



Sen. John J. Cullerton

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09400SB3010sam001

LRB094 15526 DRJ 55512 a

1 AMENDMENT TO SENATE BILL 3010

2 AMENDMENT NO. _____. Amend Senate Bill 3010 on page 1,
3 line 5, by replacing "Section 6.2" with "Sections 4 and 6.2";
4 and

5 on page 1, between lines 6 and 7, by inserting the following:

6 "(210 ILCS 30/4) (from Ch. 111 1/2, par. 4164)

7 Sec. 4. Any long term care facility administrator, agent or
8 employee or any physician, hospital, surgeon, dentist,
9 osteopath, chiropractor, podiatrist, accredited religious
10 practitioner who provides treatment by spiritual means alone
11 through prayer in accordance with the tenets and practices of
12 the accrediting church (except as to information received in
13 any confession or sacred communication enjoined by the
14 discipline of the accrediting church to be held confidential)
15 ~~Christian Science practitioner~~, coroner, social worker, social
16 services administrator, registered nurse, law enforcement
17 officer, field personnel of the ~~Illinois~~ Department of
18 Healthcare and Family Services ~~Public Aid~~, field personnel of
19 the Illinois Department of Public Health and County or
20 Municipal Health Departments, personnel of the Department of
21 Human Services (acting as the successor to the Department of
22 Mental Health and Developmental Disabilities or the Department
23 of Public Aid), personnel of the Guardianship and Advocacy
24 Commission, personnel of the State Fire Marshal, local fire

1 department inspectors or other personnel, or personnel of the
2 Illinois Department on Aging, or its subsidiary Agencies on
3 Aging, or employee of a facility licensed under the Assisted
4 Living and Shared Housing Act, having reasonable cause to
5 believe any resident with whom they have direct contact has
6 been subjected to abuse or neglect shall immediately report or
7 cause a report to be made to the Department. Persons required
8 to make reports or cause reports to be made under this Section
9 include all employees of the State of Illinois who are involved
10 in providing services to residents, including professionals
11 providing medical or rehabilitation services and all other
12 persons having direct contact with residents; and further
13 include all employees of community service agencies who provide
14 services to a resident of a public or private long term care
15 facility outside of that facility. Any long term care surveyor
16 of the Illinois Department of Public Health who has reasonable
17 cause to believe in the course of a survey that a resident has
18 been abused or neglected and initiates an investigation while
19 on site at the facility shall be exempt from making a report
20 under this Section but the results of any such investigation
21 shall be forwarded to the central register in a manner and form
22 described by the Department.

23 The requirement of this Act shall not relieve any long term
24 care facility administrator, agent or employee of
25 responsibility to report the abuse or neglect of a resident
26 under Section 3-610 of the Nursing Home Care Act.

27 In addition to the above persons required to report
28 suspected resident abuse and neglect, any other person may make
29 a report to the Department, or to any law enforcement officer,
30 if such person has reasonable cause to suspect a resident has
31 been abused or neglected.

32 This Section also applies to residents whose death occurs
33 from suspected abuse or neglect before being found or brought
34 to a hospital.

1 A person required to make reports or cause reports to be
2 made under this Section who fails to comply with the
3 requirements of this Section is guilty of a Class A
4 misdemeanor.

5 (Source: P.A. 91-656, eff. 1-1-01; revised 12-15-05.)"; and

6 by replacing lines 34 through 36 on page 2 and lines 1 and 2 on
7 page 3 with the following:

8 "For purposes of this Section, "required reporter" means a
9 person who suspects, witnesses, or is informed of an allegation
10 of abuse or neglect at a State-operated facility or a community
11 agency and who is either: (i) a person employed at a
12 State-operated facility or a community agency on or off site
13 who is providing or monitoring services to an individual or
14 individuals or is providing services to the State-operated
15 facility or the community agency; or (ii) any person or
16 contractual agent of the Department of Human Services involved
17 in providing, monitoring, or administering mental health or
18 developmental disability services, including, but not limited
19 to, payroll personnel, contractors, subcontractors, and
20 volunteers. "Required reporter" does not, however, include an
21 accredited religious practitioner who provides treatment by
22 spiritual means alone through prayer in accordance with the
23 tenets and practices of the accrediting church, to the extent
24 that such a practitioner receives information concerning an
25 allegation of abuse or neglect in any confession or sacred
26 communication enjoined by the discipline of the accrediting
27 church to be held confidential. A required reporter shall
28 report the allegation of abuse or neglect, or cause a report to
29 be made, to the Office of the Inspector General (OIG) Hotline
30 no later than 4 hours after the initial discovery of the
31 incident of alleged abuse or neglect. A required reporter as
32 defined in this paragraph who willfully fails to comply with
33 the reporting requirement is guilty of a Class A misdemeanor.

1 For purposes of this Section, "State-operated facility"
2 means a mental health facility or a developmental disability
3 facility as defined in Sections 1-114 and 1-107 of the Mental
4 Health and Developmental Disabilities Code.

5 For purposes of this Section, "community agency" or
6 "agency" means any community entity or program providing mental
7 health or developmental disabilities services that is
8 licensed, certified, or funded by the Department of Human
9 Services and is not licensed or certified by any other human
10 services agency of the State (for example, the Department of
11 Public Health, the Department of Children and Family Services,
12 or the Department of Healthcare and Family Services)."