

1 AN ACT concerning regulation.

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

4 Section 5. The Abused and Neglected Long Term Care
5 Facility Residents Reporting Act is amended by changing
6 Section 3 as follows:

7 (210 ILCS 30/3) (from Ch. 111 1/2, par. 4163)

8 Sec. 3. As used in this Act unless the context otherwise
9 requires:

10 a. "Department" means the Department of Public Health of
11 the State of Illinois.

12 b. "Resident" means a person residing in and receiving
13 personal care from a long term care facility, or residing in a
14 mental health facility or developmental disability facility as
15 defined in the Mental Health and Developmental Disabilities
16 Code.

17 c. "Long term care facility" has the same meaning ascribed
18 to such term in the Nursing Home Care Act, except that the term
19 as used in this Act shall include any mental health facility or
20 developmental disability facility as defined in the Mental
21 Health and Developmental Disabilities Code. The term also
22 includes any facility licensed under the Assisted Living and
23 Shared Housing Act, the ID/DD Community Care Act, the MC/DD

1 Act, or the Specialized Mental Health Rehabilitation Act of
2 2013.

3 d. "Abuse" means any physical injury, sexual abuse or
4 mental injury inflicted on a resident other than by accidental
5 means.

6 e. "Neglect" means a failure in a long term care facility
7 to provide adequate medical or personal care or maintenance,
8 which failure results in physical or mental injury to a
9 resident or in the deterioration of a resident's physical or
10 mental condition.

11 f. "Protective services" means services provided to a
12 resident who has been abused or neglected, which may include,
13 but are not limited to alternative temporary institutional
14 placement, nursing care, counseling, other social services
15 provided at the nursing home where the resident resides or at
16 some other facility, personal care and such protective
17 services of voluntary agencies as are available.

18 g. Unless the context otherwise requires, direct or
19 indirect references in this Act to the programs, personnel,
20 facilities, services, service providers, or service recipients
21 of the Department of Human Services shall be construed to
22 refer only to those programs, personnel, facilities, services,
23 service providers, or service recipients that pertain to the
24 Department of Human Services' mental health and developmental
25 disabilities functions.

26 (Source: P.A. 98-104, eff. 7-22-13; 99-180, eff. 7-29-15.)

1 Section 10. The Adult Protective Services Act is amended
2 by changing Section 2 as follows:

3 (320 ILCS 20/2) (from Ch. 23, par. 6602)

4 Sec. 2. Definitions. As used in this Act, unless the
5 context requires otherwise:

6 (a) "Abandonment" means the desertion or willful forsaking
7 of an eligible adult by an individual responsible for the care
8 and custody of that eligible adult under circumstances in
9 which a reasonable person would continue to provide care and
10 custody. Nothing in this Act shall be construed to mean that an
11 eligible adult is a victim of abandonment because of health
12 care services provided or not provided by licensed health care
13 professionals.

14 (a-1) "Abuse" means causing any physical, mental or sexual
15 injury to an eligible adult, including exploitation of such
16 adult's financial resources, and abandonment or subjecting an
17 eligible adult to an environment which creates a likelihood of
18 harm to the eligible adult's health, physical and emotional
19 well-being, or welfare.

20 Nothing in this Act shall be construed to mean that an
21 eligible adult is a victim of abuse, abandonment, neglect, or
22 self-neglect for the sole reason that he or she is being
23 furnished with or relies upon treatment by spiritual means
24 through prayer alone, in accordance with the tenets and

1 practices of a recognized church or religious denomination.

2 Nothing in this Act shall be construed to mean that an
3 eligible adult is a victim of abuse because of health care
4 services provided or not provided by licensed health care
5 professionals.

6 Nothing in this Act shall be construed to mean that an
7 eligible adult is a victim of abuse in cases of criminal
8 activity by strangers, telemarketing scams, consumer fraud,
9 internet fraud, home repair disputes, complaints against a
10 homeowners' association, or complaints between landlords and
11 tenants.

12 (a-5) "Abuser" means a person who is a family member,
13 caregiver, or another person who has a continuing relationship
14 with the eligible adult and abuses, abandons, neglects, or
15 financially exploits an eligible adult.

16 (a-6) "Adult with disabilities" means a person aged 18
17 through 59 who resides in a domestic living situation and
18 whose disability as defined in subsection (c-5) impairs his or
19 her ability to seek or obtain protection from abuse,
20 abandonment, neglect, or exploitation.

21 (a-7) "Caregiver" means a person who either as a result of
22 a family relationship, voluntarily, or in exchange for
23 compensation has assumed responsibility for all or a portion
24 of the care of an eligible adult who needs assistance with
25 activities of daily living or instrumental activities of daily
26 living.

1 (b) "Department" means the Department on Aging of the
2 State of Illinois.

3 (c) "Director" means the Director of the Department.

4 (c-5) "Disability" means a physical or mental disability,
5 including, but not limited to, a developmental disability, an
6 intellectual disability, a mental illness as defined under the
7 Mental Health and Developmental Disabilities Code, or dementia
8 as defined under the Alzheimer's Disease Assistance Act.

9 (d) "Domestic living situation" means a residence where
10 the eligible adult at the time of the report lives alone or
11 with his or her family or a caregiver, or others, or other
12 community-based unlicensed facility, but is not:

13 (1) A licensed facility as defined in Section 1-113 of
14 the Nursing Home Care Act;

15 (1.5) A facility licensed under the ID/DD Community
16 Care Act;

17 (1.6) A facility licensed under the MC/DD Act;

18 (1.7) A facility licensed under the Specialized Mental
19 Health Rehabilitation Act of 2013;

20 (2) A "life care facility" as defined in the Life Care
21 Facilities Act;

22 (3) A home, institution, or other place operated by
23 the federal government or agency thereof or by the State
24 of Illinois;

25 (4) A hospital, sanitarium, or other institution, the
26 principal activity or business of which is the diagnosis,

1 care, and treatment of human illness through the
2 maintenance and operation of organized facilities
3 therefor, which is required to be licensed under the
4 Hospital Licensing Act;

5 (5) A "community living facility" as defined in the
6 Community Living Facilities Licensing Act;

7 (6) (Blank);

8 (7) A "community-integrated living arrangement" as
9 defined in the Community-Integrated Living Arrangements
10 Licensure and Certification Act or a "community
11 residential alternative" as licensed under that Act; or

12 (8) An assisted living or shared housing establishment
13 as defined in the Assisted Living and Shared Housing Act.

14 ~~;~~ ~~or~~

15 ~~(9) A supportive living facility as described in~~
16 ~~Section 5-5.01a of the Illinois Public Aid Code.~~

17 (e) "Eligible adult" means either an adult with
18 disabilities aged 18 through 59 or a person aged 60 or older
19 who resides in a domestic living situation and is, or is
20 alleged to be, abused, abandoned, neglected, or financially
21 exploited by another individual or who neglects himself or
22 herself. "Eligible adult" also includes an adult who resides
23 in any of the facilities that are excluded from the definition
24 of "domestic living situation" under paragraphs (1) through
25 (9) of subsection (d), if either: (i) the alleged abuse,
26 abandonment, or neglect occurs outside of the facility and not

1 under facility supervision and the alleged abuser is a family
2 member, caregiver, or another person who has a continuing
3 relationship with the adult; or (ii) the alleged financial
4 exploitation is perpetrated by a family member, caregiver, or
5 another person who has a continuing relationship with the
6 adult, but who is not an employee of the facility where the
7 adult resides.

8 (f) "Emergency" means a situation in which an eligible
9 adult is living in conditions presenting a risk of death or
10 physical, mental or sexual injury and the provider agency has
11 reason to believe the eligible adult is unable to consent to
12 services which would alleviate that risk.

13 (f-1) "Financial exploitation" means the use of an
14 eligible adult's resources by another to the disadvantage of
15 that adult or the profit or advantage of a person other than
16 that adult.

17 (f-3) "Investment advisor" means any person required to
18 register as an investment adviser or investment adviser
19 representative under Section 8 of the Illinois Securities Law
20 of 1953, which for purposes of this Act excludes any bank,
21 trust company, savings bank, or credit union, or their
22 respective employees.

23 (f-5) "Mandated reporter" means any of the following
24 persons while engaged in carrying out their professional
25 duties:

26 (1) a professional or professional's delegate while

1 engaged in: (i) social services, (ii) law enforcement,
2 (iii) education, (iv) the care of an eligible adult or
3 eligible adults, or (v) any of the occupations required to
4 be licensed under the Behavior Analyst Licensing Act, the
5 Clinical Psychologist Licensing Act, the Clinical Social
6 Work and Social Work Practice Act, the Illinois Dental
7 Practice Act, the Dietitian Nutritionist Practice Act, the
8 Marriage and Family Therapy Licensing Act, the Medical
9 Practice Act of 1987, the Naprapathic Practice Act, the
10 Nurse Practice Act, the Nursing Home Administrators
11 Licensing and Disciplinary Act, the Illinois Occupational
12 Therapy Practice Act, the Illinois Optometric Practice Act
13 of 1987, the Pharmacy Practice Act, the Illinois Physical
14 Therapy Act, the Physician Assistant Practice Act of 1987,
15 the Podiatric Medical Practice Act of 1987, the
16 Respiratory Care Practice Act, the Professional Counselor
17 and Clinical Professional Counselor Licensing and Practice
18 Act, the Illinois Speech-Language Pathology and Audiology
19 Practice Act, the Veterinary Medicine and Surgery Practice
20 Act of 2004, and the Illinois Public Accounting Act;

21 (1.5) an employee of an entity providing developmental
22 disabilities services or service coordination funded by
23 the Department of Human Services;

24 (2) an employee of a vocational rehabilitation
25 facility prescribed or supervised by the Department of
26 Human Services;

1 (3) an administrator, employee, or person providing
2 services in or through an unlicensed community based
3 facility;

4 (4) any religious practitioner who provides treatment
5 by prayer or spiritual means alone in accordance with the
6 tenets and practices of a recognized church or religious
7 denomination, except as to information received in any
8 confession or sacred communication enjoined by the
9 discipline of the religious denomination to be held
10 confidential;

11 (5) field personnel of the Department of Healthcare
12 and Family Services, Department of Public Health, and
13 Department of Human Services, and any county or municipal
14 health department;

15 (6) personnel of the Department of Human Services, the
16 Guardianship and Advocacy Commission, the State Fire
17 Marshal, local fire departments, the Department on Aging
18 and its subsidiary Area Agencies on Aging and provider
19 agencies, except the State Long Term Care Ombudsman and
20 any of his or her representatives or volunteers where
21 prohibited from making such a report pursuant to 45 CFR
22 1324.11(e) (3) (iv);

23 (7) any employee of the State of Illinois not
24 otherwise specified herein who is involved in providing
25 services to eligible adults, including professionals
26 providing medical or rehabilitation services and all other

1 persons having direct contact with eligible adults;

2 (8) a person who performs the duties of a coroner or
3 medical examiner;

4 (9) a person who performs the duties of a paramedic or
5 an emergency medical technician; or

6 (10) a person who performs the duties of an investment
7 advisor.

8 (g) "Neglect" means another individual's failure to
9 provide an eligible adult with or willful withholding from an
10 eligible adult the necessities of life including, but not
11 limited to, food, clothing, shelter or health care. This
12 subsection does not create any new affirmative duty to provide
13 support to eligible adults. Nothing in this Act shall be
14 construed to mean that an eligible adult is a victim of neglect
15 because of health care services provided or not provided by
16 licensed health care professionals.

17 (h) "Provider agency" means any public or nonprofit agency
18 in a planning and service area that is selected by the
19 Department or appointed by the regional administrative agency
20 with prior approval by the Department on Aging to receive and
21 assess reports of alleged or suspected abuse, abandonment,
22 neglect, or financial exploitation. A provider agency is also
23 referenced as a "designated agency" in this Act.

24 (i) "Regional administrative agency" means any public or
25 nonprofit agency in a planning and service area that provides
26 regional oversight and performs functions as set forth in

1 subsection (b) of Section 3 of this Act. The Department shall
2 designate an Area Agency on Aging as the regional
3 administrative agency or, in the event the Area Agency on
4 Aging in that planning and service area is deemed by the
5 Department to be unwilling or unable to provide those
6 functions, the Department may serve as the regional
7 administrative agency or designate another qualified entity to
8 serve as the regional administrative agency; any such
9 designation shall be subject to terms set forth by the
10 Department.

11 (i-5) "Self-neglect" means a condition that is the result
12 of an eligible adult's inability, due to physical or mental
13 impairments, or both, or a diminished capacity, to perform
14 essential self-care tasks that substantially threaten his or
15 her own health, including: providing essential food, clothing,
16 shelter, and health care; and obtaining goods and services
17 necessary to maintain physical health, mental health,
18 emotional well-being, and general safety. The term includes
19 compulsive hoarding, which is characterized by the acquisition
20 and retention of large quantities of items and materials that
21 produce an extensively cluttered living space, which
22 significantly impairs the performance of essential self-care
23 tasks or otherwise substantially threatens life or safety.

24 (j) "Substantiated case" means a reported case of alleged
25 or suspected abuse, abandonment, neglect, financial
26 exploitation, or self-neglect in which a provider agency,

1 after assessment, determines that there is reason to believe
2 abuse, abandonment, neglect, or financial exploitation has
3 occurred.

4 (k) "Verified" means a determination that there is "clear
5 and convincing evidence" that the specific injury or harm
6 alleged was the result of abuse, abandonment, neglect, or
7 financial exploitation.

8 (Source: P.A. 102-244, eff. 1-1-22; 102-953, eff. 5-27-22;
9 103-329, eff. 1-1-24; 103-626, eff. 1-1-25.)