



Rep. Michelle Mussman

Filed: 3/2/2012

09700HB3986ham001

LRB097 14016 KTG 67073 a

1 AMENDMENT TO HOUSE BILL 3986

2 AMENDMENT NO. _____. Amend House Bill 3986 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Elder Abuse and Neglect Act is amended by
5 changing Section 4 as follows:

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

7 Sec. 4. Reports of abuse or neglect.

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

12 (a-5) If any mandated reporter has reason to believe that
13 an eligible adult, who because of dysfunction is unable to seek
14 assistance for himself or herself, has, within the previous 12
15 months, been subjected to abuse, neglect, or financial
16 exploitation, the mandated reporter shall, within 24 hours

1 after developing such belief, report this suspicion to an
2 agency designated to receive such reports under this Act or to
3 the Department. The agency designated to receive such reports
4 under this Act or the Department may establish a manner in
5 which a mandated reporter can make the required report through
6 an Internet reporting tool. Information sent and received
7 through the Internet reporting tool is subject to the same
8 rules in this Act as other types of confidential reporting
9 established by the designated agency or the Department.

10 Whenever a mandated reporter is required to report under this
11 Act in his or her capacity as a member of the staff of a medical
12 or other public or private institution, facility, board and
13 care home, or agency, he or she shall make a report to an
14 agency designated to receive such reports under this Act or to
15 the Department in accordance with the provisions of this Act
16 and may also notify the person in charge of the institution,
17 facility, board and care home, or agency or his or her
18 designated agent that the report has been made. Under no
19 circumstances shall any person in charge of such institution,
20 facility, board and care home, or agency, or his or her
21 designated agent to whom the notification has been made,
22 exercise any control, restraint, modification, or other change
23 in the report or the forwarding of the report to an agency
24 designated to receive such reports under this Act or to the
25 Department. The privileged quality of communication between
26 any professional person required to report and his or her

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

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

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

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

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

12 (c) The identity of a person making a report of alleged or
13 suspected abuse, neglect, financial exploitation, or
14 self-neglect under this Act may be disclosed by the Department
15 or other agency provided for in this Act only with such
16 person's written consent or by court order.

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

19 (e) Any physician who willfully fails to report as required
20 by this Act shall be referred to the Illinois State Medical
21 Disciplinary Board for action in accordance with subdivision
22 (A)(22) of Section 22 of the Medical Practice Act of 1987. Any
23 dentist or dental hygienist who willfully fails to report as
24 required by this Act shall be referred to the Department of
25 Professional Regulation for action in accordance with
26 paragraph 19 of Section 23 of the Illinois Dental Practice Act.

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

9 (Source: P.A. 96-378, eff. 1-1-10; 96-526, eff. 1-1-10;
10 96-1000, eff. 7-2-10.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."