



Sen. Jil Tracy

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1 AMENDMENT TO HOUSE BILL 2858

2 AMENDMENT NO. _____. Amend House Bill 2858 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Act on the Aging is amended by
5 changing Section 4.04 as follows:

6 (20 ILCS 105/4.04) (from Ch. 23, par. 6104.04)

7 Sec. 4.04. Long Term Care Ombudsman Program. The purpose
8 of the Long Term Care Ombudsman Program is to ensure that older
9 persons and persons with disabilities receive quality
10 services. This is accomplished by providing advocacy services
11 for residents of long term care facilities and participants
12 receiving home care and community-based care. Managed care is
13 increasingly becoming the vehicle for delivering health and
14 long-term services and supports to seniors and persons with
15 disabilities, including dual eligible participants. The
16 additional ombudsman authority will allow advocacy services to

1 be provided to Illinois participants for the first time and
2 will produce a cost savings for the State of Illinois by
3 supporting the rebalancing efforts of the Patient Protection
4 and Affordable Care Act.

5 (a) Long Term Care Ombudsman Program. The Department shall
6 establish a Long Term Care Ombudsman Program, through the
7 Office of State Long Term Care Ombudsman ("the Office"), in
8 accordance with the provisions of the Older Americans Act of
9 1965, as now or hereafter amended. The Long Term Care
10 Ombudsman Program is authorized, subject to sufficient
11 appropriations, to advocate on behalf of older persons and
12 persons with disabilities residing in their own homes or
13 community-based settings, relating to matters which may
14 adversely affect the health, safety, welfare, or rights of
15 such individuals.

16 (b) Definitions. As used in this Section, unless the
17 context requires otherwise:

18 (1) "Access" means the right to:

19 (i) Enter any long term care facility or assisted
20 living or shared housing establishment or supportive
21 living facility;

22 (ii) Communicate privately and without restriction
23 with any resident, regardless of age, who consents to
24 the communication;

25 (iii) Seek consent to communicate privately and
26 without restriction with any participant or resident,

1 regardless of age;

2 (iv) Inspect and copy the clinical and other
3 records of a participant or resident, regardless of
4 age, with the express written consent of the
5 participant or resident;

6 (v) Observe all areas of the long term care
7 facility or supportive living facilities, assisted
8 living or shared housing establishment except the
9 living area of any resident who protests the
10 observation; and

11 (vi) Subject to permission of the participant or
12 resident requesting services or his or her
13 representative, enter a home or community-based
14 setting.

15 (2) "Long Term Care Facility" means (i) any facility
16 as defined by Section 1-113 of the Nursing Home Care Act,
17 as now or hereafter amended; (ii) any skilled nursing
18 facility or a nursing facility which meets the
19 requirements of Section 1819(a), (b), (c), and (d) or
20 Section 1919(a), (b), (c), and (d) of the Social Security
21 Act, as now or hereafter amended (42 U.S.C. 1395i-3(a),
22 (b), (c), and (d) and 42 U.S.C. 1396r(a), (b), (c), and
23 (d)); (iii) any facility as defined by Section 1-113 of
24 the ID/DD Community Care Act, as now or hereafter amended;
25 (iv) any facility as defined by Section 1-113 of MC/DD
26 Act, as now or hereafter amended; and (v) any facility

1 licensed under Section 4-105 or 4-201 of the Specialized
2 Mental Health Rehabilitation Act of 2013, as now or
3 hereafter amended.

4 (2.5) "Assisted living establishment" and "shared
5 housing establishment" have the meanings given those terms
6 in Section 10 of the Assisted Living and Shared Housing
7 Act.

8 (2.7) "Supportive living facility" means a facility
9 established under Section 5-5.01a of the Illinois Public
10 Aid Code.

11 (2.8) "Community-based setting" means any place of
12 abode other than an individual's private home.

13 (3) "State Long Term Care Ombudsman" means any person
14 employed by the Department to fulfill the requirements of
15 the Office of State Long Term Care Ombudsman as required
16 under the Older Americans Act of 1965, as now or hereafter
17 amended, and Departmental policy.

18 (3.1) "Ombudsman" means any designated representative
19 of the State Long Term Care Ombudsman Program; provided
20 that the representative, whether he is paid for or
21 volunteers his ombudsman services, shall be qualified and
22 designated by the Office to perform the duties of an
23 ombudsman as specified by the Department in rules and in
24 accordance with the provisions of the Older Americans Act
25 of 1965, as now or hereafter amended.

26 (4) "Participant" means an older person aged 60 or

1 over or an adult with a disability aged 18 through 59 who
2 is eligible for services under any of the following:

3 (i) A medical assistance waiver administered by
4 the State.

5 (ii) A managed care organization providing care
6 coordination and other services to seniors and persons
7 with disabilities.

8 (5) "Resident" means an older person aged 60 or over
9 or an adult with a disability aged 18 through 59 who
10 resides in a long-term care facility.

11 (c) Ombudsman; rules. The Office of State Long Term Care
12 Ombudsman shall be composed of at least one full-time
13 ombudsman and shall include a system of designated regional
14 long term care ombudsman programs. Each regional program shall
15 be designated by the State Long Term Care Ombudsman as a
16 subdivision of the Office and any representative of a regional
17 program shall be treated as a representative of the Office.

18 The Department, in consultation with the Office, shall
19 promulgate administrative rules in accordance with the
20 provisions of the Older Americans Act of 1965, as now or
21 hereafter amended, to establish the responsibilities of the
22 Department and the Office of State Long Term Care Ombudsman
23 and the designated regional Ombudsman programs. The
24 administrative rules shall include the responsibility of the
25 Office and designated regional programs to investigate and
26 resolve complaints made by or on behalf of residents of long

1 term care facilities, supportive living facilities, and
2 assisted living and shared housing establishments, and
3 participants residing in their own homes or community-based
4 settings, including the option to serve residents and
5 participants under the age of 60, relating to actions,
6 inaction, or decisions of providers, or their representatives,
7 of such facilities and establishments, of public agencies, or
8 of social services agencies, which may adversely affect the
9 health, safety, welfare, or rights of such residents and
10 participants. The Office and designated regional programs may
11 represent all residents and participants, but are not required
12 by this Act to represent persons under 60 years of age, except
13 to the extent required by federal law. When necessary and
14 appropriate, representatives of the Office shall refer
15 complaints to the appropriate regulatory State agency. The
16 Department, in consultation with the Office, shall cooperate
17 with the Department of Human Services and other State agencies
18 in providing information and training to designated regional
19 long term care ombudsman programs about the appropriate
20 assessment and treatment (including information about
21 appropriate supportive services, treatment options, and
22 assessment of rehabilitation potential) of the participants
23 they serve.

24 The State Long Term Care Ombudsman and all other
25 ombudsmen, as defined in paragraph (3.1) of subsection (b)
26 must submit to background checks under the Health Care Worker

1 Background Check Act and receive training, as prescribed by
2 the Illinois Department on Aging, before visiting facilities,
3 private homes, or community-based settings. The training must
4 include information specific to assisted living
5 establishments, supportive living facilities, shared housing
6 establishments, private homes, and community-based settings
7 and to the rights of residents and participants guaranteed
8 under the corresponding Acts and administrative rules.

9 (c-5) Consumer Choice Information Reports. The Office
10 shall:

11 (1) In collaboration with the Attorney General, create
12 a Consumer Choice Information Report form to be completed
13 by all licensed long term care facilities to aid
14 Illinoisans and their families in making informed choices
15 about long term care. The Office shall create a Consumer
16 Choice Information Report for each type of licensed long
17 term care facility. The Office shall collaborate with the
18 Attorney General and the Department of Human Services to
19 create a Consumer Choice Information Report form for
20 facilities licensed under the ID/DD Community Care Act or
21 the MC/DD Act.

22 (2) Develop a database of Consumer Choice Information
23 Reports completed by licensed long term care facilities
24 that includes information in the following consumer
25 categories:

26 (A) Medical Care, Services, and Treatment.

- 1 (B) Special Services and Amenities.
- 2 (C) Staffing.
- 3 (D) Facility Statistics and Resident Demographics.
- 4 (E) Ownership and Administration.
- 5 (F) Safety and Security.
- 6 (G) Meals and Nutrition.
- 7 (H) Rooms, Furnishings, and Equipment.
- 8 (I) Family, Volunteer, and Visitation Provisions.

9 (3) Make this information accessible to the public,
10 including on the Internet by means of a hyperlink on the
11 Office's World Wide Web home page. Information about
12 facilities licensed under the ID/DD Community Care Act or
13 the MC/DD Act shall be made accessible to the public by the
14 Department of Human Services, including on the Internet by
15 means of a hyperlink on the Department of Human Services'
16 "For Customers" website.

17 (4) Have the authority, with the Attorney General, to
18 verify that information provided by a facility is
19 accurate.

20 (5) Request a new report from any licensed facility
21 whenever it deems necessary.

22 (6) Include in the Office's Consumer Choice
23 Information Report for each type of licensed long term
24 care facility additional information on each licensed long
25 term care facility in the State of Illinois, including
26 information regarding each facility's compliance with the

1 relevant State and federal statutes, rules, and standards;
2 customer satisfaction surveys; and information generated
3 from quality measures developed by the Centers for
4 Medicare and Medicaid Services.

5 (d) Access and visitation rights.

6 (1) In accordance with subparagraphs (A) and (E) of
7 paragraph (3) of subsection (c) of Section 1819 and
8 subparagraphs (A) and (E) of paragraph (3) of subsection
9 (c) of Section 1919 of the Social Security Act, as now or
10 hereafter amended (42 U.S.C. 1395i-3 (c) (3) (A) and (E) and
11 42 U.S.C. 1396r (c) (3) (A) and (E)), and Section 712 of the
12 Older Americans Act of 1965, as now or hereafter amended
13 (42 U.S.C. 3058f), a long term care facility, supportive
14 living facility, assisted living establishment, and shared
15 housing establishment must:

16 (i) permit immediate access to any resident,
17 regardless of age, by a designated ombudsman;

18 (ii) permit representatives of the Office, with
19 the permission of the resident, the resident's legal
20 representative, or the resident's legal guardian, to
21 examine and copy a resident's clinical and other
22 records, regardless of the age of the resident, and if
23 a resident is unable to consent to such review, and has
24 no legal guardian, permit representatives of the
25 Office appropriate access, as defined by the
26 Department, in consultation with the Office, in

1 administrative rules, to the resident's records; and

2 (iii) permit a representative of the Program to
3 communicate privately and without restriction with any
4 participant who consents to the communication
5 regardless of the consent of, or withholding of
6 consent by, a legal guardian or an agent named in a
7 power of attorney executed by the participant.

8 (2) Each long term care facility, supportive living
9 facility, assisted living establishment, and shared
10 housing establishment shall display, in multiple,
11 conspicuous public places within the facility accessible
12 to both visitors and residents and in an easily readable
13 format, the address and phone number of the Office of the
14 Long Term Care Ombudsman, in a manner prescribed by the
15 Office.

16 (e) Immunity. An ombudsman or any representative of the
17 Office participating in the good faith performance of his or
18 her official duties shall have immunity from any liability
19 (civil, criminal or otherwise) in any proceedings (civil,
20 criminal or otherwise) brought as a consequence of the
21 performance of his official duties.

22 (f) Business offenses.

23 (1) No person shall:

24 (i) Intentionally prevent, interfere with, or
25 attempt to impede in any way any representative of the
26 Office in the performance of his official duties under

1 this Act and the Older Americans Act of 1965; or

2 (ii) Intentionally retaliate, discriminate
3 against, or effect reprisals against any long term
4 care facility resident or employee for contacting or
5 providing information to any representative of the
6 Office.

7 (2) A violation of this Section is a business offense,
8 punishable by a fine not to exceed \$501.

9 (3) The State Long Term Care Ombudsman shall notify
10 the State's Attorney of the county in which the long term
11 care facility, supportive living facility, or assisted
12 living or shared housing establishment is located, or the
13 Attorney General, of any violations of this Section.

14 (g) Confidentiality of records and identities. The
15 Department shall establish procedures for the disclosure by
16 the State Ombudsman or the regional ombudsmen entities of
17 files maintained by the program. The procedures shall provide
18 that the files and records may be disclosed only at the
19 discretion of the State Long Term Care Ombudsman or the person
20 designated by the State Ombudsman to disclose the files and
21 records, and the procedures shall prohibit the disclosure of
22 the identity of any complainant, resident, participant,
23 witness, or employee of a long term care provider unless:

24 (1) the complainant, resident, participant, witness,
25 or employee of a long term care provider or his or her
26 legal representative consents to the disclosure and the

1 consent is in writing;

2 (2) the complainant, resident, participant, witness,
3 or employee of a long term care provider gives consent
4 orally; and the consent is documented contemporaneously in
5 writing in accordance with such requirements as the
6 Department shall establish; or

7 (3) the disclosure is required by court order.

8 (h) Legal representation. The Attorney General shall
9 provide legal representation to any representative of the
10 Office against whom suit or other legal action is brought in
11 connection with the performance of the representative's
12 official duties, in accordance with the State Employee
13 Indemnification Act.

14 (i) Treatment by prayer and spiritual means. Nothing in
15 this Act shall be construed to authorize or require the
16 medical supervision, regulation or control of remedial care or
17 treatment of any resident in a long term care facility
18 operated exclusively by and for members or adherents of any
19 church or religious denomination the tenets and practices of
20 which include reliance solely upon spiritual means through
21 prayer for healing.

22 (j) The Long Term Care Ombudsman Fund is created as a
23 special fund in the State treasury to receive moneys for the
24 express purposes of this Section. All interest earned on
25 moneys in the fund shall be credited to the fund. Moneys
26 contained in the fund shall be used to support the purposes of

1 this Section.

2 (k) Each Regional Ombudsman may, in accordance with rules
3 promulgated by the Office, establish a multi-disciplinary team
4 to act in an advisory role for the purpose of providing
5 professional knowledge and expertise in handling complex
6 abuse, neglect, and advocacy issues involving participants.
7 Each multi-disciplinary team may consist of one or more
8 volunteer representatives from any combination of at least 7
9 members from the following professions: banking or finance;
10 disability care; health care; pharmacology; law; law
11 enforcement; emergency responder; mental health care; clergy;
12 coroner or medical examiner; substance abuse; domestic
13 violence; sexual assault; or other related fields. To support
14 multi-disciplinary teams in this role, law enforcement
15 agencies and coroners or medical examiners shall supply
16 records as may be requested in particular cases. The Regional
17 Ombudsman, or his or her designee, of the area in which the
18 multi-disciplinary team is created shall be the facilitator of
19 the multi-disciplinary team.

20 (Source: P.A. 102-1033, eff. 1-1-23.)

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

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

24 Sec. 2. Definitions. As used in this Act, unless the

1 context requires otherwise:

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

10 (a-1) "Abuse" means causing any physical, mental or sexual
11 injury to an eligible adult, including exploitation of such
12 adult's financial resources, and abandonment.

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

19 Nothing in this Act shall be construed to mean that an
20 eligible adult is a victim of abuse because of health care
21 services provided or not provided by licensed health care
22 professionals.

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

25 (a-6) "Adult with disabilities" means a person aged 18
26 through 59 who resides in a domestic living situation and

1 whose disability as defined in subsection (c-5) impairs his or
2 her ability to seek or obtain protection from abuse,
3 abandonment, neglect, or exploitation.

4 (a-7) "Caregiver" means a person who either as a result of
5 a family relationship, voluntarily, or in exchange for
6 compensation has assumed responsibility for all or a portion
7 of the care of an eligible adult who needs assistance with
8 activities of daily living or instrumental activities of daily
9 living.

10 (b) "Department" means the Department on Aging of the
11 State of Illinois.

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

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

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

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

24 (1.5) A facility licensed under the ID/DD Community
25 Care Act;

26 (1.6) A facility licensed under the MC/DD Act;

1 (1.7) A facility licensed under the Specialized Mental
2 Health Rehabilitation Act of 2013;

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

5 (3) A home, institution, or other place operated by
6 the federal government or agency thereof or by the State
7 of Illinois;

8 (4) A hospital, sanitarium, or other institution, the
9 principal activity or business of which is the diagnosis,
10 care, and treatment of human illness through the
11 maintenance and operation of organized facilities
12 therefor, which is required to be licensed under the
13 Hospital Licensing Act;

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

16 (6) (Blank);

17 (7) A "community-integrated living arrangement" as
18 defined in the Community-Integrated Living Arrangements
19 Licensure and Certification Act or a "community
20 residential alternative" as licensed under that Act;

21 (8) An assisted living or shared housing establishment
22 as defined in the Assisted Living and Shared Housing Act;
23 or

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

26 (e) "Eligible adult" means either an adult with

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

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

22 (f-1) "Financial exploitation" means the use of an
23 eligible adult's resources by another to the disadvantage of
24 that adult or the profit or advantage of a person other than
25 that adult.

26 (f-5) "Mandated reporter" means any of the following

1 persons while engaged in carrying out their professional
2 duties:

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

24 (1.5) an employee of an entity providing developmental
25 disabilities services or service coordination funded by
26 the Department of Human Services;

1 (2) an employee of a vocational rehabilitation
2 facility prescribed or supervised by the Department of
3 Human Services;

4 (3) an administrator, employee, or person providing
5 services in or through an unlicensed community based
6 facility;

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

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

18 (6) personnel of the Department of Human Services, the
19 Guardianship and Advocacy Commission, the State Fire
20 Marshal, local fire departments, the Department on Aging
21 and its subsidiary Area Agencies on Aging and provider
22 agencies, except the State Long Term Care Ombudsman and
23 any of his or her representatives or volunteers where
24 prohibited from making such a report pursuant to 45 CFR
25 1324.11(e)(3)(iv); and the Office of State Long Term Care
26 Ombudsman;

1 (7) any employee of the State of Illinois not
2 otherwise specified herein who is involved in providing
3 services to eligible adults, including professionals
4 providing medical or rehabilitation services and all other
5 persons having direct contact with eligible adults;

6 (8) a person who performs the duties of a coroner or
7 medical examiner; or

8 (9) a person who performs the duties of a paramedic or
9 an emergency medical technician.

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

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

26 (i) "Regional administrative agency" means any public or

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

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

26 (j) "Substantiated case" means a reported case of alleged

1 or suspected abuse, abandonment, neglect, financial
2 exploitation, or self-neglect in which a provider agency,
3 after assessment, determines that there is reason to believe
4 abuse, abandonment, neglect, or financial exploitation has
5 occurred.

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

10 (Source: P.A. 102-244, eff. 1-1-22; 102-953, eff. 5-27-22.)".