

1 AN ACT concerning mental health.

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

4 Section 5. The Mental Health and Developmental  
5 Disabilities Code is amended by changing Section 3-210 as  
6 follows:

7 (405 ILCS 5/3-210) (from Ch. 91 1/2, par. 3-210)

8 Sec. 3-210. Employee as perpetrator of abuse. When, based  
9 upon credible evidence, an initial investigation of a reported  
10 allegation of material obstruction of an investigation or of  
11 abuse, neglect, or financial exploitation of a recipient of  
12 services indicates that it is reasonable to believe ~~, based~~  
13 ~~upon credible evidence,~~ that an employee at ~~of~~ a mental health  
14 or developmental disability facility is the perpetrator of  
15 physical abuse, sexual abuse, non-de minimis financial  
16 exploitation (such as financial exploitation totaling a  
17 cumulative value equal to or greater than \$20), egregious  
18 neglect, or material obstruction of an investigation, ~~the~~  
19 ~~abuse,~~ that employee shall immediately be barred from any  
20 further contact with recipients of services of the facility.  
21 An employee barred from contact with recipients of services  
22 shall remain barred:

23 (1) pending the outcome of any further investigation,

1 prosecution, or disciplinary action against the employee;  
2 or

3 (2) until the Department of Human Services Office of  
4 Inspector General independently determines that the  
5 physical abuse, sexual abuse, non-de minimis financial  
6 exploitation, egregious neglect, or material obstruction  
7 of an investigation allegation or allegations against the  
8 employee will be unsubstantiated or unfounded in the  
9 Office of Inspector General's final investigative report.

10 When, based upon credible evidence, an initial  
11 investigation of a reported allegation of abuse or neglect of  
12 a recipient of services indicates that it is reasonable to  
13 believe that an employee at a mental health or developmental  
14 disability facility is the perpetrator of, at most, neglect,  
15 de minimis financial exploitation (such as financial  
16 exploitation totaling a cumulative value of less than \$20), or  
17 mental abuse, the Department shall determine what appropriate  
18 steps should be taken as to the employee while the  
19 investigation of the Department of Human Services Office of  
20 Inspector General is pending. These steps by the Department  
21 may include, but not be limited to: training, re-assignment  
22 away from and a bar from contact with the alleged victim, being  
23 barred from any further contact with recipients of services of  
24 the facility, or pursuing discipline for known conduct. If  
25 further investigation reveals that the conduct rose to the  
26 level of physical abuse, sexual abuse, non-de minimis

1 financial exploitation, egregious neglect, or material  
2 obstruction of an investigation, then the employee shall be  
3 barred from contact with recipients of services and shall  
4 remain barred, subject to the conditions detailed in this  
5 paragraph.

6 For the purposes of this Section, "credible evidence" is  
7 any evidence that relates to the allegation or incident and  
8 that is considered believable and reliable.

9 Nothing in this Section is intended to include an employee  
10 of a hospital licensed under the Hospital Licensing Act or  
11 operated under the University of Illinois Hospital Act or a  
12 hospital affiliate.

13 (Source: P.A. 102-501, eff. 1-1-22.)