



Sen. Jil Tracy

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10300HB2858sam002

LRB103 26814 KTG 62090 a

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 Adult Protective Services Act is amended
5 by changing Sections 2, 4, 4.1, 4.2, 5, and 8 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) "Abandonment" means the desertion or willful forsaking
10 of an eligible adult by an individual responsible for the care
11 and custody of that eligible adult under circumstances in
12 which a reasonable person would continue to provide care and
13 custody. Nothing in this Act shall be construed to mean that an
14 eligible adult is a victim of abandonment because of health
15 care services provided or not provided by licensed health care
16 professionals.

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

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

10 Nothing in this Act shall be construed to mean that an
11 eligible adult is a victim of abuse because of health care
12 services provided or not provided by licensed health care
13 professionals.

14 Nothing in this Act shall be construed to mean that an
15 eligible adult is a victim of abuse in cases of criminal
16 activity by strangers, telemarketing scams, consumer fraud,
17 internet fraud, home repair disputes, complaints against a
18 homeowners' association, or complaints between landlords and
19 tenants.

20 (a-5) "Abuser" means a person who is a family member,
21 caregiver, or another person who has a continuing relationship
22 with the eligible adult and abuses, abandons, neglects, or
23 financially exploits an eligible adult.

24 (a-6) "Adult with disabilities" means a person aged 18
25 through 59 who resides in a domestic living situation and
26 whose disability as defined in subsection (c-5) impairs his or

1 her ability to seek or obtain protection from abuse,
2 abandonment, neglect, or exploitation.

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

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

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

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

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

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

23 (1.5) A facility licensed under the ID/DD Community
24 Care Act;

25 (1.6) A facility licensed under the MC/DD Act;

26 (1.7) A facility licensed under the Specialized Mental

1 Health Rehabilitation Act of 2013;

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

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

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

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

15 (6) (Blank);

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

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

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

25 (e) "Eligible adult" means either an adult with
26 disabilities aged 18 through 59 or a person aged 60 or older

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

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

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

25 (f-3) "Investment advisor" means any person required to
26 register as an investment adviser or investment adviser

1 representative under Section 8 of the Illinois Securities Law
2 of 1953, which for purposes of this Act excludes any bank,
3 trust company, savings bank, or credit union, or their
4 respective employees.

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

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

1 Practice Act, the Veterinary Medicine and Surgery Practice
2 Act of 2004, and the Illinois Public Accounting Act;

3 (1.5) an employee of an entity providing developmental
4 disabilities services or service coordination funded by
5 the Department of Human Services;

6 (2) an employee of a vocational rehabilitation
7 facility prescribed or supervised by the Department of
8 Human Services;

9 (3) an administrator, employee, or person providing
10 services in or through an unlicensed community based
11 facility;

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

19 (5) field personnel of the Department of Healthcare
20 and Family Services, Department of Public Health, and
21 Department of Human Services, and any county or municipal
22 health department;

23 (6) personnel of the Department of Human Services, the
24 Guardianship and Advocacy Commission, the State Fire
25 Marshal, local fire departments, the Department on Aging
26 and its subsidiary Area Agencies on Aging and provider

1 agencies, except the State Long Term Care Ombudsman and
2 any of his or her representatives or volunteers where
3 prohibited from making such a report pursuant to 45 CFR
4 1324.11(e)(3)(iv); and the Office of State Long Term Care
5 Ombudsman;

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

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

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

15 (10) a person who performs the duties of an investment
16 advisor.

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

26 (h) "Provider agency" means any public or nonprofit agency

1 in a planning and service area that is selected by the
2 Department or appointed by the regional administrative agency
3 with prior approval by the Department on Aging to receive and
4 assess reports of alleged or suspected abuse, abandonment,
5 neglect, or financial exploitation. A provider agency is also
6 referenced as a "designated agency" in this Act.

7 (i) "Regional administrative agency" means any public or
8 nonprofit agency in a planning and service area that provides
9 regional oversight and performs functions as set forth in
10 subsection (b) of Section 3 of this Act. The Department shall
11 designate an Area Agency on Aging as the regional
12 administrative agency or, in the event the Area Agency on
13 Aging in that planning and service area is deemed by the
14 Department to be unwilling or unable to provide those
15 functions, the Department may serve as the regional
16 administrative agency or designate another qualified entity to
17 serve as the regional administrative agency; any such
18 designation shall be subject to terms set forth by the
19 Department.

20 (i-5) "Self-neglect" means a condition that is the result
21 of an eligible adult's inability, due to physical or mental
22 impairments, or both, or a diminished capacity, to perform
23 essential self-care tasks that substantially threaten his or
24 her own health, including: providing essential food, clothing,
25 shelter, and health care; and obtaining goods and services
26 necessary to maintain physical health, mental health,

1 emotional well-being, and general safety. The term includes
2 compulsive hoarding, which is characterized by the acquisition
3 and retention of large quantities of items and materials that
4 produce an extensively cluttered living space, which
5 significantly impairs the performance of essential self-care
6 tasks or otherwise substantially threatens life or safety.

7 (j) "Substantiated case" means a reported case of alleged
8 or suspected abuse, abandonment, neglect, financial
9 exploitation, or self-neglect in which a provider agency,
10 after assessment, determines that there is reason to believe
11 abuse, abandonment, neglect, or financial exploitation has
12 occurred.

13 (k) "Verified" means a determination that there is "clear
14 and convincing evidence" that the specific injury or harm
15 alleged was the result of abuse, abandonment, neglect, or
16 financial exploitation.

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

18 (320 ILCS 20/4) (from Ch. 23, par. 6604)

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

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

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

1 control, restraint, modification, or other change in the
2 report or the forwarding of the report to an agency designated
3 to receive such reports under this Act or to the Department.
4 The privileged quality of communication between any
5 professional person required to report and his or her patient
6 or client shall not apply to situations involving abused,
7 abandoned, neglected, or financially exploited eligible adults
8 and shall not constitute grounds for failure to report as
9 required by this Act.

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

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

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

1 this Act.

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

25 (c) The identity of a person making a report of alleged or
26 suspected abuse, abandonment, neglect, financial exploitation,

1 or self-neglect or a report concerning information about the
2 suspicious death of an eligible adult under this Act may be
3 disclosed by the Department or other agency provided for in
4 this Act only with such person's written consent or by court
5 order, but is otherwise confidential.

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

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

24 (Source: P.A. 102-244, eff. 1-1-22.)

1 Sec. 4.1. Employer discrimination. No employer shall
2 discharge, demote or suspend, or threaten to discharge, demote
3 or suspend, or in any manner discriminate against any
4 employee: (i) who makes any good faith oral or written report
5 of suspected abuse, abandonment, neglect, or financial
6 exploitation; (ii) who makes any good faith oral or written
7 report concerning information about the suspicious death of an
8 eligible adult; or (iii) who is or will be a witness or testify
9 in any investigation or proceeding concerning a report of
10 suspected abuse, abandonment, neglect, or financial
11 exploitation.

12 (Source: P.A. 102-244, eff. 1-1-22.)

13 (320 ILCS 20/4.2)

14 Sec. 4.2. Testimony by mandated reporter and investigator.
15 Any mandated reporter who makes a report or any person who
16 investigates a report under this Act shall testify fully in
17 any judicial proceeding resulting from such report, as to any
18 evidence of abuse, abandonment, neglect, or financial
19 exploitation or the cause thereof. Any mandated reporter who
20 is required to report a suspected case of or a suspicious death
21 due to abuse, abandonment, neglect, or financial exploitation
22 under Section 4 of this Act shall testify fully in any
23 administrative hearing resulting from such report, as to any
24 evidence of abuse, abandonment, neglect, or financial
25 exploitation or the cause thereof. No evidence shall be

1 excluded by reason of any common law or statutory privilege
2 relating to communications between the alleged abuser or the
3 eligible adult subject of the report under this Act and the
4 person making or investigating the report.

5 (Source: P.A. 102-244, eff. 1-1-22.)

6 (320 ILCS 20/5) (from Ch. 23, par. 6605)

7 Sec. 5. Procedure.

8 (a) A provider agency designated to receive reports of
9 alleged or suspected abuse, abandonment, neglect, financial
10 exploitation, or self-neglect under this Act shall, upon
11 receiving such a report, conduct a face-to-face assessment
12 with respect to such report, in accord with established law
13 and Department protocols, procedures, and policies.
14 Face-to-face assessments, casework, and follow-up of reports
15 of self-neglect by the provider agencies designated to receive
16 reports of self-neglect shall be subject to sufficient
17 appropriation for statewide implementation of assessments,
18 casework, and follow-up of reports of self-neglect. In the
19 absence of sufficient appropriation for statewide
20 implementation of assessments, casework, and follow-up of
21 reports of self-neglect, the designated adult protective
22 services provider agency shall refer all reports of
23 self-neglect to the appropriate agency or agencies as
24 designated by the Department for any follow-up. The assessment
25 shall include, but not be limited to, a visit to the residence

1 of the eligible adult who is the subject of the report and
2 shall include interviews or consultations regarding the
3 allegations with service agencies, immediate family members,
4 and individuals who may have knowledge of the eligible adult's
5 circumstances based on the consent of the eligible adult in
6 all instances, except where the provider agency is acting in
7 the best interest of an eligible adult who is unable to seek
8 assistance for himself or herself and where there are
9 allegations against a caregiver who has assumed
10 responsibilities in exchange for compensation. If, after the
11 assessment, the provider agency determines that the case is
12 substantiated it shall develop a service care plan for the
13 eligible adult and may report its findings at any time during
14 the case to the appropriate law enforcement agency in accord
15 with established law and Department protocols, procedures, and
16 policies. In developing a case plan, the provider agency may
17 consult with any other appropriate provider of services, and
18 such providers shall be immune from civil or criminal
19 liability on account of such acts. The plan shall include
20 alternative suggested or recommended services which are
21 appropriate to the needs of the eligible adult and which
22 involve the least restriction of the eligible adult's
23 activities commensurate with his or her needs. Only those
24 services to which consent is provided in accordance with
25 Section 9 of this Act shall be provided, contingent upon the
26 availability of such services.

1 (b) A provider agency shall refer evidence of crimes
2 against an eligible adult to the appropriate law enforcement
3 agency according to Department policies. A referral to law
4 enforcement may be made at intake, at ~~or~~ any time during the
5 case, or after a report of a suspicious death, depending upon
6 the circumstances. Where a provider agency has reason to
7 believe the death of an eligible adult may be the result of
8 abuse, abandonment, or neglect, the agency shall immediately
9 report the matter to the coroner or medical examiner and shall
10 cooperate fully with any subsequent investigation.

11 (c) If any person other than the alleged victim refuses to
12 allow the provider agency to begin an investigation,
13 interferes with the provider agency's ability to conduct an
14 investigation, or refuses to give access to an eligible adult,
15 the appropriate law enforcement agency must be consulted
16 regarding the investigation.

17 (Source: P.A. 101-496, eff. 1-1-20; 102-244, eff. 1-1-22.)

18 (320 ILCS 20/8) (from Ch. 23, par. 6608)

19 Sec. 8. Access to records. All records concerning reports
20 of abuse, abandonment, neglect, financial exploitation, or
21 self-neglect or reports of suspicious deaths due to abuse,
22 neglect, or financial exploitation and all records generated
23 as a result of such reports shall be confidential and shall not
24 be disclosed except as specifically authorized by this Act or
25 other applicable law. In accord with established law and

1 Department protocols, procedures, and policies, access to such
2 records, but not access to the identity of the person or
3 persons making a report of alleged abuse, abandonment,
4 neglect, financial exploitation, or self-neglect as contained
5 in such records, shall be provided, upon request, to the
6 following persons and for the following persons:

7 (1) Department staff, provider agency staff, other
8 aging network staff, and regional administrative agency
9 staff, including staff of the Chicago Department on Aging
10 while that agency is designated as a regional
11 administrative agency, in the furtherance of their
12 responsibilities under this Act;

13 (1.5) A representative of the public guardian acting
14 in the course of investigating the appropriateness of
15 guardianship for the eligible adult or while pursuing a
16 petition for guardianship of the eligible adult pursuant
17 to the Probate Act of 1975;

18 (2) A law enforcement agency or State's Attorney's
19 office investigating known or suspected abuse,
20 abandonment, neglect, financial exploitation, or
21 self-neglect. Where a provider agency has reason to
22 believe that the death of an eligible adult may be the
23 result of abuse, abandonment, or neglect, including any
24 reports made after death, the agency shall immediately
25 provide the appropriate law enforcement agency with all
26 records pertaining to the eligible adult;

1 (2.5) A law enforcement agency, fire department
2 agency, or fire protection district having proper
3 jurisdiction pursuant to a written agreement between a
4 provider agency and the law enforcement agency, fire
5 department agency, or fire protection district under which
6 the provider agency may furnish to the law enforcement
7 agency, fire department agency, or fire protection
8 district a list of all eligible adults who may be at
9 imminent risk of abuse, abandonment, neglect, financial
10 exploitation, or self-neglect;

11 (3) A physician who has before him or her or who is
12 involved in the treatment of an eligible adult whom he or
13 she reasonably suspects may be abused, abandoned,
14 neglected, financially exploited, or self-neglected or who
15 has been referred to the Adult Protective Services
16 Program;

17 (4) An eligible adult reported to be abused,
18 abandoned, neglected, financially exploited, or
19 self-neglected, or such adult's authorized guardian or
20 agent, unless such guardian or agent is the abuser or the
21 alleged abuser;

22 (4.5) An executor or administrator of the estate of an
23 eligible adult who is deceased;

24 (5) A probate court with jurisdiction over the
25 guardianship of an alleged victim for an in camera
26 inspection ~~In cases regarding abuse, abandonment, neglect,~~

1 ~~or financial exploitation, a court or a guardian ad litem,~~
2 ~~upon its or his or her finding that access to such records~~
3 ~~may be necessary for the determination of an issue before~~
4 ~~the court. However, such access shall be limited to an in~~
5 ~~camera inspection of the records, unless the court~~
6 ~~determines that disclosure of the information contained~~
7 ~~therein is necessary for the resolution of an issue then~~
8 ~~pending before it;~~

9 (5.5) A In cases regarding self-neglect, a guardian ad
10 litem, unless such guardian ad litem is the abuser or
11 alleged abuser;

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

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

17 (8) A coroner or medical examiner who has reason to
18 believe that an eligible adult has died as the result of
19 abuse, abandonment, neglect, financial exploitation, or
20 self-neglect. The provider agency shall immediately
21 provide the coroner or medical examiner with all records
22 pertaining to the eligible adult;

23 (8.5) A coroner or medical examiner having proper
24 jurisdiction, pursuant to a written agreement between a
25 provider agency and the coroner or medical examiner, under
26 which the provider agency may furnish to the office of the

1 coroner or medical examiner a list of all eligible adults
2 who may be at imminent risk of death as a result of abuse,
3 abandonment, neglect, financial exploitation, or
4 self-neglect;

5 (9) Department of Financial and Professional
6 Regulation staff and members of the Illinois Medical
7 Disciplinary Board or the Social Work Examining and
8 Disciplinary Board in the course of investigating alleged
9 violations of the Clinical Social Work and Social Work
10 Practice Act by provider agency staff or other licensing
11 bodies at the discretion of the Director of the Department
12 on Aging;

13 (9-a) Department of Healthcare and Family Services
14 staff and provider agency staff when that Department is
15 funding services to the eligible adult, including access
16 to the identity of the eligible adult;

17 (9-b) Department of Human Services staff and provider
18 agency staff when that Department is funding services to
19 the eligible adult or is providing reimbursement for
20 services provided by the abuser or alleged abuser,
21 including access to the identity of the eligible adult;

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

26 (11) A caregiver who challenges placement on the

1 Registry shall be given the statement of allegations in
2 the abuse report and the substantiation decision in the
3 final investigative report; and

4 (12) The Illinois Guardianship and Advocacy Commission
5 and the agency designated by the Governor under Section 1
6 of the Protection and Advocacy for Persons with
7 Developmental Disabilities Act shall have access, through
8 the Department, to records, including the findings,
9 pertaining to a completed or closed investigation of a
10 report of suspected abuse, abandonment, neglect, financial
11 exploitation, or self-neglect of an eligible adult.

12 (Source: P.A. 102-244, eff. 1-1-22.)

13 Section 99. Effective date. This Act takes effect January
14 1, 2024."