

1 AN ACT concerning State government.

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

4 Section 5. The Department of Human Services Act is amended  
5 by changing Section 1-17 as follows:

6 (20 ILCS 1305/1-17)

7 Sec. 1-17. Inspector General.

8 (a) Nature and purpose. It is the express intent of the  
9 General Assembly to ensure the health, safety, and financial  
10 condition of individuals receiving services in this State due  
11 to mental illness, developmental disability, or both by  
12 protecting those persons from acts of abuse, neglect, or both  
13 by service providers. To that end, the Office of the Inspector  
14 General for the Department of Human Services is created to  
15 investigate and report upon allegations of the abuse, neglect,  
16 or financial exploitation of individuals receiving services  
17 within mental health facilities, developmental disabilities  
18 facilities, and community agencies operated, licensed, funded,  
19 or certified by the Department of Human Services, but not  
20 licensed or certified by any other State agency.

21 (b) Definitions. The following definitions apply to this  
22 Section:

23 "Agency" or "community agency" means (i) a community

1 agency licensed, funded, or certified by the Department, but  
2 not licensed or certified by any other human services agency  
3 of the State, to provide mental health service or  
4 developmental disabilities service, or (ii) a program  
5 licensed, funded, or certified by the Department, but not  
6 licensed or certified by any other human services agency of  
7 the State, to provide mental health service or developmental  
8 disabilities service.

9 "Aggravating circumstance" means a factor that is  
10 attendant to a finding and that tends to compound or increase  
11 the culpability of the accused.

12 "Allegation" means an assertion, complaint, suspicion, or  
13 incident involving any of the following conduct by an  
14 employee, facility, or agency against an individual or  
15 individuals: mental abuse, physical abuse, sexual abuse,  
16 neglect, financial exploitation, or material obstruction of an  
17 investigation.

18 "Day" means working day, unless otherwise specified.

19 "Deflection" means a situation in which an individual is  
20 presented for admission to a facility or agency, and the  
21 facility staff or agency staff do not admit the individual.  
22 "Deflection" includes triage, redirection, and denial of  
23 admission.

24 "Department" means the Department of Human Services.

25 "Developmental disability" means "developmental  
26 disability" as defined in the Mental Health and Developmental

1 Disabilities Code.

2 "Egregious neglect" means a finding of neglect as  
3 determined by the Inspector General that (i) represents a  
4 gross failure to adequately provide for, or a callous ~~callused~~  
5 indifference to, the health, safety, or medical needs of an  
6 individual and (ii) results in an individual's death or other  
7 serious deterioration of an individual's physical condition or  
8 mental condition.

9 "Employee" means any person who provides services at the  
10 facility or agency on-site or off-site. The service  
11 relationship can be with the individual or with the facility  
12 or agency. Also, "employee" includes any employee or  
13 contractual agent of the Department of Human Services or the  
14 community agency involved in providing or monitoring or  
15 administering mental health or developmental disability  
16 services. This includes but is not limited to: owners,  
17 operators, payroll personnel, contractors, subcontractors, and  
18 volunteers.

19 "Facility" or "State-operated facility" means a mental  
20 health facility or developmental disabilities facility  
21 operated by the Department.

22 "Financial exploitation" means taking unjust advantage of  
23 an individual's assets, property, or financial resources  
24 through deception, intimidation, or conversion for the  
25 employee's, facility's, or agency's own advantage or benefit.

26 "Finding" means the Office of Inspector General's

1 determination regarding whether an allegation is  
2 substantiated, unsubstantiated, or unfounded.

3 "Health Care Worker Registry" or "Registry" means the  
4 Health Care Worker Registry under the Health Care Worker  
5 Background Check Act.

6 "Individual" means any person receiving mental health  
7 service, developmental disabilities service, or both from a  
8 facility or agency, while either on-site or off-site.

9 "Material obstruction of an investigation" means the  
10 intentional failure to timely report an allegation to the  
11 hotline or the purposeful interference with an investigation  
12 of physical abuse, sexual abuse, mental abuse, neglect, or  
13 financial exploitation for the purpose of obstructing an  
14 Office of the Inspector General investigation. This may  
15 include and includes, but is not limited to, delaying or  
16 withholding reports of allegations to the hotline for the  
17 purpose of obstructing an Office of the Inspector General  
18 investigation; the withholding or altering of documentation or  
19 recorded evidence during an investigation; influencing,  
20 threatening, or impeding a victim's, complainant's, or  
21 required reporter's report of an allegation to the hotline or  
22 witness testimony during an investigation; presenting  
23 untruthful information to the hotline or during an  
24 investigatory interview; or failing to cooperate with an  
25 investigation conducted by the Office of the Inspector  
26 General. Violation of paragraph (2) of subsection (i) may also

1 result in a finding of material obstruction of an  
2 investigation. If an employee, following a criminal  
3 investigation of physical abuse, sexual abuse, mental abuse,  
4 neglect, or financial exploitation, is convicted of an offense  
5 that is factually predicated on the employee presenting  
6 untruthful information during the course of the investigation,  
7 that offense constitutes obstruction of an investigation.  
8 Obstruction of an investigation does not include: an  
9 employee's lawful exercising of his or her constitutional  
10 right against self-incrimination, an employee invoking his or  
11 her lawful rights to union representation as provided by a  
12 collective bargaining agreement or the Illinois Public Labor  
13 Relations Act, or a union representative's lawful activities  
14 providing representation under a collective bargaining  
15 agreement or the Illinois Public Labor Relations Act.  
16 Obstruction of an investigation is considered material when it  
17 could significantly impair the Office of the Inspector  
18 General's ~~an investigator's~~ ability to gather all relevant  
19 facts. An employee shall not be placed on the Health Care  
20 Worker Registry for presenting untruthful information during  
21 an interview conducted by the Office of the Inspector General,  
22 unless, prior to the interview, the employee was provided with  
23 any previous signed statements he or she made during the  
24 course of the investigation.

25 "Mental abuse" means the use of demeaning, intimidating,  
26 or threatening words, signs, gestures, or other actions by an

1 employee about an individual and in the presence of an  
2 individual or individuals that results in emotional distress  
3 or maladaptive behavior, or could have resulted in emotional  
4 distress or maladaptive behavior, for any individual present.

5 "Mental illness" means "mental illness" as defined in the  
6 Mental Health and Developmental Disabilities Code.

7 "Mentally ill" means having a mental illness.

8 "Mitigating circumstance" means a condition that (i) is  
9 attendant to a finding, (ii) does not excuse or justify the  
10 conduct in question, but (iii) may be considered in evaluating  
11 the severity of the conduct, the culpability of the accused,  
12 or both the severity of the conduct and the culpability of the  
13 accused.

14 "Neglect" means an employee's, agency's, or facility's  
15 failure to provide adequate medical care, personal care, or  
16 maintenance and that, as a consequence, (i) causes an  
17 individual pain, injury, or emotional distress, (ii) results  
18 in either an individual's maladaptive behavior or the  
19 deterioration of an individual's physical condition or mental  
20 condition, or (iii) places the individual's health or safety  
21 at substantial risk.

22 "Person with a developmental disability" means a person  
23 having a developmental disability.

24 "Physical abuse" means an employee's non-accidental and  
25 inappropriate contact with an individual that causes bodily  
26 harm. "Physical abuse" includes actions that cause bodily harm

1 as a result of an employee directing an individual or person to  
2 physically abuse another individual.

3 "Presenting untruthful information" means making a false  
4 statement, material to the report of an allegation to the  
5 hotline or during an investigation of physical abuse, sexual  
6 abuse, mental abuse, neglect, or financial exploitation,  
7 knowing the statement is false.

8 "Recommendation" means an admonition, separate from a  
9 finding, that requires action by the facility, agency, or  
10 Department to correct a systemic issue, problem, or deficiency  
11 identified during an investigation. "Recommendation" can also  
12 mean an admonition to correct a systemic issue, problem or  
13 deficiency during a review.

14 "Required reporter" means any employee who suspects,  
15 witnesses, or is informed of an allegation of any one or more  
16 of the following: mental abuse, physical abuse, sexual abuse,  
17 neglect, or financial exploitation.

18 "Secretary" means the Chief Administrative Officer of the  
19 Department.

20 "Sexual abuse" means any sexual contact or intimate  
21 physical contact between an employee and an individual,  
22 including an employee's coercion or encouragement of an  
23 individual to engage in sexual behavior that results in sexual  
24 contact, intimate physical contact, sexual behavior, or  
25 intimate physical behavior. Sexual abuse also includes (i) an  
26 employee's actions that result in the sending or showing of

1 sexually explicit images to an individual via computer,  
2 cellular phone, electronic mail, portable electronic device,  
3 or other media with or without contact with the individual or  
4 (ii) an employee's posting of sexually explicit images of an  
5 individual online or elsewhere whether or not there is contact  
6 with the individual.

7 "Sexually explicit images" includes, but is not limited  
8 to, any material which depicts nudity, sexual conduct, or  
9 sado-masochistic abuse, or which contains explicit and  
10 detailed verbal descriptions or narrative accounts of sexual  
11 excitement, sexual conduct, or sado-masochistic abuse.

12 "Substantiated" means there is a preponderance of the  
13 evidence to support the allegation.

14 "Unfounded" means there is no credible evidence to support  
15 the allegation.

16 "Unsubstantiated" means there is credible evidence, but  
17 less than a preponderance of evidence to support the  
18 allegation.

19 (c) Appointment. The Governor shall appoint, and the  
20 Senate shall confirm, an Inspector General. The Inspector  
21 General shall be appointed for a term of 4 years and shall  
22 function within the Department of Human Services and report to  
23 the Secretary and the Governor.

24 (d) Operation and appropriation. The Inspector General  
25 shall function independently within the Department with  
26 respect to the operations of the Office, including the

1 performance of investigations and issuance of findings and  
2 recommendations and the performance of site visits and reviews  
3 of facilities and community agencies. The appropriation for  
4 the Office of Inspector General shall be separate from the  
5 overall appropriation for the Department.

6 (e) Powers and duties. The Inspector General shall  
7 investigate reports of suspected mental abuse, physical abuse,  
8 sexual abuse, neglect, or financial exploitation of  
9 individuals in any mental health or developmental disabilities  
10 facility or agency and shall have authority to take immediate  
11 action to prevent any one or more of the following from  
12 happening to individuals under its jurisdiction: mental abuse,  
13 physical abuse, sexual abuse, neglect, or financial  
14 exploitation. The Inspector General shall also investigate  
15 allegations of material obstruction of an investigation by an  
16 employee. Upon written request of an agency of this State, the  
17 Inspector General may assist another agency of the State in  
18 investigating reports of the abuse, neglect, or abuse and  
19 neglect of persons with mental illness, persons with  
20 developmental disabilities, or persons with both. The  
21 Inspector General shall conduct annual site visits of each  
22 facility and may conduct reviews of facilities and community  
23 agencies. To comply with the requirements of subsection (k) of  
24 this Section, the Inspector General shall also review all  
25 reportable deaths for which there is no allegation of abuse or  
26 neglect. Nothing in this Section shall preempt any duties of

1 the Medical Review Board set forth in the Mental Health and  
2 Developmental Disabilities Code. The Inspector General shall  
3 have no authority to investigate alleged violations of the  
4 State Officials and Employees Ethics Act. Allegations of  
5 misconduct under the State Officials and Employees Ethics Act  
6 shall be referred to the Office of the Governor's Executive  
7 Inspector General for investigation.

8 (f) Limitations. The Inspector General shall not conduct  
9 an investigation within an agency or facility if that  
10 investigation would be redundant to or interfere with an  
11 investigation conducted by another State agency. The Inspector  
12 General shall have no supervision over, or involvement in, the  
13 routine programmatic, licensing, funding, or certification  
14 operations of the Department. Nothing in this subsection  
15 limits investigations by the Department that may otherwise be  
16 required by law or that may be necessary in the Department's  
17 capacity as central administrative authority responsible for  
18 the operation of the State's mental health and developmental  
19 disabilities facilities.

20 (g) Rulemaking authority. The Inspector General shall  
21 promulgate rules establishing minimum requirements for  
22 reporting allegations as well as for initiating, conducting,  
23 and completing investigations based upon the nature of the  
24 allegation or allegations. The rules shall clearly establish  
25 that if 2 or more State agencies could investigate an  
26 allegation, the Inspector General shall not conduct an

1 investigation that would be redundant to, or interfere with,  
2 an investigation conducted by another State agency. The rules  
3 shall further clarify the method and circumstances under which  
4 the Office of Inspector General may interact with the  
5 licensing, funding, or certification units of the Department  
6 in preventing further occurrences of mental abuse, physical  
7 abuse, sexual abuse, neglect, egregious neglect, financial  
8 exploitation, and material obstruction of an investigation.

9 (g-5) Site visits and review authority.

10 (1) Site visits. The Inspector General shall conduct  
11 unannounced site visits to each facility at least annually  
12 for the purpose of reviewing and making recommendations on  
13 systemic issues relative to preventing, reporting,  
14 investigating, and responding to all of the following:  
15 mental abuse, physical abuse, sexual abuse, neglect,  
16 egregious neglect, financial exploitation, or material  
17 obstruction of an investigation.

18 (2) Review authority. In response to complaints or  
19 information gathered from investigations, the Inspector  
20 General shall have and may exercise the authority to  
21 initiate reviews of facilities and agencies related to  
22 preventing, reporting, investigating, and responding to  
23 all of the following: mental abuse, physical abuse, sexual  
24 abuse, neglect, egregious neglect, financial exploitation,  
25 or material obstruction of an investigation. Upon  
26 concluding a review, the Inspector General shall issue a

1 written report setting forth its conclusions and  
2 recommendations. The report shall be distributed to the  
3 Secretary and to the director of the facility or agency  
4 that was the subject of review. Within 45 calendar days,  
5 the facility or agency shall submit a written response  
6 addressing the Inspector General's conclusions and  
7 recommendations and, in a concise and reasoned manner, the  
8 actions taken, if applicable, to: (i) protect the  
9 individual or individuals; (ii) prevent recurrences; and  
10 (iii) eliminate the problems identified. The response  
11 shall include the implementation and completion dates of  
12 such actions.

13 (h) Training programs. The Inspector General shall (i)  
14 establish a comprehensive program to ensure that every person  
15 authorized to conduct investigations receives ongoing training  
16 relative to investigation techniques, communication skills,  
17 and the appropriate means of interacting with persons  
18 receiving treatment for mental illness, developmental  
19 disability, or both mental illness and developmental  
20 disability, and (ii) establish and conduct periodic training  
21 programs for facility and agency employees concerning the  
22 prevention and reporting of any one or more of the following:  
23 mental abuse, physical abuse, sexual abuse, neglect, egregious  
24 neglect, financial exploitation, or material obstruction of an  
25 investigation. The Inspector General shall further ensure (i)  
26 every person authorized to conduct investigations at community

1 agencies receives ongoing training in Title 59, Parts 115,  
2 116, and 119 of the Illinois Administrative Code, and (ii)  
3 every person authorized to conduct investigations shall  
4 receive ongoing training in Title 59, Part 50 of the Illinois  
5 Administrative Code. Nothing in this Section shall be deemed  
6 to prevent the Office of Inspector General from conducting any  
7 other training as determined by the Inspector General to be  
8 necessary or helpful.

9 (i) Duty to cooperate.

10 (1) The Inspector General shall at all times be  
11 granted access to any facility or agency for the purpose  
12 of investigating any allegation, conducting unannounced  
13 site visits, monitoring compliance with a written  
14 response, conducting reviews of facilities and agencies,  
15 or completing any other statutorily assigned duty.

16 (2) Any employee who fails to cooperate with an Office  
17 of the Inspector General investigation is in violation of  
18 this Act. Failure to cooperate with an investigation  
19 includes, but is not limited to, any one or more of the  
20 following: (i) creating and transmitting a false report to  
21 the Office of the Inspector General hotline, (ii)  
22 providing false information to an Office of the Inspector  
23 General Investigator during an investigation, (iii)  
24 colluding with other employees to cover up evidence, (iv)  
25 colluding with other employees to provide false  
26 information to the ~~an~~ Office of the Inspector General

1 hotline or an investigator, (v) destroying evidence, (vi)  
2 withholding evidence, (vii) influencing, threatening, or  
3 impeding a victim's, complainant's, or required reporter's  
4 report of an allegation to the hotline or witness  
5 testimony during an investigation, or (viii) ~~(vii)~~  
6 otherwise obstructing a report to the ~~an~~ Office of the  
7 Inspector General hotline or investigation. Additionally,  
8 any employee who, during an unannounced site visit,  
9 written response compliance check, or review fails to  
10 cooperate with requests from the Office of the Inspector  
11 General is in violation of this Act.

12 (j) Subpoena powers. The Inspector General shall have the  
13 power to subpoena witnesses and compel the production of all  
14 documents and physical evidence relating to his or her  
15 investigations and reviews and any hearings authorized by this  
16 Act. This subpoena power shall not extend to persons or  
17 documents of a labor organization or its representatives  
18 insofar as the persons are acting in a representative capacity  
19 to an employee whose conduct is the subject of an  
20 investigation or the documents relate to that representation.  
21 Any person who otherwise fails to respond to a subpoena or who  
22 knowingly provides false information to the Office of the  
23 Inspector General by subpoena during an investigation is  
24 guilty of a Class A misdemeanor.

25 (k) Reporting allegations and deaths.

26 (1) Allegations. If an employee witnesses, is told of,

1 or has reason to believe an incident of mental abuse,  
2 physical abuse, sexual abuse, neglect, financial  
3 exploitation, or material obstruction of an investigation  
4 has occurred, the employee, agency, or facility shall  
5 report the allegation by phone to the Office of the  
6 Inspector General hotline according to the agency's or  
7 facility's procedures, but in no event later than 4 hours  
8 after the initial discovery of the incident, allegation,  
9 or suspicion of any one or more of the following: mental  
10 abuse, physical abuse, sexual abuse, neglect, financial  
11 exploitation, or material obstruction of an investigation.  
12 A required reporter as defined in subsection (b) of this  
13 Section who knowingly or intentionally fails to comply  
14 with these reporting requirements or who knowingly or  
15 intentionally delays or withholds reports of allegations  
16 for the purpose of obstructing an investigation is guilty  
17 of a Class A misdemeanor.

18 (2) Deaths. Absent an allegation, a required reporter  
19 shall, within 24 hours after initial discovery, report by  
20 phone to the Office of the Inspector General hotline each  
21 of the following:

22 (i) Any death of an individual occurring within 14  
23 calendar days after discharge or transfer of the  
24 individual from a residential program or facility.

25 (ii) Any death of an individual occurring within  
26 24 hours after deflection from a residential program

1 or facility.

2 (iii) Any other death of an individual occurring  
3 at an agency or facility or at any Department-funded  
4 site.

5 (3) Retaliation. It is a violation of this Act for any  
6 employee or administrator of an agency or facility to take  
7 retaliatory action against an employee who acts in good  
8 faith in conformance with his or her duties as a required  
9 reporter.

10 (1) Reporting to law enforcement. Reporting criminal acts.  
11 Within 24 hours after determining that there is credible  
12 evidence indicating that a criminal act may have been  
13 committed or that special expertise may be required in an  
14 investigation, the Inspector General shall notify the Illinois  
15 State Police or other appropriate law enforcement authority,  
16 or ensure that such notification is made. The Illinois State  
17 Police shall investigate any report from a State-operated  
18 facility indicating a possible murder, sexual assault, or  
19 other felony by an employee. All investigations conducted by  
20 the Inspector General shall be conducted in a manner designed  
21 to ensure the preservation of evidence for possible use in a  
22 criminal prosecution.

23 (m) Investigative reports. Upon completion of an  
24 investigation, the Office of Inspector General shall issue an  
25 investigative report identifying whether the allegations are  
26 substantiated, unsubstantiated, or unfounded. Within 10

1 business days after the transmittal of a completed  
2 investigative report substantiating an allegation, finding an  
3 allegation is unsubstantiated, or if a recommendation is made,  
4 the Inspector General shall provide the investigative report  
5 on the case to the Secretary and to the director of the  
6 facility or agency where any one or more of the following  
7 occurred: mental abuse, physical abuse, sexual abuse, neglect,  
8 egregious neglect, financial exploitation, or material  
9 obstruction of an investigation. The director of the facility  
10 or agency shall be responsible for maintaining the  
11 confidentiality of the investigative report consistent with  
12 State and federal law. In a substantiated case, the  
13 investigative report shall include any mitigating or  
14 aggravating circumstances that were identified during the  
15 investigation. If the case involves substantiated neglect, the  
16 investigative report shall also state whether egregious  
17 neglect was found. An investigative report may also set forth  
18 recommendations. All investigative reports prepared by the  
19 Office of the Inspector General shall be considered  
20 confidential and shall not be released except as provided by  
21 the law of this State or as required under applicable federal  
22 law. Unsubstantiated and unfounded reports shall not be  
23 disclosed except as allowed under Section 6 of the Abused and  
24 Neglected Long Term Care Facility Residents Reporting Act. Raw  
25 data used to compile the investigative report shall not be  
26 subject to release unless required by law or a court order.

1 "Raw data used to compile the investigative report" includes,  
2 but is not limited to, any one or more of the following: the  
3 initial complaint, witness statements, photographs,  
4 investigator's notes, police reports, or incident reports. If  
5 the allegations are substantiated, the victim, the victim's  
6 guardian, and the accused shall be provided with a redacted  
7 copy of the investigative report. Death reports where there  
8 was no allegation of abuse or neglect shall only be released to  
9 the Secretary, or the Secretary's designee, and to the  
10 director of the facility or agency when a recommendation is  
11 made and pursuant to applicable State or federal law or a valid  
12 court order. Unredacted investigative reports, as well as raw  
13 data, may be shared with a local law enforcement entity, a  
14 State's Attorney's office, or a county coroner's office upon  
15 written request. Unredacted investigative reports, as well as  
16 raw data, may be shared with the Department of Financial and  
17 Professional Regulation when there is a substantiated finding  
18 against a person licensed by the Department of Financial and  
19 Professional Regulation who is within the Office of the  
20 Inspector General's jurisdiction, upon written request. If,  
21 during its investigation, the Office of the Inspector General  
22 found credible evidence of neglect by a person licensed by the  
23 Department of Financial and Professional Regulation who is not  
24 within the Office's jurisdiction, the Office may provide an  
25 unfounded or unsubstantiated investigative report or death  
26 report, as well as raw data, with the Department of Financial

1 and Professional Regulation, upon written request.

2 (n) Written responses, clarification requests, and  
3 reconsideration requests.

4 (1) Written responses. Within 30 calendar days from  
5 receipt of a substantiated investigative report or an  
6 investigative report which contains recommendations,  
7 absent a reconsideration request, the facility or agency  
8 shall file a written response that addresses, in a concise  
9 and reasoned manner, the actions taken to: (i) protect the  
10 individual; (ii) prevent recurrences; and (iii) eliminate  
11 the problems identified. The response shall include the  
12 implementation and completion dates of such actions. If  
13 the written response is not filed within the allotted 30  
14 calendar day period, the Secretary, or the Secretary's  
15 designee, shall determine the appropriate corrective  
16 action to be taken.

17 (2) Requests for clarification. The facility, agency,  
18 victim or guardian, or the subject employee may request  
19 that the Office of Inspector General clarify the finding  
20 or findings for which clarification is sought.

21 (3) Requests for reconsideration. The facility,  
22 agency, victim or guardian, or the subject employee may  
23 request that the Office of the Inspector General  
24 reconsider the finding or findings or the recommendations.  
25 A request for reconsideration shall be subject to a  
26 multi-layer review and shall include at least one reviewer

1           who did not participate in the investigation or approval  
2           of the original investigative report. After the  
3           multi-layer review process has been completed, the  
4           Inspector General shall make the final determination on  
5           the reconsideration request. The investigation shall be  
6           reopened if the reconsideration determination finds that  
7           additional information is needed to complete the  
8           investigative record.

9           (o) Disclosure of the finding by the Inspector General.  
10          The Inspector General shall disclose the finding of an  
11          investigation to the following persons: (i) the Governor, (ii)  
12          the Secretary, (iii) the director of the facility or agency,  
13          (iv) the alleged victims and their guardians, (v) the  
14          complainant, and (vi) the accused. This information shall  
15          include whether the allegations were deemed substantiated,  
16          unsubstantiated, or unfounded.

17          (p) Secretary review. Upon review of the Inspector  
18          General's investigative report and any agency's or facility's  
19          written response, the Secretary, or the Secretary's designee,  
20          shall accept or reject the written response and notify the  
21          Inspector General of that determination. The Secretary, or the  
22          Secretary's designee, may further direct that other  
23          administrative action be taken, including, but not limited to,  
24          any one or more of the following: (i) additional site visits,  
25          (ii) training, (iii) provision of technical assistance  
26          relative to administrative needs, licensure, or certification,

1 or (iv) the imposition of appropriate sanctions.

2 (q) Action by facility or agency. Within 30 days of the  
3 date the Secretary, or the Secretary's designee, approves the  
4 written response or directs that further administrative action  
5 be taken, the facility or agency shall provide an  
6 implementation report to the Inspector General that provides  
7 the status of the action taken. The facility or agency shall be  
8 allowed an additional 30 days to send notice of completion of  
9 the action or to send an updated implementation report. If the  
10 action has not been completed within the additional 30-day  
11 period, the facility or agency shall send updated  
12 implementation reports every 60 days until completion. The  
13 Inspector General shall conduct a review of any implementation  
14 plan that takes more than 120 days after approval to complete,  
15 and shall monitor compliance through a random review of  
16 approved written responses, which may include, but are not  
17 limited to: (i) site visits, (ii) telephone contact, and (iii)  
18 requests for additional documentation evidencing compliance.

19 (r) Sanctions. Sanctions, if imposed by the Secretary  
20 under Subdivision (p)(iv) of this Section, shall be designed  
21 to prevent further acts of mental abuse, physical abuse,  
22 sexual abuse, neglect, egregious neglect, or financial  
23 exploitation or some combination of one or more of those acts  
24 at a facility or agency, and may include any one or more of the  
25 following:

26 (1) Appointment of on-site monitors.

1           (2) Transfer or relocation of an individual or  
2 individuals.

3           (3) Closure of units.

4           (4) Termination of any one or more of the following:

5           (i) Department licensing, (ii) funding, or (iii)  
6 certification.

7           The Inspector General may seek the assistance of the  
8 Illinois Attorney General or the office of any State's  
9 Attorney in implementing sanctions.

10          (s) Health Care Worker Registry.

11           (1) Reporting to the Registry. The Inspector General  
12 shall report to the Department of Public Health's Health  
13 Care Worker Registry, a public registry, the identity and  
14 finding of each employee of a facility or agency against  
15 whom there is a final investigative report prepared by the  
16 Office of the Inspector General containing a substantiated  
17 allegation of physical or sexual abuse, financial  
18 exploitation, egregious neglect of an individual, or  
19 material obstruction of an investigation, unless the  
20 Inspector General requests a stipulated disposition of the  
21 investigative report that does not include the reporting  
22 of the employee's name to the Health Care Worker Registry  
23 and the Secretary of Human Services agrees with the  
24 requested stipulated disposition.

25           (2) Notice to employee. Prior to reporting the name of  
26 an employee, the employee shall be notified of the

1 Department's obligation to report and shall be granted an  
2 opportunity to request an administrative hearing, the sole  
3 purpose of which is to determine if the substantiated  
4 finding warrants reporting to the Registry. Notice to the  
5 employee shall contain a clear and concise statement of  
6 the grounds on which the report to the Registry is based,  
7 offer the employee an opportunity for a hearing, and  
8 identify the process for requesting such a hearing. Notice  
9 is sufficient if provided by certified mail to the  
10 employee's last known address. If the employee fails to  
11 request a hearing within 30 days from the date of the  
12 notice, the Inspector General shall report the name of the  
13 employee to the Registry. Nothing in this subdivision  
14 (s) (2) shall diminish or impair the rights of a person who  
15 is a member of a collective bargaining unit under the  
16 Illinois Public Labor Relations Act or under any other  
17 federal labor statute.

18 (3) Registry hearings. If the employee requests an  
19 administrative hearing, the employee shall be granted an  
20 opportunity to appear before an administrative law judge  
21 to present reasons why the employee's name should not be  
22 reported to the Registry. The Department shall bear the  
23 burden of presenting evidence that establishes, by a  
24 preponderance of the evidence, that the substantiated  
25 finding warrants reporting to the Registry. After  
26 considering all the evidence presented, the administrative

1 law judge shall make a recommendation to the Secretary as  
2 to whether the substantiated finding warrants reporting  
3 the name of the employee to the Registry. The Secretary  
4 shall render the final decision. The Department and the  
5 employee shall have the right to request that the  
6 administrative law judge consider a stipulated disposition  
7 of these proceedings.

8 (4) Testimony at Registry hearings. A person who makes  
9 a report or who investigates a report under this Act shall  
10 testify fully in any judicial proceeding resulting from  
11 such a report, as to any evidence of physical abuse,  
12 sexual abuse, egregious neglect, financial exploitation,  
13 or material obstruction of an investigation, or the cause  
14 thereof. No evidence shall be excluded by reason of any  
15 common law or statutory privilege relating to  
16 communications between the alleged perpetrator of abuse or  
17 neglect, or the individual alleged as the victim in the  
18 report, and the person making or investigating the report.  
19 Testimony at hearings is exempt from the confidentiality  
20 requirements of subsection (f) of Section 10 of the Mental  
21 Health and Developmental Disabilities Confidentiality Act.

22 (5) Employee's rights to collateral action. No  
23 reporting to the Registry shall occur and no hearing shall  
24 be set or proceed if an employee notifies the Inspector  
25 General in writing, including any supporting  
26 documentation, that he or she is formally contesting an

1 adverse employment action resulting from a substantiated  
2 finding by complaint filed with the Illinois Civil Service  
3 Commission, or which otherwise seeks to enforce the  
4 employee's rights pursuant to any applicable collective  
5 bargaining agreement. If an action taken by an employer  
6 against an employee as a result of a finding of physical  
7 abuse, sexual abuse, egregious neglect, financial  
8 exploitation, or material obstruction of an investigation  
9 is overturned through an action filed with the Illinois  
10 Civil Service Commission or under any applicable  
11 collective bargaining agreement and if that employee's  
12 name has already been sent to the Registry, the employee's  
13 name shall be removed from the Registry.

14 (6) Removal from Registry. At any time after the  
15 report to the Registry, but no more than once in any  
16 12-month period, an employee may petition the Department  
17 in writing to remove his or her name from the Registry.  
18 Upon receiving notice of such request, the Inspector  
19 General shall conduct an investigation into the petition.  
20 Upon receipt of such request, an administrative hearing  
21 will be set by the Department. At the hearing, the  
22 employee shall bear the burden of presenting evidence that  
23 establishes, by a preponderance of the evidence, that  
24 removal of the name from the Registry is in the public  
25 interest. The parties may jointly request that the  
26 administrative law judge consider a stipulated disposition

1 of these proceedings.

2 (t) Review of Administrative Decisions. The Department  
3 shall preserve a record of all proceedings at any formal  
4 hearing conducted by the Department involving Health Care  
5 Worker Registry hearings. Final administrative decisions of  
6 the Department are subject to judicial review pursuant to  
7 provisions of the Administrative Review Law.

8 (u) Quality Care Board. There is created, within the  
9 Office of the Inspector General, a Quality Care Board to be  
10 composed of 7 members appointed by the Governor with the  
11 advice and consent of the Senate. One of the members shall be  
12 designated as chairman by the Governor. Of the initial  
13 appointments made by the Governor, 4 Board members shall each  
14 be appointed for a term of 4 years and 3 members shall each be  
15 appointed for a term of 2 years. Upon the expiration of each  
16 member's term, a successor shall be appointed for a term of 4  
17 years. In the case of a vacancy in the office of any member,  
18 the Governor shall appoint a successor for the remainder of  
19 the unexpired term.

20 Members appointed by the Governor shall be qualified by  
21 professional knowledge or experience in the area of law,  
22 investigatory techniques, or in the area of care of the  
23 mentally ill or care of persons with developmental  
24 disabilities. Two members appointed by the Governor shall be  
25 persons with a disability or parents of persons with a  
26 disability. Members shall serve without compensation, but

1 shall be reimbursed for expenses incurred in connection with  
2 the performance of their duties as members.

3 The Board shall meet quarterly, and may hold other  
4 meetings on the call of the chairman. Four members shall  
5 constitute a quorum allowing the Board to conduct its  
6 business. The Board may adopt rules and regulations it deems  
7 necessary to govern its own procedures.

8 The Board shall monitor and oversee the operations,  
9 policies, and procedures of the Inspector General to ensure  
10 the prompt and thorough investigation of allegations of  
11 neglect and abuse. In fulfilling these responsibilities, the  
12 Board may do the following:

13 (1) Provide independent, expert consultation to the  
14 Inspector General on policies and protocols for  
15 investigations of alleged abuse, neglect, or both abuse  
16 and neglect.

17 (2) Review existing regulations relating to the  
18 operation of facilities.

19 (3) Advise the Inspector General as to the content of  
20 training activities authorized under this Section.

21 (4) Recommend policies concerning methods for  
22 improving the intergovernmental relationships between the  
23 Office of the Inspector General and other State or federal  
24 offices.

25 (v) Annual report. The Inspector General shall provide to  
26 the General Assembly and the Governor, no later than January 1

1 of each year, a summary of reports and investigations made  
2 under this Act for the prior fiscal year with respect to  
3 individuals receiving mental health or developmental  
4 disabilities services. The report shall detail the imposition  
5 of sanctions, if any, and the final disposition of any  
6 corrective or administrative action directed by the Secretary.  
7 The summaries shall not contain any confidential or  
8 identifying information of any individual, but shall include  
9 objective data identifying any trends in the number of  
10 reported allegations, the timeliness of the Office of the  
11 Inspector General's investigations, and their disposition, for  
12 each facility and Department-wide, for the most recent 3-year  
13 time period. The report shall also identify, by facility, the  
14 staff-to-patient ratios taking account of direct care staff  
15 only. The report shall also include detailed recommended  
16 administrative actions and matters for consideration by the  
17 General Assembly.

18 (w) Program audit. The Auditor General shall conduct a  
19 program audit of the Office of the Inspector General on an  
20 as-needed basis, as determined by the Auditor General. The  
21 audit shall specifically include the Inspector General's  
22 compliance with the Act and effectiveness in investigating  
23 reports of allegations occurring in any facility or agency.  
24 The Auditor General shall conduct the program audit according  
25 to the provisions of the Illinois State Auditing Act and shall  
26 report its findings to the General Assembly no later than

1 January 1 following the audit period.

2 (x) Nothing in this Section shall be construed to mean  
3 that an individual is a victim of abuse or neglect because of  
4 health care services appropriately provided or not provided by  
5 health care professionals.

6 (y) Nothing in this Section shall require a facility,  
7 including its employees, agents, medical staff members, and  
8 health care professionals, to provide a service to an  
9 individual in contravention of that individual's stated or  
10 implied objection to the provision of that service on the  
11 ground that that service conflicts with the individual's  
12 religious beliefs or practices, nor shall the failure to  
13 provide a service to an individual be considered abuse under  
14 this Section if the individual has objected to the provision  
15 of that service based on his or her religious beliefs or  
16 practices.

17 (Source: P.A. 103-76, eff. 6-9-23; 103-154, eff. 6-30-23;  
18 103-752, eff. 1-1-25; 104-270, eff. 8-15-25; revised  
19 12-12-25.)