



Rep. Katie Stuart

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LRB102 04506 KTG 26470 a

1 AMENDMENT TO SENATE BILL 700

2 AMENDMENT NO. _____. Amend Senate Bill 700 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Adult Protective Services Act is amended
5 by changing Section 2 as follows:

6 (320 ILCS 20/2) (from Ch. 23, par. 6602)

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

9 (a) "Abuse" means causing any physical, mental or sexual
10 injury to an eligible adult, including exploitation of such
11 adult's financial resources.

12 Nothing in this Act shall be construed to mean that an
13 eligible adult is a victim of abuse, neglect, or self-neglect
14 for the sole reason that he or she is being furnished with or
15 relies upon treatment by spiritual means through prayer alone,
16 in accordance with the tenets and practices of a recognized

1 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 (a-5) "Abuser" means a person who abuses, neglects, or
7 financially exploits an eligible adult.

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

13 (a-7) "Caregiver" means a person who either as a result of
14 a family relationship, voluntarily, or in exchange for
15 compensation has assumed responsibility for all or a portion
16 of the care of an eligible adult who needs assistance with
17 activities of daily living or instrumental activities of daily
18 living.

19 (b) "Department" means the Department on Aging of the
20 State of Illinois.

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

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

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

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

7 (1.5) A facility licensed under the ID/DD Community
8 Care Act;

9 (1.6) A facility licensed under the MC/DD Act;

10 (1.7) A facility licensed under the Specialized Mental
11 Health Rehabilitation Act of 2013;

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

14 (3) A home, institution, or other place operated by
15 the federal government or agency thereof or by the State
16 of Illinois;

17 (4) A hospital, sanitarium, or other institution, the
18 principal activity or business of which is the diagnosis,
19 care, and treatment of human illness through the
20 maintenance and operation of organized facilities
21 therefor, which is required to be licensed under the
22 Hospital Licensing Act;

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

25 (6) (Blank);

26 (7) A "community-integrated living arrangement" as

1 defined in the Community-Integrated Living Arrangements
2 Licensure and Certification Act or a "community
3 residential alternative" as licensed under that Act;

4 (8) An assisted living or shared housing establishment
5 as defined in the Assisted Living and Shared Housing Act;
6 or

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

9 (e) "Eligible adult" means either an adult with
10 disabilities aged 18 through 59 or a person aged 60 or older
11 who resides in a domestic living situation and is, or is
12 alleged to be, abused, neglected, or financially exploited by
13 another individual or who neglects himself or herself.
14 "Eligible adult" also includes an adult who resides in any of
15 the facilities that are excluded from the definition of
16 "domestic living situation" under paragraphs (1) through (9)
17 of subsection (d), if either: (i) the alleged abuse or neglect
18 occurs outside of the facility and not under facility
19 supervision and the alleged abuser is a family member,
20 caregiver, or another person who has a continuing relationship
21 with the adult; or (ii) the alleged financial exploitation is
22 perpetrated by a family member, caregiver, or another person
23 who has a continuing relationship with the adult, but who is
24 not an employee of the facility where the adult resides.

25 (f) "Emergency" means a situation in which an eligible
26 adult is living in conditions presenting a risk of death or

1 physical, mental or sexual injury and the provider agency has
2 reason to believe the eligible adult is unable to consent to
3 services which would alleviate that risk.

4 (f-1) "Financial exploitation" means the use of an
5 eligible adult's resources by another to the disadvantage of
6 that adult or the profit or advantage of a person other than
7 that adult.

8 (f-3) "Insurance adjuster" means any company adjuster,
9 independent adjuster, or public adjuster as defined in
10 paragraph (1) of subsection (f) of Section 1575 of the
11 Illinois Insurance Code.

12 (f-4) "Investment advisor" means any person required to
13 register as an investment adviser or investment adviser
14 representative under Section 8 of the Illinois Securities Law
15 of 1953, which for purposes of this Act excludes any bank,
16 trust company, savings bank, or credit union, or their
17 respective employees.

18 (f-5) "Mandated reporter" means any of the following
19 persons while engaged in carrying out their professional
20 duties:

21 (1) a professional or professional's delegate while
22 engaged in: (i) social services, (ii) law enforcement,
23 (iii) education, (iv) the care of an eligible adult or
24 eligible adults, or (v) any of the occupations required to
25 be licensed under the Clinical Psychologist Licensing Act,
26 the Clinical Social Work and Social Work Practice Act, the

1 Illinois Dental Practice Act, the Dietitian Nutritionist
2 Practice Act, the Marriage and Family Therapy Licensing
3 Act, the Medical Practice Act of 1987, the Naprapathic
4 Practice Act, the Nurse Practice Act, the Nursing Home
5 Administrators Licensing and Disciplinary Act, the
6 Illinois Occupational Therapy Practice Act, the Illinois
7 Optometric Practice Act of 1987, the Pharmacy Practice
8 Act, the Illinois Physical Therapy Act, the Physician
9 Assistant Practice Act of 1987, the Podiatric Medical
10 Practice Act of 1987, the Respiratory Care Practice Act,
11 the Professional Counselor and Clinical Professional
12 Counselor Licensing and Practice Act, the Illinois
13 Speech-Language Pathology and Audiology Practice Act, the
14 Veterinary Medicine and Surgery Practice Act of 2004, and
15 the Illinois Public Accounting Act;

16 (1.5) an employee of an entity providing developmental
17 disabilities services or service coordination funded by
18 the Department of Human Services;

19 (2) an employee of a vocational rehabilitation
20 facility prescribed or supervised by the Department of
21 Human Services;

22 (3) an administrator, employee, or person providing
23 services in or through an unlicensed community based
24 facility;

25 (4) any religious practitioner who provides treatment
26 by prayer or spiritual means alone in accordance with the

1 tenets and practices of a recognized church or religious
2 denomination, except as to information received in any
3 confession or sacred communication enjoined by the
4 discipline of the religious denomination to be held
5 confidential;

6 (5) field personnel of the Department of Healthcare
7 and Family Services, Department of Public Health, and
8 Department of Human Services, and any county or municipal
9 health department;

10 (6) personnel of the Department of Human Services, the
11 Guardianship and Advocacy Commission, the State Fire
12 Marshal, local fire departments, the Department on Aging
13 and its subsidiary Area Agencies on Aging and provider
14 agencies, excluding the State Long Term Care Ombudsman and
15 all representatives of the State Long Term Care Ombudsman
16 Program; and the Office of State Long Term Care Ombudsman;

17 (7) any employee of the State of Illinois not
18 otherwise specified herein who is involved in providing
19 services to eligible adults, including professionals
20 providing medical or rehabilitation services and all other
21 persons having direct contact with eligible adults;

22 (8) a person who performs the duties of a coroner or
23 medical examiner; ~~or~~

24 (9) a person who performs the duties of a paramedic or
25 an emergency medical technician; ~~or~~

26 (10) a person who performs the duties of an investment

1 advisor; or

2 (11) a person who performs the duties of an insurance
3 adjuster.

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

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

20 (i) "Regional administrative agency" means any public or
21 nonprofit agency in a planning and service area that provides
22 regional oversight and performs functions as set forth in
23 subsection (b) of Section 3 of this Act. The Department shall
24 designate an Area Agency on Aging as the regional
25 administrative agency or, in the event the Area Agency on
26 Aging in that planning and service area is deemed by the

1 Department to be unwilling or unable to provide those
2 functions, the Department may serve as the regional
3 administrative agency or designate another qualified entity to
4 serve as the regional administrative agency; any such
5 designation shall be subject to terms set forth by the
6 Department.

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

20 (j) "Substantiated case" means a reported case of alleged
21 or suspected abuse, neglect, financial exploitation, or
22 self-neglect in which a provider agency, after assessment,
23 determines that there is reason to believe abuse, neglect, or
24 financial exploitation has occurred.

25 (k) "Verified" means a determination that there is "clear
26 and convincing evidence" that the specific injury or harm

1 alleged was the result of abuse, neglect, or financial
2 exploitation.

3 (Source: P.A. 99-180, eff. 7-29-15; 100-641, eff. 1-1-19.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".