



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5266

Introduced 2/8/2012, by Rep. Dennis M. Reboletti

SYNOPSIS AS INTRODUCED:

320 ILCS 20/8

from Ch. 23, par. 6608

Amends the Elder Abuse and Neglect Act. Expands the list of persons and agencies that shall have access to all records generated as a result of a report of elder abuse, neglect, financial exploitation, or self-neglect to include a law enforcement agency, fire department agency, or fire protection district having proper jurisdiction pursuant to a written agreement between a provider agency and the law enforcement agency, fire department agency, or fire protection district under which the provider agency may furnish to the law enforcement agency, fire department agency, or fire protection district a list of all eligible adults who may be at imminent risk of elder abuse, neglect, financial exploitation, or self-neglect.

LRB097 18524 KTG 63755 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Elder Abuse and Neglect Act is amended by
5 changing Section 8 as follows:

6 (320 ILCS 20/8) (from Ch. 23, par. 6608)

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

19 (1) Department staff, provider agency staff, other
20 aging network staff, and regional administrative agency
21 staff, including staff of the Chicago Department on Aging
22 while that agency is designated as a regional
23 administrative agency, in the furtherance of their

1 responsibilities under this Act;

2 (2) A law enforcement agency investigating known or
3 suspected elder abuse, neglect, financial exploitation, or
4 self-neglect. Where a provider agency has reason to believe
5 that the death of an eligible adult may be the result of
6 abuse or neglect, the agency shall immediately provide the
7 appropriate law enforcement agency with all records
8 pertaining to the eligible adult;

9 (2.5) A law enforcement agency, fire department
10 agency, or fire protection district having proper
11 jurisdiction pursuant to a written agreement between a
12 provider agency and the law enforcement agency, fire
13 department agency, or fire protection district under which
14 the provider agency may furnish to the law enforcement
15 agency, fire department agency, or fire protection
16 district a list of all eligible adults who may be at
17 imminent risk of elder abuse, neglect, financial
18 exploitation, or self-neglect;

19 (3) A physician who has before him or her or who is
20 involved in the treatment of an eligible adult whom he or
21 she reasonably suspects may be abused, neglected,
22 financially exploited, or self-neglected or who has been
23 referred to the Elder Abuse and Neglect Program;

24 (4) An eligible adult reported to be abused, neglected,
25 financially exploited, or self-neglected, or such adult's
26 authorized guardian or agent, unless such guardian or agent

1 is the abuser or the alleged abuser;

2 (4.5) An executor or administrator of the estate of an
3 eligible adult who is deceased;

4 (5) In cases regarding elder abuse, neglect, or
5 financial exploitation, a court or a guardian ad litem,
6 upon its or his or her finding that access to such records
7 may be necessary for the determination of an issue before
8 the court. However, such access shall be limited to an in
9 camera inspection of the records, unless the court
10 determines that disclosure of the information contained
11 therein is necessary for the resolution of an issue then
12 pending before it;

13 (5.5) In cases regarding self-neglect, a guardian ad
14 litem;

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

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

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

26 (8.5) A coroner or medical examiner having proper

1 jurisdiction, pursuant to a written agreement between a
2 provider agency and the coroner or medical examiner, under
3 which the provider agency may furnish to the office of the
4 coroner or medical examiner a list of all eligible adults
5 who may be at imminent risk of death as a result of abuse,
6 neglect, financial exploitation, or self-neglect; and

7 (9) Department of Professional Regulation staff and
8 members of the Social Work Examining and Disciplinary Board
9 in the course of investigating alleged violations of the
10 Clinical Social Work and Social Work Practice Act by
11 provider agency staff.

12 (Source: P.A. 96-526, eff. 1-1-10.)