



Sen. Rachelle Crowe

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LRB102 04506 KTG 24221 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 Sections 4, 4.1, 4.2, 5, and 8 as follows:

6 (320 ILCS 20/4) (from Ch. 23, par. 6604)

7 Sec. 4. Reports of abuse or neglect.

8 (a) Any person who suspects the abuse, neglect, financial
9 exploitation, or self-neglect of an eligible adult may report
10 this suspicion or information about the suspicious death of an
11 eligible adult to an agency designated to receive such reports
12 under this Act or to the Department.

13 (a-5) If any mandated reporter has reason to believe that
14 an eligible adult, who because of a disability or other
15 condition or impairment is unable to seek assistance for
16 himself or herself, has, within the previous 12 months, been

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

1 report and his or her patient or client shall not apply to
2 situations involving abused, neglected, or financially
3 exploited eligible adults and shall not constitute grounds for
4 failure to report as required by this Act.

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

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

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

23 (b) Any person, institution or agency participating in the
24 making of a report, providing information or records related
25 to a report, assessment, or services, or participating in the
26 investigation of a report under this Act in good faith, or

1 taking photographs or x-rays as a result of an authorized
2 assessment, shall have immunity from any civil, criminal or
3 other liability in any civil, criminal or other proceeding
4 brought in consequence of making such report or assessment or
5 on account of submitting or otherwise disclosing such
6 photographs or x-rays to any agency designated to receive
7 reports of alleged or suspected abuse or neglect. Any person,
8 institution or agency authorized by the Department to provide
9 assessment, intervention, or administrative services under
10 this Act shall, in the good faith performance of those
11 services, have immunity from any civil, criminal or other
12 liability in any civil, criminal, or other proceeding brought
13 as a consequence of the performance of those services. For the
14 purposes of any civil, criminal, or other proceeding, the good
15 faith of any person required to report, permitted to report,
16 or participating in an investigation of a report of alleged or
17 suspected abuse, neglect, financial exploitation, or
18 self-neglect shall be presumed.

19 (c) The identity of a person making a report of alleged or
20 suspected abuse, neglect, financial exploitation, or
21 self-neglect or a report concerning information about the
22 suspicious death of an eligible adult under this Act may be
23 disclosed by the Department or other agency provided for in
24 this Act only with such person's written consent or by court
25 order, but is otherwise confidential.

26 (d) The Department shall by rule establish a system for

1 filing and compiling reports made under this Act.

2 (e) Any physician who willfully fails to report as
3 required by this Act shall be referred to the Illinois State
4 Medical Disciplinary Board for action in accordance with
5 subdivision (A) (22) of Section 22 of the Medical Practice Act
6 of 1987. Any dentist or dental hygienist who willfully fails
7 to report as required by this Act shall be referred to the
8 Department of Professional Regulation for action in accordance
9 with paragraph 19 of Section 23 of the Illinois Dental
10 Practice Act. Any optometrist who willfully fails to report as
11 required by this Act shall be referred to the Department of
12 Financial and Professional Regulation for action in accordance
13 with paragraph (15) of subsection (a) of Section 24 of the
14 Illinois Optometric Practice Act of 1987. Any other mandated
15 reporter required by this Act to report suspected abuse,
16 neglect, or financial exploitation who willfully fails to
17 report the same is guilty of a Class A misdemeanor.

18 (Source: P.A. 97-860, eff. 7-30-12; 98-49, eff. 7-1-13;
19 98-1039, eff. 8-25-14.)

20 (320 ILCS 20/4.1)

21 Sec. 4.1. Employer discrimination. No employer shall
22 discharge, demote or suspend, or threaten to discharge, demote
23 or suspend, or in any manner discriminate against any
24 employee: (i) who makes any good faith oral or written report
25 of suspected abuse, neglect, or financial exploitation; (ii)

1 who makes any good faith oral or written report concerning
2 information about the suspicious death of an eligible adult;
3 or (iii) who is or will be a witness or testify in any
4 investigation or proceeding concerning a report of suspected
5 abuse, neglect, or financial exploitation.

6 (Source: P.A. 98-49, eff. 7-1-13.)

7 (320 ILCS 20/4.2)

8 Sec. 4.2. Testimony by mandated reporter and investigator.
9 Any mandated reporter who makes a report or any person who
10 investigates a report under this Act shall testify fully in
11 any judicial proceeding resulting from such report, as to any
12 evidence of abuse, neglect, or financial exploitation or the
13 cause thereof. Any mandated reporter who is required to report
14 a suspected case of or a suspicious death due to abuse,
15 neglect, or financial exploitation under Section 4 of this Act
16 shall testify fully in any administrative hearing resulting
17 from such report, as to any evidence of abuse, neglect, or
18 financial exploitation or the cause thereof. No evidence shall
19 be excluded by reason of any common law or statutory privilege
20 relating to communications between the alleged abuser or the
21 eligible adult subject of the report under this Act and the
22 person making or investigating the report.

23 (Source: P.A. 90-628, eff. 1-1-99.)

24 (320 ILCS 20/5) (from Ch. 23, par. 6605)

1 Sec. 5. Procedure.

2 (a) A provider agency designated to receive reports of
3 alleged or suspected abuse, neglect, financial exploitation,
4 or self-neglect under this Act shall, upon receiving such a
5 report, conduct a face-to-face assessment with respect to such
6 report, in accord with established law and Department
7 protocols, procedures, and policies. Face-to-face assessments,
8 casework, and follow-up of reports of self-neglect by the
9 provider agencies designated to receive reports of
10 self-neglect shall be subject to sufficient appropriation for
11 statewide implementation of assessments, casework, and
12 follow-up of reports of self-neglect. In the absence of
13 sufficient appropriation for statewide implementation of
14 assessments, casework, and follow-up of reports of
15 self-neglect, the designated adult protective services
16 provider agency shall refer all reports of self-neglect to the
17 appropriate agency or agencies as designated by the Department
18 for any follow-up. The assessment shall include, but not be
19 limited to, a visit to the residence of the eligible adult who
20 is the subject of the report and shall include interviews or
21 consultations regarding the allegations with service agencies,
22 immediate family members, and individuals who may have
23 knowledge of the eligible adult's circumstances based on the
24 consent of the eligible adult in all instances, except where
25 the provider agency is acting in the best interest of an
26 eligible adult who is unable to seek assistance for himself or

1 herself and where there are allegations against a caregiver
2 who has assumed responsibilities in exchange for compensation.
3 If, after the assessment, the provider agency determines that
4 the case is substantiated it shall develop a service care plan
5 for the eligible adult and may report its findings at any time
6 during the case to the appropriate law enforcement agency in
7 accord with established law and Department protocols,
8 procedures, and policies. In developing a case plan, the
9 provider agency may consult with any other appropriate
10 provider of services, and such providers shall be immune from
11 civil or criminal liability on account of such acts. The plan
12 shall include alternative suggested or recommended services
13 which are appropriate to the needs of the eligible adult and
14 which involve the least restriction of the eligible adult's
15 activities commensurate with his or her needs. Only those
16 services to which consent is provided in accordance with
17 Section 9 of this Act shall be provided, contingent upon the
18 availability of such services.

19 (b) A provider agency shall refer evidence of crimes
20 against an eligible adult to the appropriate law enforcement
21 agency according to Department policies. A referral to law
22 enforcement may be made at intake, at ~~or~~ any time during the
23 case, or after a report of a suspicious death, depending upon
24 the circumstances. Where a provider agency has reason to
25 believe the death of an eligible adult may be the result of
26 abuse or neglect, the agency shall immediately report the

1 matter to the coroner or medical examiner and shall cooperate
2 fully with any subsequent investigation.

3 (c) If any person other than the alleged victim refuses to
4 allow the provider agency to begin an investigation,
5 interferes with the provider agency's ability to conduct an
6 investigation, or refuses to give access to an eligible adult,
7 the appropriate law enforcement agency must be consulted
8 regarding the investigation.

9 (Source: P.A. 101-496, eff. 1-1-20.)

10 (320 ILCS 20/8) (from Ch. 23, par. 6608)

11 Sec. 8. Access to records. All records concerning reports
12 of abuse, neglect, financial exploitation, or self-neglect or
13 reports of suspicious deaths due to abuse, neglect, financial
14 exploitation, or self-neglect and all records generated as a
15 result of such reports shall be confidential and shall not be
16 disclosed except as specifically authorized by this Act or
17 other applicable law. In accord with established law and
18 Department protocols, procedures, and policies, access to such
19 records, but not access to the identity of the person or
20 persons making a report of alleged abuse, neglect, financial
21 exploitation, or self-neglect as contained in such records,
22 shall be provided, upon request, to the following persons and
23 for the following persons:

24 (1) Department staff, provider agency staff, other
25 aging network staff, and regional administrative agency

1 staff, including staff of the Chicago Department on Aging
2 while that agency is designated as a regional
3 administrative agency, in the furtherance of their
4 responsibilities under this Act;

5 (1.5) A representative of the public guardian acting
6 in the course of investigating the appropriateness of
7 guardianship for the eligible adult or while pursuing a
8 petition for guardianship of the eligible adult pursuant
9 to the Probate Act of 1975;

10 (2) A law enforcement agency or State's Attorney's
11 office investigating known or suspected abuse, neglect,
12 financial exploitation, or self-neglect. Where a provider
13 agency has reason to believe that the death of an eligible
14 adult may be the result of abuse or neglect, including any
15 reports made after death, the agency shall immediately
16 provide the appropriate law enforcement agency with all
17 records pertaining to the eligible adult;

18 (2.5) A law enforcement agency, fire department
19 agency, or fire protection district having proper
20 jurisdiction pursuant to a written agreement between a
21 provider agency and the law enforcement agency, fire
22 department agency, or fire protection district under which
23 the provider agency may furnish to the law enforcement
24 agency, fire department agency, or fire protection
25 district a list of all eligible adults who may be at
26 imminent risk of abuse, neglect, financial exploitation,

1 or self-neglect;

2 (3) A physician who has before him or her or who is
3 involved in the treatment of an eligible adult whom he or
4 she reasonably suspects may be abused, neglected,
5 financially exploited, or self-neglected or who has been
6 referred to the Adult Protective Services Program;

7 (4) An eligible adult reported to be abused,
8 neglected, financially exploited, or self-neglected, or
9 such adult's authorized guardian or agent, unless such
10 guardian or agent is the abuser or the alleged abuser;

11 (4.5) An executor or administrator of the estate of an
12 eligible adult who is deceased;

13 (5) In cases regarding abuse, neglect, or financial
14 exploitation, a court or a guardian ad litem, upon its or
15 his or her finding that access to such records may be
16 necessary for the determination of an issue before the
17 court. However, such access shall be limited to an in
18 camera inspection of the records, unless the court
19 determines that disclosure of the information contained
20 therein is necessary for the resolution of an issue then
21 pending before it;

22 (5.5) In cases regarding self-neglect, a guardian ad
23 litem;

24 (6) A grand jury, upon its determination that access
25 to such records is necessary in the conduct of its
26 official business;

1 (7) Any person authorized by the Director, in writing,
2 for audit or bona fide research purposes;

3 (8) A coroner or medical examiner who has reason to
4 believe that an eligible adult has died as the result of
5 abuse, neglect, financial exploitation, or self-neglect.
6 The provider agency shall immediately provide the coroner
7 or medical examiner with all records pertaining to the
8 eligible adult;

9 (8.5) A coroner or medical examiner having proper
10 jurisdiction, pursuant to a written agreement between a
11 provider agency and the coroner or medical examiner, under
12 which the provider agency may furnish to the office of the
13 coroner or medical examiner a list of all eligible adults
14 who may be at imminent risk of death as a result of abuse,
15 neglect, financial exploitation, or self-neglect;

16 (9) Department of Financial and Professional
17 Regulation staff and members of the Illinois Medical
18 Disciplinary Board or the Social Work Examining and
19 Disciplinary Board in the course of investigating alleged
20 violations of the Clinical Social Work and Social Work
21 Practice Act by provider agency staff or other licensing
22 bodies at the discretion of the Director of the Department
23 on Aging;

24 (9-a) Department of Healthcare and Family Services
25 staff and provider agency staff when that Department is
26 funding services to the eligible adult, including access

1 to the identity of the eligible adult;

2 (9-b) Department of Human Services staff and provider
3 agency staff when that Department is funding services to
4 the eligible adult or is providing reimbursement for
5 services provided by the abuser or alleged abuser,
6 including access to the identity of the eligible adult;

7 (10) Hearing officers in the course of conducting an
8 administrative hearing under this Act; parties to such
9 hearing shall be entitled to discovery as established by
10 rule;

11 (11) A caregiver who challenges placement on the
12 Registry shall be given the statement of allegations in
13 the abuse report and the substantiation decision in the
14 final investigative report; and

15 (12) The Illinois Guardianship and Advocacy Commission
16 and the agency designated by the Governor under Section 1
17 of the Protection and Advocacy for Persons with
18 Developmental Disabilities Act shall have access, through
19 the Department, to records, including the findings,
20 pertaining to a completed or closed investigation of a
21 report of suspected abuse, neglect, financial
22 exploitation, or self-neglect of an eligible adult.

23 (Source: P.A. 98-49, eff. 7-1-13; 98-1039, eff. 8-25-14;
24 99-143, eff. 7-27-15; 99-287, eff. 1-1-16; 99-547, eff.
25 7-15-16; 99-642, eff. 7-28-16.)

1 Section 99. Effective date. This Act takes effect January
2 1, 2022."