



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2860

Introduced 2/16/2023, by Rep. Katie Stuart

SYNOPSIS AS INTRODUCED:

320 ILCS 20/2	from Ch. 23, par. 6602
320 ILCS 20/4	from Ch. 23, par. 6604
320 ILCS 20/4.1	
320 ILCS 20/4.2	
320 ILCS 20/5	from Ch. 23, par. 6605
320 ILCS 20/8	from Ch. 23, par. 6608

Amends the Adult Protective Services Act. Provides that any person may report information about the suspicious death of an eligible adult to an agency designated to receive such reports or to the Department on Aging. Provides that if a mandated reporter has reason to believe that the death of an eligible adult is the result of abuse or neglect, the matter shall be reported to the agency designated to receive such reports or to the Department for subsequent referral to the appropriate law enforcement agency and coroner or medical examiner. Prohibits employers from discriminating against any employee who makes a good faith oral or written report concerning information about the suspicious death of an eligible adult. Contains provisions concerning the required testimony of a mandated reporter at an administrative hearing concerning the suspicious death of an eligible adult; the referral of evidence to the appropriate law enforcement agency; access to records concerning reports of suspicious deaths due to abuse, neglect, or financial exploitation; and other matters. Makes changes to the definitions of "abuse", "abuser", and "mandated reporter". Defines "investment advisor". Effective January 1, 2024.

LRB103 26818 KTG 53182 b

1 AN ACT concerning aging.

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

4 Section 5. The Adult Protective Services Act is amended by
5 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.

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

20 Nothing in this Act shall be construed to mean that an
21 eligible adult is a victim of abuse, abandonment, neglect, or
22 self-neglect for the sole reason that he or she is being
23 furnished with or relies upon treatment by spiritual means

1 through prayer alone, in accordance with the tenets and
2 practices of a recognized church or religious denomination.

3 Nothing in this Act shall be construed to mean that an
4 eligible adult is a victim of abuse because of health care
5 services provided or not provided by licensed health care
6 professionals.

7 Nothing in this Act shall be construed to mean that an
8 eligible adult is a victim of abuse in cases of criminal
9 activity by strangers, telemarketing scams, consumer fraud,
10 internet fraud, home repair disputes, complaints against a
11 homeowners' association, or complaints between landlords and
12 tenants.

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

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

22 (a-7) "Caregiver" means a person who either as a result of
23 a family relationship, voluntarily, or in exchange for
24 compensation has assumed responsibility for all or a portion
25 of the care of an eligible adult who needs assistance with
26 activities of daily living or instrumental activities of daily

1 living.

2 (b) "Department" means the Department on Aging of the
3 State of Illinois.

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

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

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

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

16 (1.5) A facility licensed under the ID/DD Community
17 Care Act;

18 (1.6) A facility licensed under the MC/DD Act;

19 (1.7) A facility licensed under the Specialized Mental
20 Health Rehabilitation Act of 2013;

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

23 (3) A home, institution, or other place operated by
24 the federal government or agency thereof or by the State
25 of Illinois;

26 (4) A hospital, sanitarium, or other institution, the

1 principal activity or business of which is the diagnosis,
2 care, and treatment of human illness through the
3 maintenance and operation of organized facilities
4 therefor, which is required to be licensed under the
5 Hospital Licensing Act;

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

8 (6) (Blank);

9 (7) A "community-integrated living arrangement" as
10 defined in the Community-Integrated Living Arrangements
11 Licensure and Certification Act or a "community
12 residential alternative" as licensed under that Act;

13 (8) An assisted living or shared housing establishment
14 as defined in the Assisted Living and Shared Housing Act;
15 or

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

18 (e) "Eligible adult" means either an adult with
19 disabilities aged 18 through 59 or a person aged 60 or older
20 who resides in a domestic living situation and is, or is
21 alleged to be, abused, abandoned, neglected, or financially
22 exploited by another individual or who neglects himself or
23 herself. "Eligible adult" also includes an adult who resides
24 in any of the facilities that are excluded from the definition
25 of "domestic living situation" under paragraphs (1) through
26 (9) of subsection (d), if either: (i) the alleged abuse,

1 abandonment, or neglect occurs outside of the facility and not
2 under facility supervision and the alleged abuser is a family
3 member, caregiver, or another person who has a continuing
4 relationship with the adult; or (ii) the alleged financial
5 exploitation is perpetrated by a family member, caregiver, or
6 another person who has a continuing relationship with the
7 adult, but who is not an employee of the facility where the
8 adult resides.

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

14 (f-1) "Financial exploitation" means the use of an
15 eligible adult's resources by another to the disadvantage of
16 that adult or the profit or advantage of a person other than
17 that adult.

18 (f-3) "Investment advisor" means any person required to
19 register as an investment adviser or investment adviser
20 representative under Section 8 of the Illinois Securities Law
21 of 1953, which for purposes of this Act excludes any bank,
22 trust company, savings bank, or credit union, or their
23 respective employees.

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

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

22 (1.5) an employee of an entity providing developmental
23 disabilities services or service coordination funded by
24 the Department of Human Services;

25 (2) an employee of a vocational rehabilitation
26 facility prescribed or supervised by the Department of

1 Human Services;

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

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

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

16 (6) personnel of the Department of Human Services, the
17 Guardianship and Advocacy Commission, the State Fire
18 Marshal, local fire departments, the Department on Aging
19 and its subsidiary Area Agencies on Aging and provider
20 agencies, and the Office of State Long Term Care
21 Ombudsman;

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

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

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

5 (10) a person who performs the duties of an investment
6 advisor.

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

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

23 (i) "Regional administrative agency" means any public or
24 nonprofit agency in a planning and service area that provides
25 regional oversight and performs functions as set forth in
26 subsection (b) of Section 3 of this Act. The Department shall

1 designate an Area Agency on Aging as the regional
2 administrative agency or, in the event the Area Agency on
3 Aging in that planning and service area is deemed by the
4 Department to be unwilling or unable to provide those
5 functions, the Department may serve as the regional
6 administrative agency or designate another qualified entity to
7 serve as the regional administrative agency; any such
8 designation shall be subject to terms set forth by the
9 Department.

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

23 (j) "Substantiated case" means a reported case of alleged
24 or suspected abuse, abandonment, neglect, financial
25 exploitation, or self-neglect in which a provider agency,
26 after assessment, determines that there is reason to believe

1 abuse, abandonment, neglect, or financial exploitation has
2 occurred.

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

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

8 (320 ILCS 20/4) (from Ch. 23, par. 6604)

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

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

16 (a-5) If any mandated reporter has reason to believe that
17 an eligible adult, who because of a disability or other
18 condition or impairment is unable to seek assistance for
19 himself or herself, has, within the previous 12 months, been
20 subjected to abuse, abandonment, neglect, or financial
21 exploitation, the mandated reporter shall, within 24 hours
22 after developing such belief, report this suspicion to an
23 agency designated to receive such reports under this Act or to
24 the Department. The agency designated to receive such reports
25 under this Act or the Department may establish a manner in

1 which a mandated reporter can make the required report through
2 an Internet reporting tool. Information sent and received
3 through the Internet reporting tool is subject to the same
4 rules in this Act as other types of confidential reporting
5 established by the designated agency or the Department.
6 Whenever a mandated reporter is required to report under this
7 Act in his or her capacity as a member of the staff of a
8 medical or other public or private institution, facility, or
9 agency, he or she shall make a report to an agency designated
10 to receive such reports under this Act or to the Department in
11 accordance with the provisions of this Act and may also notify
12 the person in charge of the institution, facility, or agency
13 or his or her designated agent that the report has been made.
14 Under no circumstances shall any person in charge of such
15 institution, facility, or agency, or his or her designated
16 agent to whom the notification has been made, exercise any
17 control, restraint, modification, or other change in the
18 report or the forwarding of the report to an agency designated
19 to receive such reports under this Act or to the Department.
20 The privileged quality of communication between any
21 professional person required to report and his or her patient
22 or client shall not apply to situations involving abused,
23 abandoned, neglected, or financially exploited eligible adults
24 and shall not constitute grounds for failure to report as
25 required by this Act.

26 (a-6) If a mandated reporter has reason to believe that

1 the death of an eligible adult may be the result of abuse or
2 neglect, the matter shall be reported to an agency designated
3 to receive such reports under this Act or to the Department for
4 subsequent referral to the appropriate law enforcement agency
5 and the coroner or medical examiner in accordance with
6 subsection (c-5) of Section 3 of this Act.

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

14 (a-9) Law enforcement officers shall continue to report
15 incidents of alleged abuse pursuant to the Illinois Domestic
16 Violence Act of 1986, notwithstanding any requirements under
17 this Act.

18 (b) Any person, institution or agency participating in the
19 making of a report, providing information or records related
20 to a report, assessment, or services, or participating in the
21 investigation of a report under this Act in good faith, or
22 taking photographs or x-rays as a result of an authorized
23 assessment, shall have immunity from any civil, criminal or
24 other liability in any civil, criminal or other proceeding
25 brought in consequence of making such report or assessment or
26 on account of submitting or otherwise disclosing such

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

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

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

24 (e) Any physician who willfully fails to report as
25 required by this Act shall be referred to the Illinois State
26 Medical Disciplinary Board for action in accordance with

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

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

15 (320 ILCS 20/4.1)

16 Sec. 4.1. Employer discrimination. No employer shall
17 discharge, demote or suspend, or threaten to discharge, demote
18 or suspend, or in any manner discriminate against any
19 employee: (i) who makes any good faith oral or written report
20 of suspected abuse, abandonment, neglect, or financial
21 exploitation; (ii) who makes any good faith oral or written
22 report concerning information about the suspicious death of an
23 eligible adult; or (iii) who is or will be a witness or testify
24 in any investigation or proceeding concerning a report of
25 suspected abuse, abandonment, neglect, or financial

1 exploitation.

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

3 (320 ILCS 20/4.2)

4 Sec. 4.2. Testimony by mandated reporter and investigator.

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

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

21 (320 ILCS 20/5) (from Ch. 23, par. 6605)

22 Sec. 5. Procedure.

23 (a) A provider agency designated to receive reports of
24 alleged or suspected abuse, abandonment, neglect, financial

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

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

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

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

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

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

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

22 (1) Department staff, provider agency staff, other
23 aging network staff, and regional administrative agency
24 staff, including staff of the Chicago Department on Aging
25 while that agency is designated as a regional

1 administrative agency, in the furtherance of their
2 responsibilities under this Act;

3 (1.5) A representative of the public guardian acting
4 in the course of investigating the appropriateness of
5 guardianship for the eligible adult or while pursuing a
6 petition for guardianship of the eligible adult pursuant
7 to the Probate Act of 1975;

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

17 (2.5) A law enforcement agency, fire department
18 agency, or fire protection district having proper
19 jurisdiction pursuant to a written agreement between a
20 provider agency and the law enforcement agency, fire
21 department agency, or fire protection district under which
22 the provider agency may furnish to the law enforcement
23 agency, fire department agency, or fire protection
24 district a list of all eligible adults who may be at
25 imminent risk of abuse, abandonment, neglect, financial
26 exploitation, or self-neglect;

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

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

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

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

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

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

1 official business;

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

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

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

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

26 (9-a) Department of Healthcare and Family Services

1 staff and provider agency staff when that Department is
2 funding services to the eligible adult, including access
3 to the identity of the eligible adult;

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

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

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

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

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

26 Section 99. Effective date. This Act takes effect January

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1 1, 2024.