



Sen. Laura Fine

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10400HB3718sam001

LRB104 10513 KTG 25459 a

1 AMENDMENT TO HOUSE BILL 3718

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3718 by replacing  
3 everything after the enacting clause with the following:

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

1 cumulative value equal to or greater than \$20), egregious  
2 neglect, or material obstruction of an investigation, ~~the~~  
3 abuse, that employee shall immediately be barred from any  
4 further contact with recipients of services of the facility.  
5 An employee barred from contact with recipients of services  
6 shall remain barred:

7 (1) pending the outcome of any further investigation,  
8 prosecution, or disciplinary action against the employee;  
9 or

10 (2) until the Department of Human Services Office of  
11 Inspector General independently determines that the  
12 physical abuse, sexual abuse, non-de minimis financial  
13 exploitation, egregious neglect, or material obstruction  
14 of an investigation allegation or allegations against the  
15 employee will be unsubstantiated or unfounded in the  
16 Office of Inspector General's final investigative report.  
17 When, based upon credible evidence, an initial  
18 investigation of a reported allegation of abuse or neglect of  
19 a recipient of services indicates that it is reasonable to  
20 believe that an employee at a mental health or developmental  
21 disability facility is the perpetrator of, at most, neglect,  
22 de minimis financial exploitation (such as financial  
23 exploitation totaling a cumulative value of less than \$20), or  
24 mental abuse, the Department shall determine what appropriate  
25 steps should be taken as to the employee while the  
26 investigation of the Department of Human Services Office of

1 Inspector General is pending. These steps by the Department  
2 may include, but not be limited to: training, re-assignment  
3 away from and a bar from contact with the alleged victim, being  
4 barred from any further contact with recipients of services of  
5 the facility, or pursuing discipline for known conduct. If  
6 further investigation reveals that the conduct rose to the  
7 level of physical abuse, sexual abuse, non-de minimis  
8 financial exploitation, egregious neglect, or material  
9 obstruction of an investigation, then the employee shall be  
10 barred from contact with recipients of services and shall  
11 remain barred, subject to the conditions detailed in this  
12 paragraph.

13 For the purposes of this Section, "credible evidence" is  
14 any evidence that relates to the allegation or incident and  
15 that is considered believable and reliable.

16 Nothing in this Section is intended to include an employee  
17 of a hospital licensed under the Hospital Licensing Act or  
18 operated under the University of Illinois Hospital Act or a  
19 hospital affiliate.

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