such revocation shall have no
4 effect on disclosures made prior thereto.

5 (d) No person or agency to whom any information is
6 disclosed under this Section may redisclose such information
7 unless the person who consented to the disclosure specifically
8 consents to such redisclosure.

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

16 (f) Paragraphs (a) through (e) of this Section shall not
17 apply to and shall not be construed to limit insurance
18 companies writing Life, Accident or Health insurance as
19 defined in Section 4 of the Illinois Insurance Code in
20 obtaining general consents for the release to them or their
21 designated representatives of any and all confidential
22 communications and records kept by agencies, hospitals,
23 therapists or record custodians, and utilizing such
24 information in connection with the underwriting of
25 applications for coverage for such policies or contracts, or
26 in connection with evaluating claims or liability under such

1 policies or contracts, or coordinating benefits pursuant to
2 policy or contract provisions.

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

4 (30 ILCS 105/5.653 rep.)

5 Section 50. The State Finance Act is amended by repealing
6 Section 5.653.

7 (35 ILCS 5/507JJ rep.)

8 Section 55. The Illinois Income Tax Act is amended by
9 repealing Section 507JJ.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.".