



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3786

Introduced 2/22/2021, by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

405 ILCS 5/3-210

from Ch. 91 1/2, par. 3-210

Amends the Mental Health and Developmental Disabilities Code. Provides that when an initial investigation of a reported allegation of abuse, neglect or financial exploitation of a recipient of services indicates, based upon credible evidence, that an employee of a mental health or developmental disability facility is the perpetrator of the abuse, that employee shall immediately be barred from any further contact with recipients of services of the facility. Provides that an employee barred from contact with recipients of services shall remain barred: (1) pending the outcome of any further investigation, prosecution or disciplinary action against the employee; or (2) until the Department of Human Services Office of Inspector General independently determines that the allegation or allegations against the employee will be unsubstantiated or unfounded in the Office of Inspector General's final investigative report. Defines "credible evidence".

LRB102 12065 RLC 17402 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

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

4 Section 5. The Mental Health and Developmental
5 Disabilities Code is amended by changing Section 3-210 as
6 follows:

7 (405 ILCS 5/3-210) (from Ch. 91 1/2, par. 3-210)

8 Sec. 3-210. Employee as perpetrator of abuse. When an
9 initial investigation of a reported allegation of abuse,
10 neglect or financial exploitation of a recipient of services
11 indicates, based upon credible evidence, that an employee of a
12 mental health or developmental disability facility is the
13 perpetrator of the abuse, that employee shall immediately be
14 barred from any further contact with recipients of services of
15 the facility. An employee barred from contact with recipients
16 of services shall remain barred:

17 (1) pending the outcome of any further investigation,
18 prosecution or disciplinary action against the employee;
19 or

20 (2) until the Department of Human Services Office of
21 Inspector General independently determines that the
22 allegation or allegations against the employee will be
23 unsubstantiated or unfounded in the Office of Inspector

1 General's final investigative report.

2 For the purposes of this Section, "credible evidence" is
3 any evidence that relates to the allegation or incident and
4 that is considered believable and reliable. ~~When an~~
5 ~~investigation of a report of suspected abuse of a recipient of~~
6 ~~services indicates, based upon credible evidence, that an~~
7 ~~employee of a mental health or developmental disability~~
8 ~~facility is the perpetrator of the abuse, that employee shall~~
9 ~~immediately be barred from any further contact with recipients~~
10 ~~of services of the facility, pending the outcome of any~~
11 ~~further investigation, prosecution or disciplinary action~~
12 ~~against the employee.~~

13 (Source: P.A. 86-1013.)