



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5505

Introduced 2/13/2026, by Rep. Edgar González, Jr.

SYNOPSIS AS INTRODUCED:

20 ILCS 105/4.02i new

320 ILCS 20/4

755 ILCS 45/4-5

from Ch. 23, par. 6604

from Ch. 110 1/2, par. 804-5

Amends the Illinois Act on the Aging. Provides that the Department on Aging shall require all provider agencies to administer annual enhanced training for all covered aides regarding all of the following: (1) ethical boundaries and conflicts of interest; (2) the fiduciary duties of an agent under the Illinois Power of Attorney Act; and (3) recognizing and reporting signs of financial exploitation and self-neglect. Provides that a covered aide shall not serve as the agent for a program participant in the Community Care Program unless all of the following conditions are met: (1) the family caregiver discloses the dual role in writing to the provider agency and the Department; (2) the participant undergoes a cognitive capacity assessment by a qualified physician or clinical psychologist confirming the participant understands the dual role and, if the participant lacks capacity, the dual role is permitted only if the agency designation was executed prior to the loss of capacity; and (3) the family caregiver agrees to comply with an administrative oversight mechanism. Amends the Adult Protective Services Act. Provides that a covered aide operating as an agent carries an enhanced duty to report. Amends the Illinois Power of Attorney Act. Allows a covered aide to serve as a health care agent for a program participant in the Community Care Program if the requirements of the Illinois Act on the Aging are met.

LRB104 18023 KTG 31462 b

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Act on the Aging is amended by
5 adding Section 4.02i as follows:

6 (20 ILCS 105/4.02i new)

7 Sec. 4.02i. Mandatory training and ethics; covered aide
8 training.

9 (a) As used in this Section:

10 "Covered aide" means a homemaker or home care aide
11 employed by a provider agency under the Community Care
12 Program.

13 "Dual role" means a situation in which a covered aide also
14 serves as the agent for the program participant under the
15 Illinois Power of Attorney Act.

16 "Family caregiver" means a covered aide who is the child,
17 sibling, grandchild, spouse, or niece or nephew of the program
18 participant.

19 (b) The Department shall require all provider agencies to
20 administer enhanced training for all covered aides regarding:

21 (1) ethical boundaries and conflicts of interest;

22 (2) the fiduciary duties of an agent under the
23 Illinois Power of Attorney Act; and

1 (3) recognizing and reporting signs of financial
2 exploitation and self-neglect.

3 (c) The enhanced training required under this Section must
4 be completed annually. Failure to complete the training shall
5 disqualify a covered aide from eligibility for the exception
6 outlined in subsection (d).

7 (d) A covered aide shall not serve as the agent for a
8 program participant unless all of the following conditions are
9 met:

10 (1) the family caregiver discloses the dual role in
11 writing to the provider agency and the Department;

12 (2) the participant undergoes a cognitive capacity
13 assessment by a qualified physician or clinical
14 psychologist confirming the participant understands the
15 dual role and, if the participant lacks capacity, the dual
16 role is permitted only if the agency designation was
17 executed prior to the loss of capacity; and

18 (3) the family caregiver agrees to one of the
19 following oversight mechanisms:

20 (A) regular submission of financial statements to
21 at least one other adult family member not residing in
22 the participant's home;

23 (B) engagement of a professional fiduciary or
24 elder law attorney to review expenditures quarterly;
25 or

26 (C) for participants with assets below a threshold

1 established by the Department, excluding the primary
2 residence, a simplified annual report filed directly
3 with the Area Agency on Aging.

4 (e) Subject to appropriation, the Department shall
5 establish a pilot program in coordination with Area Agencies
6 on Aging to connect participants lacking family support with
7 vetted, professional fiduciaries or volunteer agents.

8 (f) The Department shall prioritize grants to legal aid
9 organizations to provide pro bono assistance to participants
10 in drafting Power of Attorney documents and establishing the
11 family councils described in this Section.

12 Section 10. The Adult Protective Services Act is amended
13 by changing Section 4 as follows:

14 (320 ILCS 20/4) (from Ch. 23, par. 6604)

15 Sec. 4. Reports of abuse, abandonment, or neglect.

16 (a) Any person who suspects the abuse, abandonment,
17 neglect, financial exploitation, or self-neglect of an
18 eligible adult may report this suspicion or information about
19 the suspicious death of an eligible adult to an agency
20 designated to receive such reports under this Act or to the
21 Department.

22 (a-5) If any mandated reporter has reason to believe that
23 an eligible adult, who because of a disability or other
24 condition or impairment is unable to seek assistance for

1 himself or herself, has, within the previous 12 months, been
2 subjected to abuse, abandonment, neglect, or financial
3 exploitation, the mandated reporter shall, within 24 hours
4 after developing such belief, report this suspicion to an
5 agency designated to receive such reports under this Act or to
6 the Department. The agency designated to receive such reports
7 under this Act or the Department may establish a manner in
8 which a mandated reporter can make the required report through
9 an Internet reporting tool. Information sent and received
10 through the Internet reporting tool is subject to the same
11 rules in this Act as other types of confidential reporting
12 established by the designated agency or the Department.
13 Whenever a mandated reporter is required to report under this
14 Act in his or her capacity as a member of the staff of a
15 medical or other public or private institution, facility, or
16 agency, he or she shall make a report to an agency designated
17 to receive such reports under this Act or to the Department in
18 accordance with the provisions of this Act and may also notify
19 the person in charge of the institution, facility, or agency
20 or his or her designated agent that the report has been made.
21 Under no circumstances shall any person in charge of such
22 institution, facility, or agency, or his or her designated
23 agent to whom the notification has been made, exercise any
24 control, restraint, modification, or other change in the
25 report or the forwarding of the report to an agency designated
26 to receive such reports under this Act or to the Department.

1 The privileged quality of communication between any
2 professional person required to report and his or her patient
3 or client shall not apply to situations involving abused,
4 abandoned, neglected, or financially exploited eligible adults
5 and shall not constitute grounds for failure to report as
6 required by this Act.

7 (a-6) If a mandated reporter has reason to believe that
8 the death of an eligible adult may be the result of abuse or
9 neglect, the matter shall be reported to an agency designated
10 to receive such reports under this Act or to the Department for
11 subsequent referral to the appropriate law enforcement agency
12 and the coroner or medical examiner in accordance with
13 subsection (c-5) of Section 3 of this Act.

14 (a-7) A person making a report under this Act in the belief
15 that it is in the alleged victim's best interest shall be
16 immune from criminal or civil liability or professional
17 disciplinary action on account of making the report,
18 notwithstanding any requirements concerning the
19 confidentiality of information with respect to such eligible
20 adult which might otherwise be applicable.

21 (a-9) Law enforcement officers shall continue to report
22 incidents of alleged abuse pursuant to the Illinois Domestic
23 Violence Act of 1986, notwithstanding any requirements under
24 this Act.

25 (a-10) Any covered aide authorized to act as an agent
26 under subsection (d) of Section 4.02i of the Illinois Act on

1 the Aging carries an enhanced duty to report. If a family
2 caregiver serving as an agent fails to report a known instance
3 of financial exploitation by a third party, that failure shall
4 be grounds for immediate revocation of the dual role and
5 potential referral to the specialized elder abuse units of
6 local law enforcement. In this subsection, "covered aide",
7 "dual role", and "family caregiver" have the meanings given in
8 Section 4.02i of the Illinois Act on the Aging.

9 (b) Any person, institution or agency participating in the
10 making of a report, providing information or records related
11 to a report, assessment, or services, or participating in the
12 investigation of a report under this Act in good faith, or
13 taking photographs or x-rays as a result of an authorized
14 assessment, shall have immunity from any civil, criminal or
15 other liability in any civil, criminal or other proceeding
16 brought in consequence of making such report or assessment or
17 on account of submitting or otherwise disclosing such
18 photographs or x-rays to any agency designated to receive
19 reports of alleged or suspected abuse, abandonment, or
20 neglect. Any person, institution or agency authorized by the
21 Department to provide assessment, intervention, or
22 administrative services under this Act shall, in the good
23 faith performance of those services, have immunity from any
24 civil, criminal or other liability in any civil, criminal, or
25 other proceeding brought as a consequence of the performance
26 of those services. For the purposes of any civil, criminal, or

1 other proceeding, the good faith of any person required to
2 report, permitted to report, or participating in an
3 investigation of a report of alleged or suspected abuse,
4 abandonment, neglect, financial exploitation, or self-neglect
5 shall be presumed.

6 (c) The identity of a person making a report of alleged or
7 suspected abuse, abandonment, neglect, financial exploitation,
8 or self-neglect or a report concerning information about the
9 suspicious death of an eligible adult under this Act may be
10 disclosed by the Department or other agency provided for in
11 this Act only with such person's written consent or by court
12 order, but is otherwise confidential.

13 (d) The Department shall by rule establish a system for
14 filing and compiling reports made under this Act.

15 (e) Any physician who willfully fails to report as
16 required by this Act shall be referred to the Illinois State
17 Medical Disciplinary Board for action in accordance with
18 subdivision (A)(22) of Section 22 of the Medical Practice Act
19 of 1987. Any dentist or dental hygienist who willfully fails
20 to report as required by this Act shall be referred to the
21 Department of Financial and Professional Regulation for
22 possible disciplinary action. Any optometrist who willfully
23 fails to report as required by this Act shall be referred to
24 the Department of Financial and Professional Regulation for
25 action in accordance with paragraph (15) of subsection (a) of
26 Section 24 of the Illinois Optometric Practice Act of 1987.

1 Any other mandated reporter required by this Act to report
2 suspected abuse, abandonment, neglect, or financial
3 exploitation who willfully fails to report the same is guilty
4 of a Class A misdemeanor.

5 (Source: P.A. 102-244, eff. 1-1-22; 103-329, eff. 1-1-24;
6 103-626, eff. 1-1-25.)

7 Section 15. The Illinois Power of Attorney Act is amended
8 by changing Section 4-5 as follows:

9 (755 ILCS 45/4-5) (from Ch. 110 1/2, par. 804-5)

10 Sec. 4-5. Limitations on health care agencies. Neither the
11 attending physician nor any other health care provider or
12 health care professional may act as agent under a health care
13 agency; except that (i) ~~however,~~ a person who is not
14 administering health care to the patient may act as health
15 care agent for the patient even though the person is a
16 physician or otherwise licensed, certified, authorized, or
17 permitted by law to administer health care in the ordinary
18 course of business or the practice of a profession and (ii) a
19 covered aide may serve as health care agent for a program
20 participant in the Community Care Program if the requirements
21 of subsection (d) of Section 4.02i of the Illinois Act on the
22 Aging are met by the covered aide.

23 (Source: P.A. 98-1113, eff. 1-1-15.)