

1 AN ACT concerning the Department of Veterans Affairs.

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

4 Section 5. The Department of Veterans Affairs Act is
5 amended by adding Section 15 as follows:

6 (20 ILCS 2805/15 new)

7 Sec. 15. Inspector General.

8 (a) The Governor shall nominate and, with the advice and
9 consent of the Senate, appoint an Inspector General, who
10 shall function within the Department and report to the
11 Director and the Governor. The Inspector General shall
12 review the operations and financial condition of each
13 Illinois veterans home; review the operation and financial
14 condition of veterans' programs receiving State moneys,
15 including, but not limited to, County Veterans Assistance
16 Commissions and veteran's memorials; and investigate
17 allegations of misconduct by Department employees.

18 The Inspector General must adopt rules establishing the
19 minimum requirements for (i) the conduct of reviews,
20 including reviews conducted at the request of the Governor or
21 members of the General Assembly, (ii) reporting allegations
22 of misconduct, and (iii) initiating, conducting, and
23 completing investigations and reviews. The rules must
24 establish a toll-free telephone number for the purpose of
25 identifying alleged wrongdoing regarding veterans' programs.
26 The telephone number must be posted at every Illinois
27 veterans home, in all Department offices, and at each County
28 Veterans Assistance Commission in clear view of all residents
29 and employees and the public. The adopted rules must clearly
30 set forth that in instances where 2 or more State agencies
31 could investigate an allegation of misconduct, the Inspector

1 General may not conduct an investigation that is redundant to
2 an investigation conducted by another State agency. The
3 rules must establish criteria for determining, based upon the
4 nature of the allegation, the appropriate method of
5 investigation, which may include, but need not be limited to,
6 site visits, telephone contacts, or requests for written
7 responses from agencies. Any allegations or investigations
8 made pursuant to this Section, and the identity of any
9 individual requesting a review or investigation, shall remain
10 confidential until a final report is completed. Final
11 reports regarding unsubstantiated or unfounded allegations
12 must remain confidential.

13 The Inspector General shall be appointed for a term of 4
14 years.

15 (b) The Inspector General must, within 24 hours after
16 receiving a request for a review or a report of suspected
17 misconduct, determine whether the evidence indicates that any
18 possible criminal act has been committed. If he or she
19 determines that a possible criminal act has been committed,
20 or that special expertise is required in the investigation,
21 the Inspector General must immediately notify the Department
22 of State Police. The Department of State Police shall
23 investigate any report indicating a possible murder, rape, or
24 other felony. All investigations conducted by the Inspector
25 General must be conducted in a manner designed to ensure the
26 preservation of evidence for possible use in a criminal
27 prosecution.

28 (c) The Inspector General must make a determination to
29 accept or reject a preliminary report of the investigation of
30 alleged wrongdoing based on established investigative
31 procedures. The employee, veterans home, or veterans'
32 program may request clarification or reconsideration based on
33 additional information. For cases where the alleged
34 wrongdoing is substantiated, the Inspector General must

1 require a written response from the veterans home or
2 veterans' program. The written response must address, in a
3 concise and reasoned manner, the actions that will be taken
4 to prevent future misconduct or wrongdoing.

5 The Inspector General must, within 10 calendar days after
6 the transmittal date of a completed investigation where
7 wrongdoing is substantiated or administrative action is
8 recommended, provide a complete report on the case to the
9 Director and to the veterans home or program in which the
10 wrongdoing is alleged to have happened. If the investigation
11 was conducted at the request of the Governor or a member of
12 the General Assembly, the Inspector General must also provide
13 the report to the Governor or to the member of the General
14 Assembly who requested the investigation.

15 The complete report must include the written response to
16 the Inspector General that addresses the actions that will be
17 taken to prevent future misconduct or wrongdoing and must
18 include implementation and completion dates for those
19 actions.

20 The Director must accept or reject the response and must
21 establish how the Department will determine whether the
22 veterans home or veterans' program followed the approved
23 response. The Director may require Department personnel to
24 visit the veterans home or veterans' program for training,
25 technical assistance, programmatic, or certification
26 purposes. Administrative action, including sanctions, may be
27 applied if the Director rejects the response or if the
28 veterans home or veterans' program fails to follow the
29 approved response. There must be an appeals process for any
30 person, veterans home, or veterans' program that is subject
31 to any action based upon a recommendation of the Inspector
32 General.

33 (d) The Inspector General may recommend to the
34 Department sanctions to be imposed against a veterans home or

1 veterans' program under the jurisdiction of the Department,
2 including the appointment of on-site monitors or receivers,
3 the transfer or relocation of residents, and the closure of
4 units. The Inspector General may seek the assistance of the
5 Attorney General or any of the State's Attorneys in imposing
6 the sanctions.

7 (e) The Inspector General must establish and conduct
8 periodic training programs for Department employees
9 concerning the prevention and reporting of misconduct.

10 (f) The Inspector General must at all times be granted
11 access to any veterans home operated by the Department, must
12 establish and conduct unannounced site visits to those homes
13 at least once each calendar year, and must be granted access,
14 for the purpose of reviewing the operation and financial
15 condition of the facility or program or of investigating
16 employee misconduct, to each facility or program funded by
17 the Department that is subject to the provisions of this
18 Section.

19 (g) The Inspector General may make any recommendations
20 he or she deems necessary for improving the operations of
21 veterans' programs to the Director and the General Assembly.

22 (h) In addition to all other causes of action,
23 penalties, or other remedies provided by law, any State
24 officer or employee who intentionally engages in acts of
25 reprisal, retaliation, threats, coercion, or similar acts
26 against a person making an allegation of wrongdoing, in good
27 faith, that is supported by the Inspector General's
28 investigation or review shall be liable in an action for
29 damages brought against him or her by the injured party.
30 Punitive damages may be awarded by the circuit court if the
31 acts of the offending party are proven to be malicious. The
32 injured party may also be awarded reasonable attorneys' fees.

33 (i) Nothing in this Section limits investigations by the
34 Department that are otherwise required by law or that are

1 necessary in the Department's capacity as the central
2 administrative authority responsible for the operation of
3 Illinois veterans homes.

4 Section 99. Effective date. This Act takes effect on July
5 1, 2002.