



Sen. Mattie Hunter

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1 AMENDMENT TO SENATE BILL 2475

2 AMENDMENT NO. _____. Amend Senate Bill 2475 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Human Services Act is
5 amended by changing Sections 1-17 and 10-8 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

1 within mental health facilities, developmental disabilities
2 facilities, and community agencies operated, licensed, funded,
3 or certified by the Department of Human Services, but not
4 licensed or certified by any other State agency.

5 (b) Definitions. The following definitions apply to this
6 Section:

7 "Agency" or "community agency" means (i) a community
8 agency licensed, funded, or certified by the Department, but
9 not licensed or certified by any other human services agency
10 of the State, to provide mental health service or
11 developmental disabilities service, or (ii) a program
12 licensed, funded, or certified by the Department, but not
13 licensed or certified by any other human services agency of
14 the State, to provide mental health service or developmental
15 disabilities service.

16 "Aggravating circumstance" means a factor that is
17 attendant to a finding and that tends to compound or increase
18 the culpability of the accused.

19 "Allegation" means an assertion, complaint, suspicion, or
20 incident involving any of the following conduct by an
21 employee, facility, or agency against an individual or
22 individuals: mental abuse, physical abuse, sexual abuse,
23 neglect, financial exploitation, or material obstruction of an
24 investigation.

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

26 "Deflection" means a situation in which an individual is

1 presented for admission to a facility or agency, and the
2 facility staff or agency staff do not admit the individual.
3 "Deflection" includes triage, redirection, and denial of
4 admission.

5 "Department" means the Department of Human Services.

6 "Developmental disability" means "developmental
7 disability" as defined in the Mental Health and Developmental
8 Disabilities Code.

9 "Egregious neglect" means a finding of neglect as
10 determined by the Inspector General that (i) represents a
11 gross failure to adequately provide for, or a callused
12 indifference to, the health, safety, or medical needs of an
13 individual and (ii) results in an individual's death or other
14 serious deterioration of an individual's physical condition or
15 mental condition.

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

26 "Facility" or "State-operated facility" means a mental

1 health facility or developmental disabilities facility
2 operated by the Department.

3 "Financial exploitation" means taking unjust advantage of
4 an individual's assets, property, or financial resources
5 through deception, intimidation, or conversion for the
6 employee's, facility's, or agency's own advantage or benefit.

7 "Finding" means the Office of Inspector General's
8 determination regarding whether an allegation is
9 substantiated, unsubstantiated, or unfounded.

10 "Health Care Worker Registry" or "Registry" means the
11 Health Care Worker Registry under the Health Care Worker
12 Background Check Act.

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

16 "Material obstruction of an investigation" means the
17 purposeful interference with an investigation of physical
18 abuse, sexual abuse, mental abuse, neglect, or financial
19 exploitation and includes, but is not limited to, the
20 withholding or altering of documentation or recorded evidence;
21 influencing, threatening, or impeding witness testimony;
22 presenting untruthful information during an interview; failing
23 to cooperate with an investigation conducted by the Office of
24 the Inspector General. If an employee, following a criminal
25 investigation of physical abuse, sexual abuse, mental abuse,
26 neglect, or financial exploitation, is convicted of an offense

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

20 "Mental abuse" means the use of demeaning, intimidating,
21 or threatening words, signs, gestures, or other actions by an
22 employee about an individual and in the presence of an
23 individual or individuals that results in emotional distress
24 or maladaptive behavior, or could have resulted in emotional
25 distress or maladaptive behavior, for any individual present.

26 "Mental illness" means "mental illness" as defined in the

1 Mental Health and Developmental Disabilities Code.

2 "Mentally ill" means having a mental illness.

3 "Mitigating circumstance" means a condition that (i) is
4 attendant to a finding, (ii) does not excuse or justify the
5 conduct in question, but (iii) may be considered in evaluating
6 the severity of the conduct, the culpability of the accused,
7 or both the severity of the conduct and the culpability of the
8 accused.

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

17 "Person with a developmental disability" means a person
18 having a developmental disability.

19 "Physical abuse" means an employee's non-accidental and
20 inappropriate contact with an individual that causes bodily
21 harm. "Physical abuse" includes actions that cause bodily harm
22 as a result of an employee directing an individual or person to
23 physically abuse another individual.

24 "Presenting untruthful information" means making a false
25 statement, material to an investigation of physical abuse,
26 sexual abuse, mental abuse, neglect, or financial

1 exploitation, knowing the statement is false.

2 "Recommendation" means an admonition, separate from a
3 finding, that requires action by the facility, agency, or
4 Department to correct a systemic issue, problem, or deficiency
5 identified during an investigation. "Recommendation" can also
6 mean an admonition to correct a systemic issue, problem or
7 deficiency during a review.

8 "Required reporter" means any employee who suspects,
9 witnesses, or is informed of an allegation of any one or more
10 of the following: mental abuse, physical abuse, sexual abuse,
11 neglect, or financial exploitation.

12 "Secretary" means the Chief Administrative Officer of the
13 Department.

14 "Sexual abuse" means any sexual contact or intimate
15 physical contact between an employee and an individual,
16 including an employee's coercion or encouragement of an
17 individual to engage in sexual behavior that results in sexual
18 contact, intimate physical contact, sexual behavior, or
19 intimate physical behavior. Sexual abuse also includes (i) an
20 employee's actions that result in the sending or showing of
21 sexually explicit images to an individual via computer,
22 cellular phone, electronic mail, portable electronic device,
23 or other media with or without contact with the individual or
24 (ii) an employee's posting of sexually explicit images of an
25 individual online or elsewhere whether or not there is contact
26 with the individual.

1 "Sexually explicit images" includes, but is not limited
2 to, any material which depicts nudity, sexual conduct, or
3 sado-masochistic abuse, or which contains explicit and
4 detailed verbal descriptions or narrative accounts of sexual
5 excitement, sexual conduct, or sado-masochistic abuse.

6 "Substantiated" means there is a preponderance of the
7 evidence to support the allegation.

8 "Unfounded" means there is no credible evidence to support
9 the allegation.

10 "Unsubstantiated" means there is credible evidence, but
11 less than a preponderance of evidence to support the
12 allegation.

13 (c) Appointment. The Governor shall appoint, and the
14 Senate shall confirm, an Inspector General. The Inspector
15 General shall be appointed for a term of 4 years and shall
16 function within the Department of Human Services and report to
17 the Secretary and the Governor.

18 (d) Operation and appropriation. The Inspector General
19 shall function independently within the Department with
20 respect to the operations of the Office, including the
21 performance of investigations and issuance of findings and
22 recommendations and the performance of site visits and reviews
23 of facilities and community agencies. The appropriation for
24 the Office of Inspector General shall be separate from the
25 overall appropriation for the Department.

26 (e) Powers and duties. The Inspector General shall

1 investigate reports of suspected mental abuse, physical abuse,
2 sexual abuse, neglect, or financial exploitation of
3 individuals in any mental health or developmental disabilities
4 facility or agency and shall have authority to take immediate
5 action to prevent any one or more of the following from
6 happening to individuals under its jurisdiction: mental abuse,
7 physical abuse, sexual abuse, neglect, or financial
8 exploitation. The Inspector General shall also investigate
9 allegations of material obstruction of an investigation by an
10 employee. Upon written request of an agency of this State, the
11 Inspector General may assist another agency of the State in
12 investigating reports of the abuse, neglect, or abuse and
13 neglect of persons with mental illness, persons with
14 developmental disabilities, or persons with both. The
15 Inspector General shall conduct annual site visits of each
16 facility and may conduct reviews of facilities and community
17 agencies. To comply with the requirements of subsection (k) of
18 this Section, the Inspector General shall also review all
19 reportable deaths for which there is no allegation of abuse or
20 neglect. Nothing in this Section shall preempt any duties of
21 the Medical Review Board set forth in the Mental Health and
22 Developmental Disabilities Code. The Inspector General shall
23 have no authority to investigate alleged violations of the
24 State Officials and Employees Ethics Act. Allegations of
25 misconduct under the State Officials and Employees Ethics Act
26 shall be referred to the Office of the Governor's Executive

1 Inspector General for investigation.

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

14 (g) Rulemaking authority. The Inspector General shall
15 promulgate rules establishing minimum requirements for
16 reporting allegations as well as for initiating, conducting,
17 and completing investigations based upon the nature of the
18 allegation or allegations. The rules shall clearly establish
19 that if 2 or more State agencies could investigate an
20 allegation, the Inspector General shall not conduct an
21 investigation that would be redundant to, or interfere with,
22 an investigation conducted by another State agency. The rules
23 shall further clarify the method and circumstances under which
24 the Office of Inspector General may interact with the
25 licensing, funding, or certification units of the Department
26 in preventing further occurrences of mental abuse, physical

1 abuse, sexual abuse, neglect, egregious neglect, financial
2 exploitation, and material obstruction of an investigation.

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

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

12 (2) Review authority. In response to complaints or
13 information gathered from investigations, the Inspector
14 General shall have and may exercise the authority to
15 initiate reviews of facilities and agencies related to
16 preventing, reporting, investigating, and responding to
17 all of the following: mental abuse, physical abuse, sexual
18 abuse, neglect, egregious neglect, financial exploitation,
19 or material obstruction of an investigation. Upon
20 concluding a review, the Inspector General shall issue a
21 written report setting forth its conclusions and
22 recommendations. The report shall be distributed to the
23 Secretary and to the director of the facility or agency
24 that was the subject of review. Within 45 calendar days,
25 the facility or agency shall submit a written response
26 addressing the Inspector General's conclusions and

1 recommendations and, in a concise and reasoned manner, the
2 actions taken, if applicable, to: (i) protect the
3 individual or individuals; (ii) prevent recurrences; and
4 (iii) eliminate the problems identified. The response
5 shall include the implementation and completion dates of
6 such actions.

7 (h) Training programs. The Inspector General shall (i)
8 establish a comprehensive program to ensure that every person
9 authorized to conduct investigations receives ongoing training
10 relative to investigation techniques, communication skills,
11 and the appropriate means of interacting with persons
12 receiving treatment for mental illness, developmental
13 disability, or both mental illness and developmental
14 disability, and (ii) establish and conduct periodic training
15 programs for facility and agency employees concerning the
16 prevention and reporting of any one or more of the following:
17 mental abuse, physical abuse, sexual abuse, neglect, egregious
18 neglect, financial exploitation, or material obstruction of an
19 investigation. The Inspector General shall further ensure (i)
20 every person authorized to conduct investigations at community
21 agencies receives ongoing training in Title 59, Parts 115,
22 116, and 119 of the Illinois Administrative Code, and (ii)
23 every person authorized to conduct investigations shall
24 receive ongoing training in Title 59, Part 50 of the Illinois
25 Administrative Code. Nothing in this Section shall be deemed
26 to prevent the Office of Inspector General from conducting any

1 other training as determined by the Inspector General to be
2 necessary or helpful.

3 (i) Duty to cooperate.

4 (1) The Inspector General shall at all times be
5 granted access to any facility or agency for the purpose
6 of investigating any allegation, conducting unannounced
7 site visits, monitoring compliance with a written
8 response, conducting reviews of facilities and agencies,
9 or completing any other statutorily assigned duty.

10 (2) Any employee who fails to cooperate with an Office
11 of the Inspector General investigation is in violation of
12 this Act. Failure to cooperate with an investigation
13 includes, but is not limited to, any one or more of the
14 following: (i) creating and transmitting a false report to
15 the Office of the Inspector General hotline, (ii)
16 providing false information to an Office of the Inspector
17 General Investigator during an investigation, (iii)
18 colluding with other employees to cover up evidence, (iv)
19 colluding with other employees to provide false
20 information to an Office of the Inspector General
21 investigator, (v) destroying evidence, (vi) withholding
22 evidence, or (vii) otherwise obstructing an Office of the
23 Inspector General investigation. Additionally, any
24 employee who, during an unannounced site visit, written
25 response compliance check, or review fails to cooperate
26 with requests from the Office of the Inspector General is

1 in violation of this Act.

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

15 (k) Reporting allegations and deaths.

16 (1) Allegations. If an employee witnesses, is told of,
17 or has reason to believe an incident of mental abuse,
18 physical abuse, sexual abuse, neglect, financial
19 exploitation, or material obstruction of an investigation
20 has occurred, the employee, agency, or facility shall
21 report the allegation by phone to the Office of the
22 Inspector General hotline according to the agency's or
23 facility's procedures, but in no event later than 4 hours
24 after the initial discovery of the incident, allegation,
25 or suspicion of any one or more of the following: mental
26 abuse, physical abuse, sexual abuse, neglect, financial

1 exploitation, or material obstruction of an investigation.
2 A required reporter as defined in subsection (b) of this
3 Section who knowingly or intentionally fails to comply
4 with these reporting requirements is guilty of a Class A
5 misdemeanor.

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

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

13 (ii) Any death of an individual occurring within
14 24 hours after deflection from a residential program
15 or facility.

16 (iii) Any other death of an individual occurring
17 at an agency or facility or at any Department-funded
18 site.

19 (3) Retaliation. It is a violation of this Act for any
20 employee or administrator of an agency or facility to take
21 retaliatory action against an employee who acts in good
22 faith in conformance with his or her duties as a required
23 reporter.

24 (1) Reporting to law enforcement. Reporting criminal acts.
25 Within 24 hours after determining that there is credible
26 evidence indicating that a criminal act may have been

1 committed or that special expertise may be required in an
2 investigation, the Inspector General shall notify the Illinois
3 State Police or other appropriate law enforcement authority,
4 or ensure that such notification is made. The Illinois State
5 Police shall investigate any report from a State-operated
6 facility indicating a possible murder, sexual assault, or
7 other felony by an employee. All investigations conducted by
8 the Inspector General shall be conducted in a manner designed
9 to ensure the preservation of evidence for possible use in a
10 criminal prosecution.

11 (m) Investigative reports. Upon completion of an
12 investigation, the Office of Inspector General shall issue an
13 investigative report identifying whether the allegations are
14 substantiated, unsubstantiated, or unfounded. Within 10
15 business days after the transmittal of a completed
16 investigative report substantiating an allegation, finding an
17 allegation is unsubstantiated, or if a recommendation is made,
18 the Inspector General shall provide the investigative report
19 on the case to the Secretary and to the director of the
20 facility or agency where any one or more of the following
21 occurred: mental abuse, physical abuse, sexual abuse, neglect,
22 egregious neglect, financial exploitation, or material
23 obstruction of an investigation. The director of the facility
24 or agency shall be responsible for maintaining the
25 confidentiality of the investigative report consistent with
26 State and federal law. In a substantiated case, the

1 investigative report shall include any mitigating or
2 aggravating circumstances that were identified during the
3 investigation. If the case involves substantiated neglect, the
4 investigative report shall also state whether egregious
5 neglect was found. An investigative report may also set forth
6 recommendations. All investigative reports prepared by the
7 Office of the Inspector General shall be considered
8 confidential and shall not be released except as provided by
9 the law of this State or as required under applicable federal
10 law. Unsubstantiated and unfounded reports shall not be
11 disclosed except as allowed under Section 6 of the Abused and
12 Neglected Long Term Care Facility Residents Reporting Act. Raw
13 data used to compile the investigative report shall not be
14 subject to release unless required by law or a court order.
15 "Raw data used to compile the investigative report" includes,
16 but is not limited to, any one or more of the following: the
17 initial complaint, witness statements, photographs,
18 investigator's notes, police reports, or incident reports. If
19 the allegations are substantiated, the victim, the victim's
20 guardian, and the accused shall be provided with a redacted
21 copy of the investigative report. Death reports where there
22 was no allegation of abuse or neglect shall only be released to
23 the Secretary, or the Secretary's designee, and to the
24 director of the facility or agency when a recommendation is
25 made and pursuant to applicable State or federal law or a valid
26 court order. Unredacted investigative reports, as well as raw

1 data, may be shared with a local law enforcement entity, a
2 State's Attorney's office, or a county coroner's office upon
3 written request. Unredacted investigative reports, as well as
4 raw data, may be shared with the Department of Financial and
5 Professional Regulation when there is a substantiated finding
6 against a person licensed by the Department of Financial and
7 Professional Regulation who is within the Office of the
8 Inspector General's jurisdiction, upon written request. If,
9 during its investigation, the Office of the Inspector General
10 found credible evidence of neglect by a person licensed by the
11 Department of Financial and Professional Regulation who is not
12 within the Office's jurisdiction, the Office may provide an
13 unfounded or unsubstantiated investigative report or death
14 report, as well as raw data, with the Department of Financial
15 and Professional Regulation, upon written request.

16 (n) Written responses, clarification requests, and
17 reconsideration requests.

18 (1) Written responses. Within 30 calendar days from
19 receipt of a substantiated investigative report or an
20 investigative report which contains recommendations,
21 absent a reconsideration request, the facility or agency
22 shall file a written response that addresses, in a concise
23 and reasoned manner, the actions taken to: (i) protect the
24 individual; (ii) prevent recurrences; and (iii) eliminate
25 the problems identified. The response shall include the
26 implementation and completion dates of such actions. If

1 the written response is not filed within the allotted 30
2 calendar day period, the Secretary, or the Secretary's
3 designee, shall determine the appropriate corrective
4 action to be taken.

5 (2) Requests for clarification. The facility, agency,
6 victim or guardian, or the subject employee may request
7 that the Office of Inspector General clarify the finding
8 or findings for which clarification is sought.

9 (3) Requests for reconsideration. The facility,
10 agency, victim or guardian, or the subject employee may
11 request that the Office of the Inspector General
12 reconsider the finding or findings or the recommendations.
13 A request for reconsideration shall be subject to a
14 multi-layer review and shall include at least one reviewer
15 who did not participate in the investigation or approval
16 of the original investigative report. After the
17 multi-layer review process has been completed, the
18 Inspector General shall make the final determination on
19 the reconsideration request. The investigation shall be
20 reopened if the reconsideration determination finds that
21 additional information is needed to complete the
22 investigative record.

23 (o) Disclosure of the finding by the Inspector General.
24 The Inspector General shall disclose the finding of an
25 investigation to the following persons: (i) the Governor, (ii)
26 the Secretary, (iii) the director of the facility or agency,

1 (iv) the alleged victims and their guardians, (v) the
2 complainant, and (vi) the accused. This information shall
3 include whether the allegations were deemed substantiated,
4 unsubstantiated, or unfounded.

5 (p) Secretary review. Upon review of the Inspector
6 General's investigative report and any agency's or facility's
7 written response, the Secretary, or the Secretary's designee,
8 shall accept or reject the written response and notify the
9 Inspector General of that determination. The Secretary, or the
10 Secretary's designee, may further direct that other
11 administrative action be taken, including, but not limited to,
12 any one or more of the following: (i) additional site visits,
13 (ii) training, (iii) provision of technical assistance
14 relative to administrative needs, licensure, or certification,
15 or (iv) the imposition of appropriate sanctions.

16 (q) Action by facility or agency. Within 30 days of the
17 date the Secretary, or the Secretary's designee, approves the
18 written response or directs that further administrative action
19 be taken, the facility or agency shall provide an
20 implementation report to the Inspector General that provides
21 the status of the action taken. The facility or agency shall be
22 allowed an additional 30 days to send notice of completion of
23 the action or to send an updated implementation report. If the
24 action has not been completed within the additional 30-day
25 period, the facility or agency shall send updated
26 implementation reports every 60 days until completion. The

1 Inspector General shall conduct a review of any implementation
2 plan that takes more than 120 days after approval to complete,
3 and shall monitor compliance through a random review of
4 approved written responses, which may include, but are not
5 limited to: (i) site visits, (ii) telephone contact, and (iii)
6 requests for additional documentation evidencing compliance.

7 (r) Sanctions. Sanctions, if imposed by the Secretary
8 under Subdivision (p)(iv) of this Section, shall be designed
9 to prevent further acts of mental abuse, physical abuse,
10 sexual abuse, neglect, egregious neglect, or financial
11 exploitation or some combination of one or more of those acts
12 at a facility or agency, and may include any one or more of the
13 following:

14 (1) Appointment of on-site monitors.

15 (2) Transfer or relocation of an individual or
16 individuals.

17 (3) Closure of units.

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

19 (i) Department licensing, (ii) funding, or (iii)
20 certification.

21 The Inspector General may seek the assistance of the
22 Illinois Attorney General or the office of any State's
23 Attorney in implementing sanctions.

24 (s) Health Care Worker Registry.

25 (1) Reporting to the Registry. The Inspector General
26 shall report to the Department of Public Health's Health

1 Care Worker Registry, a public registry, the identity and
2 finding of each employee of a facility or agency against
3 whom there is a final investigative report prepared by the
4 Office of the Inspector General containing a substantiated
5 allegation of physical or sexual abuse, financial
6 exploitation, egregious neglect of an individual, or
7 material obstruction of an investigation, unless the
8 Inspector General requests a stipulated disposition of the
9 investigative report that does not include the reporting
10 of the employee's name to the Health Care Worker Registry
11 and the Secretary of Human Services agrees with the
12 requested stipulated disposition.

13 (2) Notice to employee. Prior to reporting the name of
14 an employee, the employee shall be notified of the
15 Department's obligation to report and shall be granted an
16 opportunity to request an administrative hearing, the sole
17 purpose of which is to determine if the substantiated
18 finding warrants reporting to the Registry. Notice to the
19 employee shall contain a clear and concise statement of
20 the grounds on which the report to the Registry is based,
21 offer the employee an opportunity for a hearing, and
22 identify the process for requesting such a hearing. Notice
23 is sufficient if provided by certified mail to the
24 employee's last known address. If the employee fails to
25 request a hearing within 30 days from the date of the
26 notice, the Inspector General shall report the name of the

1 employee to the Registry. Nothing in this subdivision
2 (s) (2) shall diminish or impair the rights of a person who
3 is a member of a collective bargaining unit under the
4 Illinois Public Labor Relations Act or under any other
5 federal labor statute.

6 (3) Registry hearings. If the employee requests an
7 administrative hearing, the employee shall be granted an
8 opportunity to appear before an administrative law judge
9 to present reasons why the employee's name should not be
10 reported to the Registry. The Department shall bear the
11 burden of presenting evidence that establishes, by a
12 preponderance of the evidence, that the substantiated
13 finding warrants reporting to the Registry. After
14 considering all the evidence presented, the administrative
15 law judge shall make a recommendation to the Secretary as
16 to whether the substantiated finding warrants reporting
17 the name of the employee to the Registry. The Secretary
18 shall render the final decision. The Department and the
19 employee shall have the right to request that the
20 administrative law judge consider a stipulated disposition
21 of these proceedings.

22 (4) Testimony at Registry hearings. A person who makes
23 a report or who investigates a report under this Act shall
24 testify fully in any judicial proceeding resulting from
25 such a report, as to any evidence of physical abuse,
26 sexual abuse, egregious neglect, financial exploitation,

1 or material obstruction of an investigation, or the cause
2 thereof. No evidence shall be excluded by reason of any
3 common law or statutory privilege relating to
4 communications between the alleged perpetrator of abuse or
5 neglect, or the individual alleged as the victim in the
6 report, and the person making or investigating the report.
7 Testimony at hearings is exempt from the confidentiality
8 requirements of subsection (f) of Section 10 of the Mental
9 Health and Developmental Disabilities Confidentiality Act.

10 (5) Employee's rights to collateral action. No
11 reporting to the Registry shall occur and no hearing shall
12 be set or proceed if an employee notifies the Inspector
13 General in writing, including any supporting
14 documentation, that he or she is formally contesting an
15 adverse employment action resulting from a substantiated
16 finding by complaint filed with the Illinois Civil Service
17 Commission, or which otherwise seeks to enforce the
18 employee's rights pursuant to any applicable collective
19 bargaining agreement. If an action taken by an employer
20 against an employee as a result of a finding of physical
21 abuse, sexual abuse, egregious neglect, financial
22 exploitation, or material obstruction of an investigation
23 is overturned through an action filed with the Illinois
24 Civil Service Commission or under any applicable
25 collective bargaining agreement and if that employee's
26 name has already been sent to the Registry, the employee's

1 name shall be removed from the Registry.

2 (6) Removal from Registry. At any time after the
3 report to the Registry, but no more than once in any
4 12-month period, an employee may petition the Department
5 in writing to remove his or her name from the Registry.
6 Upon receiving notice of such request, the Inspector
7 General shall conduct an investigation into the petition.
8 Upon receipt of such request, an administrative hearing
9 will be set by the Department. At the hearing, the
10 employee shall bear the burden of presenting evidence that
11 establishes, by a preponderance of the evidence, that
12 removal of the name from the Registry is in the public
13 interest. The parties may jointly request that the
14 administrative law judge consider a stipulated disposition
15 of these proceedings.

16 (t) Review of Administrative Decisions. The Department
17 shall preserve a record of all proceedings at any formal
18 hearing conducted by the Department involving Health Care
19 Worker Registry hearings. Final administrative decisions of
20 the Department are subject to judicial review pursuant to
21 provisions of the Administrative Review Law.

22 (u) Quality Care Board. There is created, within the
23 Office of the Inspector General, a Quality Care Board to be
24 composed of 7 members appointed by the Governor with the
25 advice and consent of the Senate. One of the members shall be
26 designated as chairman by the Governor. Of the initial

1 appointments made by the Governor, 4 Board members shall each
2 be appointed for a term of 4 years and 3 members shall each be
3 appointed for a term of 2 years. Upon the expiration of each
4 member's term, a successor shall be appointed for a term of 4
5 years. In the case of a vacancy in the office of any member,
6 the Governor shall appoint a successor for the remainder of
7 the unexpired term.

8 Members appointed by the Governor shall be qualified by
9 professional knowledge or experience in the area of law,
10 investigatory techniques, or in the area of care of the
11 mentally ill or care of persons with developmental
12 disabilities. Two members appointed by the Governor shall be
13 persons with a disability or parents of persons with a
14 disability. Members shall serve without compensation, but
15 shall be reimbursed for expenses incurred in connection with
16 the performance of their duties as members.

17 The Board shall meet quarterly, and may hold other
18 meetings on the call of the chairman. Four members shall
19 constitute a quorum allowing the Board to conduct its
20 business. The Board may adopt rules and regulations it deems
21 necessary to govern its own procedures.

22 The Board shall monitor and oversee the operations,
23 policies, and procedures of the Inspector General to ensure
24 the prompt and thorough investigation of allegations of
25 neglect and abuse. In fulfilling these responsibilities, the
26 Board may do the following:

1 (1) Provide independent, expert consultation to the
2 Inspector General on policies and protocols for
3 investigations of alleged abuse, neglect, or both abuse
4 and neglect.

5 (2) Review existing regulations relating to the
6 operation of facilities.

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

9 (4) Recommend policies concerning methods for
10 improving the intergovernmental relationships between the
11 Office of the Inspector General and other State or federal
12 offices.

13 (v) Annual report. The Inspector General shall provide to
14 the General Assembly and the Governor, no later than January 1
15 of each year, a summary of reports and investigations made
16 under this Act for the prior fiscal year with respect to
17 individuals receiving mental health or developmental
18 disabilities services. The report shall detail the imposition
19 of sanctions, if any, and the final disposition of any
20 corrective or administrative action directed by the Secretary.
21 The summaries shall not contain any confidential or
22 identifying information of any individual, but shall include
23 objective data identifying any trends in the number of
24 reported allegations, the timeliness of the Office of the
25 Inspector General's investigations, and their disposition, for
26 each facility and Department-wide, for the most recent 3-year

1 time period. The report shall also identify, by facility, the
2 staff-to-patient ratios taking account of direct care staff
3 only. The report shall also include detailed recommended
4 administrative actions and matters for consideration by the
5 General Assembly.

6 (w) Program audit. The Auditor General shall conduct a
7 program audit of the Office of the Inspector General on an
8 as-needed basis, as determined by the Auditor General. The
9 audit shall specifically include the Inspector General's
10 compliance with the Act and effectiveness in investigating
11 reports of allegations occurring in any facility or agency.
12 The Auditor General shall conduct the program audit according
13 to the provisions of the Illinois State Auditing Act and shall
14 report its findings to the General Assembly no later than
15 January 1 following the audit period.

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

20 (y) Nothing in this Section shall require a facility,
21 including its employees, agents, medical staff members, and
22 health care professionals, to provide a service to an
23 individual in contravention of that individual's stated or
24 implied objection to the provision of that service on the
25 ground that that service conflicts with the individual's
26 religious beliefs or practices, nor shall the failure to

1 provide a service to an individual be considered abuse under
2 this Section if the individual has objected to the provision
3 of that service based on his or her religious beliefs or
4 practices.

5 (Source: P.A. 102-538, eff. 8-20-21; 102-883, eff. 5-13-22;
6 102-1071, eff. 6-10-22; 103-76, eff. 6-9-23; 103-154, eff.
7 6-30-23; 103-752, eff. 1-1-25.)

8 (20 ILCS 1305/10-8)

9 Sec. 10-8. The Autism Research Checkoff Fund; grants;
10 scientific review committee. The Autism Research Checkoff Fund
11 is created as a special fund in the State treasury. From
12 appropriations to the Department from the Fund, the Department
13 must make grants to public or private entities in Illinois for
14 the purpose of funding research concerning the disorder of
15 autism. For purposes of this Section, the term "research"
16 includes, without limitation, expenditures to develop and
17 advance the understanding, techniques, and modalities
18 effective in the detection, prevention, screening, and
19 treatment of autism and may include clinical trials. No more
20 than 20% of the grant funds may be used for institutional
21 overhead costs, indirect costs, other organizational levies,
22 or costs of community-based support services.

23 Moneys received for the purposes of this Section,
24 including, without limitation, income tax checkoff receipts
25 and gifts, grants, and awards from any public or private

1 entity, must be deposited into the Fund. Any interest earned
2 on moneys in the Fund must be deposited into the Fund.

3 Each year, grantees of the grants provided under this
4 Section must submit a written report to the Department that
5 sets forth the types of research that is conducted with the
6 grant moneys and the status of that research.

7 The Department shall promulgate rules for the creation of
8 a scientific review committee to review and assess
9 applications for the grants authorized under this Section. The
10 Committee shall serve without compensation.

11 Notwithstanding any other provision of law, on July 1,
12 2025, or as soon thereafter as practical, the State
13 Comptroller shall direct and the State Treasurer shall
14 transfer the remaining balance from the Autism Research
15 Checkoff Fund into the Autism Awareness Fund. Upon completion
16 of the transfers, the Autism Research Checkoff Fund is
17 dissolved, and any future deposits due to that Fund and any
18 outstanding obligations or liabilities of that Fund shall pass
19 to the Autism Awareness Fund. This Section is repealed on
20 January 1, 2026.

21 (Source: P.A. 98-463, eff. 8-16-13.)

22 Section 10. The Rehabilitation of Persons with
23 Disabilities Act is amended by changing Sections 11 and 17 by
24 adding Section 11a as follows:

1 (20 ILCS 2405/11) (from Ch. 23, par. 3442)

2 Sec. 11. Illinois Center for Rehabilitation and
3 Education-Roosevelt. The Department shall operate and maintain
4 the Illinois Center for Rehabilitation and Education-Roosevelt
5 for the care and education of educable young adults with one or
6 more physical disabilities and provide in connection therewith
7 nursing and medical care and academic, occupational, and
8 related training to such young adults.

9 Any Illinois resident under the age of 22 years who is
10 educable but has such a severe physical disability as a result
11 of cerebral palsy, muscular dystrophy, spina bifida, or other
12 cause that he or she is unable to take advantage of the system
13 of free education in the State of Illinois, may be admitted to
14 the Center or be entitled to services and facilities provided
15 hereunder. Young adults shall be admitted to the Center or be
16 eligible for such services and facilities only after diagnosis
17 according to procedures approved for this purpose. The
18 Department may avail itself of the services of other public or
19 private agencies in determining any young adult's eligibility
20 for admission to, or discharge from, the Center.

21 The Department may call upon other agencies of the State
22 for such services as they are equipped to render in the care of
23 young adults with one or more physical disabilities, and such
24 agencies are instructed to render those services which are
25 consistent with their legal and administrative
26 responsibilities.

1 (Source: P.A. 102-264, eff. 8-6-21.)

2 (20 ILCS 2405/11a new)

3 Sec. 11a. Illinois Center for Rehabilitation and
4 Education-Wood. The Department shall operate and maintain the
5 Illinois Center for Rehabilitation and Education-Wood for the
6 education of individuals who are blind, visually impaired, or
7 DeafBlind and are seeking competitive integrated employment.

8 Individuals who are blind, visually impaired, or DeafBlind
9 seeking services through the Illinois Center for
10 Rehabilitation and Education-Wood must meet all requirements
11 set forth in 89 Ill. Adm. Code 730.

12 The Department may avail itself of the services of other
13 public or private agencies in determining eligibility for
14 admission to or discharge from the Illinois Center for
15 Rehabilitation and Education-Wood.

16 The Department may call upon other agencies of the State
17 for such services as they are equipped to render in the
18 education of individuals who are blind, visually impaired, or
19 DeafBlind seeking competitive integrated employment, and such
20 agencies are instructed to render those services which are
21 consistent with their legal and administrative
22 responsibilities.

23 (20 ILCS 2405/17) (from Ch. 23, par. 3448)

24 Sec. 17. Child Abuse and Neglect Reports.

1 (a) All applicants for employment at the Illinois School
2 for the Visually Impaired, the Illinois School for the Deaf,
3 the Illinois Center for the Rehabilitation and
4 Education-Roosevelt, and the Illinois Center for the
5 Rehabilitation and Education-Wood shall as a condition of
6 employment authorize, in writing on a form prescribed by the
7 Department of Children and Family Services, an investigation
8 of the Central Register, as defined in the Abused and
9 Neglected Child Reporting Act, to ascertain if the applicant
10 has been determined to be a perpetrator in an indicated report
11 of child abuse or neglect.

12 (b) The information concerning a prospective employee
13 obtained by the Department shall be confidential and exempt
14 from public inspection and copying, as provided under Section
15 7 of The Freedom of Information Act, and the information shall
16 not be transmitted outside the Department, except as provided
17 in the Abused and Neglected Child Reporting Act, and shall not
18 be transmitted to anyone within the Department except as
19 needed for the purposes of evaluation of an application for
20 employment.

21 (Source: P.A. 88-172.)

22 Section 12. The School Code is amended by changing Section
23 14-8.02 as follows:

24 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

1 Sec. 14-8.02. Identification, evaluation, and placement of
2 children.

3 (a) The State Board of Education shall make rules under
4 which local school boards shall determine the eligibility of
5 children to receive special education. Such rules shall ensure
6 that a free appropriate public education be available to all
7 children with disabilities as defined in Section 14-1.02. The
8 State Board of Education shall require local school districts
9 to administer non-discriminatory procedures or tests to
10 English learners coming from homes in which a language other
11 than English is used to determine their eligibility to receive
12 special education. The placement of low English proficiency
13 students in special education programs and facilities shall be
14 made in accordance with the test results reflecting the
15 student's linguistic, cultural and special education needs.
16 For purposes of determining the eligibility of children the
17 State Board of Education shall include in the rules
18 definitions of "case study", "staff conference",
19 "individualized educational program", and "qualified
20 specialist" appropriate to each category of children with
21 disabilities as defined in this Article. For purposes of
22 determining the eligibility of children from homes in which a
23 language other than English is used, the State Board of
24 Education shall include in the rules definitions for
25 "qualified bilingual specialists" and "linguistically and
26 culturally appropriate individualized educational programs".

1 For purposes of this Section, as well as Sections 14-8.02a,
2 14-8.02b, and 14-8.02c of this Code, "parent" means a parent
3 as defined in the federal Individuals with Disabilities
4 Education Act (20 U.S.C. 1401(23)).

5 (b) No child shall be eligible for special education
6 facilities except with a carefully completed case study fully
7 reviewed by professional personnel in a multidisciplinary
8 staff conference and only upon the recommendation of qualified
9 specialists or a qualified bilingual specialist, if available.
10 At the conclusion of the multidisciplinary staff conference,
11 the parent of the child and, if the child is in the legal
12 custody of the Department of Children and Family Services, the
13 Department's Office of Education and Transition Services shall
14 be given a copy of the multidisciplinary conference summary
15 report and recommendations, which includes options considered,
16 and, in the case of the parent, be informed of his or her right
17 to obtain an independent educational evaluation if he or she
18 disagrees with the evaluation findings conducted or obtained
19 by the school district. If the school district's evaluation is
20 shown to be inappropriate, the school district shall reimburse
21 the parent for the cost of the independent evaluation. The
22 State Board of Education shall, with advice from the State
23 Advisory Council on Education of Children with Disabilities on
24 the inclusion of specific independent educational evaluators,
25 prepare a list of suggested independent educational
26 evaluators. The State Board of Education shall include on the

1 list clinical psychologists licensed pursuant to the Clinical
2 Psychologist Licensing Act. Such psychologists shall not be
3 paid fees in excess of the amount that would be received by a
4 school psychologist for performing the same services. The
5 State Board of Education shall supply school districts with
6 such list and make the list available to parents at their
7 request. School districts shall make the list available to
8 parents at the time they are informed of their right to obtain
9 an independent educational evaluation. However, the school
10 district may initiate an impartial due process hearing under
11 this Section within 5 days of any written parent request for an
12 independent educational evaluation to show that its evaluation
13 is appropriate. If the final decision is that the evaluation
14 is appropriate, the parent still has a right to an independent
15 educational evaluation, but not at public expense. An
16 independent educational evaluation at public expense must be
17 completed within 30 days of a parent's written request unless
18 the school district initiates an impartial due process hearing
19 or the parent or school district offers reasonable grounds to
20 show that such 30-day time period should be extended. If the
21 due process hearing decision indicates that the parent is
22 entitled to an independent educational evaluation, it must be
23 completed within 30 days of the decision unless the parent or
24 the school district offers reasonable grounds to show that
25 such 30-day period should be extended. If a parent disagrees
26 with the summary report or recommendations of the

1 multidisciplinary conference or the findings of any
2 educational evaluation which results therefrom, the school
3 district shall not proceed with a placement based upon such
4 evaluation and the child shall remain in his or her regular
5 classroom setting. No child shall be eligible for admission to
6 a special class for children with a mental disability who are
7 educable or for children with a mental disability who are
8 trainable except with a psychological evaluation and
9 recommendation by a school psychologist. Consent shall be
10 obtained from the parent of a child before any evaluation is
11 conducted. If consent is not given by the parent or if the
12 parent disagrees with the findings of the evaluation, then the
13 school district may initiate an impartial due process hearing
14 under this Section. The school district may evaluate the child
15 if that is the decision resulting from the impartial due
16 process hearing and the decision is not appealed or if the
17 decision is affirmed on appeal. The determination of
18 eligibility shall be made and the IEP meeting shall be
19 completed within 60 school days from the date of written
20 parental consent. In those instances when written parental
21 consent is obtained with fewer than 60 pupil attendance days
22 left in the school year, the eligibility determination shall
23 be made and the IEP meeting shall be completed prior to the
24 first day of the following school year. Special education and
25 related services must be provided in accordance with the
26 student's IEP no later than 10 school attendance days after

1 notice is provided to the parents pursuant to Section 300.503
2 of Title 34 of the Code of Federal Regulations and
3 implementing rules adopted by the State Board of Education.
4 The appropriate program pursuant to the individualized
5 educational program of students whose native tongue is a
6 language other than English shall reflect the special
7 education, cultural and linguistic needs. No later than
8 September 1, 1993, the State Board of Education shall
9 establish standards for the development, implementation and
10 monitoring of appropriate bilingual special individualized
11 educational programs. The State Board of Education shall
12 further incorporate appropriate monitoring procedures to
13 verify implementation of these standards. The district shall
14 indicate to the parent, the State Board of Education, and, if
15 applicable, the Department's Office of Education and
16 Transition Services the nature of the services the child will
17 receive for the regular school term while awaiting placement
18 in the appropriate special education class. At the child's
19 initial IEP meeting and at each annual review meeting, the
20 child's IEP team shall provide the child's parent or guardian
21 and, if applicable, the Department's Office of Education and
22 Transition Services with a written notification that informs
23 the parent or guardian or the Department's Office of Education
24 and Transition Services that the IEP team is required to
25 consider whether the child requires assistive technology in
26 order to receive free, appropriate public education. The

1 notification must also include a toll-free telephone number
2 and internet address for the State's assistive technology
3 program.

4 If the child is deaf, hard of hearing, blind, or visually
5 impaired or has an orthopedic impairment or physical
6 disability and he or she might be eligible to receive services
7 from the Illinois School for the Deaf, the Illinois School for
8 the Visually Impaired, the Illinois Center for Rehabilitation
9 and Education-Wood, or the Illinois Center for Rehabilitation
10 and Education-Roosevelt, the school district shall notify the
11 parents, in writing, of the existence of these schools and the
12 services they provide and shall make a reasonable effort to
13 inform the parents of the existence of other, local schools
14 that provide similar services and the services that these
15 other schools provide. This notification shall include,
16 without limitation, information on school services, school
17 admissions criteria, and school contact information.

18 In the development of the individualized education program
19 for a student who has a disability on the autism spectrum
20 (which includes autistic disorder, Asperger's disorder,
21 pervasive developmental disorder not otherwise specified,
22 childhood disintegrative disorder, and Rett Syndrome, as
23 defined in the Diagnostic and Statistical Manual of Mental
24 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall
25 consider all of the following factors:

26 (1) The verbal and nonverbal communication needs of

1 the child.

2 (2) The need to develop social interaction skills and
3 proficiencies.

4 (3) The needs resulting from the child's unusual
5 responses to sensory experiences.

6 (4) The needs resulting from resistance to
7 environmental change or change in daily routines.

8 (5) The needs resulting from engagement in repetitive
9 activities and stereotyped movements.

10 (6) The need for any positive behavioral
11 interventions, strategies, and supports to address any
12 behavioral difficulties resulting from autism spectrum
13 disorder.

14 (7) Other needs resulting from the child's disability
15 that impact progress in the general curriculum, including
16 social and emotional development.

17 Public Act 95-257 does not create any new entitlement to a
18 service, program, or benefit, but must not affect any
19 entitlement to a service, program, or benefit created by any
20 other law.

21 If the student may be eligible to participate in the
22 Home-Based Support Services Program for Adults with Mental
23 Disabilities authorized under the Developmental Disability and
24 Mental Disability Services Act upon becoming an adult, the
25 student's individualized education program shall include plans
26 for (i) determining the student's eligibility for those

1 home-based services, (ii) enrolling the student in the program
2 of home-based services, and (iii) developing a plan for the
3 student's most effective use of the home-based services after
4 the student becomes an adult and no longer receives special
5 educational services under this Article. The plans developed
6 under this paragraph shall include specific actions to be
7 taken by specified individuals, agencies, or officials.

8 (c) In the development of the individualized education
9 program for a student who is functionally blind, it shall be
10 presumed that proficiency in Braille reading and writing is
11 essential for the student's satisfactory educational progress.
12 For purposes of this subsection, the State Board of Education
13 shall determine the criteria for a student to be classified as
14 functionally blind. Students who are not currently identified
15 as functionally blind who are also entitled to Braille
16 instruction include: (i) those whose vision loss is so severe
17 that they are unable to read and write at a level comparable to
18 their peers solely through the use of vision, and (ii) those
19 who show evidence of progressive vision loss that may result
20 in functional blindness. Each student who is functionally
21 blind shall be entitled to Braille reading and writing
22 instruction that is sufficient to enable the student to
23 communicate with the same level of proficiency as other
24 students of comparable ability. Instruction should be provided
25 to the extent that the student is physically and cognitively
26 able to use Braille. Braille instruction may be used in

1 combination with other special education services appropriate
2 to the student's educational needs. The assessment of each
3 student who is functionally blind for the purpose of
4 developing the student's individualized education program
5 shall include documentation of the student's strengths and
6 weaknesses in Braille skills. Each person assisting in the
7 development of the individualized education program for a
8 student who is functionally blind shall receive information
9 describing the benefits of Braille instruction. The
10 individualized education program for each student who is
11 functionally blind shall specify the appropriate learning
12 medium or media based on the assessment report.

13 (d) To the maximum extent appropriate, the placement shall
14 provide the child with the opportunity to be educated with
15 children who do not have a disability; provided that children
16 with disabilities who are recommended to be placed into
17 regular education classrooms are provided with supplementary
18 services to assist the children with disabilities to benefit
19 from the regular classroom instruction and are included on the
20 teacher's regular education class register. Subject to the
21 limitation of the preceding sentence, placement in special
22 classes, separate schools or other removal of the child with a
23 disability from the regular educational environment shall
24 occur only when the nature of the severity of the disability is
25 such that education in the regular classes with the use of
26 supplementary aids and services cannot be achieved

1 satisfactorily. The placement of English learners with
2 disabilities shall be in non-restrictive environments which
3 provide for integration with peers who do not have
4 disabilities in bilingual classrooms. Annually, each January,
5 school districts shall report data on students from
6 non-English speaking backgrounds receiving special education
7 and related services in public and private facilities as
8 prescribed in Section 2-3.30. If there is a disagreement
9 between parties involved regarding the special education
10 placement of any child, either in-state or out-of-state, the
11 placement is subject to impartial due process procedures
12 described in Article 10 of the Rules and Regulations to Govern
13 the Administration and Operation of Special Education.

14 (e) No child who comes from a home in which a language
15 other than English is the principal language used may be
16 assigned to any class or program under this Article until he
17 has been given, in the principal language used by the child and
18 used in his home, tests reasonably related to his cultural
19 environment. All testing and evaluation materials and
20 procedures utilized for evaluation and placement shall not be
21 linguistically, racially or culturally discriminatory.

22 (f) Nothing in this Article shall be construed to require
23 any child to undergo any physical examination or medical
24 treatment whose parents object thereto on the grounds that
25 such examination or treatment conflicts with his religious
26 beliefs.

1 (g) School boards or their designee shall provide to the
2 parents of a child or, if applicable, the Department of
3 Children and Family Services' Office of Education and
4 Transition Services prior written notice of any decision (a)
5 proposing to initiate or change, or (b) refusing to initiate
6 or change, the identification, evaluation, or educational
7 placement of the child or the provision of a free appropriate
8 public education to their child, and the reasons therefor. For
9 a parent, such written notification shall also inform the
10 parent of the opportunity to present complaints with respect
11 to any matter relating to the educational placement of the
12 student, or the provision of a free appropriate public
13 education and to have an impartial due process hearing on the
14 complaint. The notice shall inform the parents in the parents'
15 native language, unless it is clearly not feasible to do so, of
16 their rights and all procedures available pursuant to this Act
17 and the federal Individuals with Disabilities Education
18 Improvement Act of 2004 (Public Law 108-446); it shall be the
19 responsibility of the State Superintendent to develop uniform
20 notices setting forth the procedures available under this Act
21 and the federal Individuals with Disabilities Education
22 Improvement Act of 2004 (Public Law 108-446) to be used by all
23 school boards. The notice shall also inform the parents of the
24 availability upon request of a list of free or low-cost legal
25 and other relevant services available locally to assist
26 parents in initiating an impartial due process hearing. The

1 State Superintendent shall revise the uniform notices required
2 by this subsection (g) to reflect current law and procedures
3 at least once every 2 years. Any parent who is deaf or does not
4 normally communicate using spoken English and who participates
5 in a meeting with a representative of a local educational
6 agency for the purposes of developing an individualized
7 educational program or attends a multidisciplinary conference
8 shall be entitled to the services of an interpreter. The State
9 Board of Education must adopt rules to establish the criteria,
10 standards, and competencies for a bilingual language
11 interpreter who attends an individualized education program
12 meeting under this subsection to assist a parent who has
13 limited English proficiency.

14 (g-5) For purposes of this subsection (g-5), "qualified
15 professional" means an individual who holds credentials to
16 evaluate the child in the domain or domains for which an
17 evaluation is sought or an intern working under the direct
18 supervision of a qualified professional, including a master's
19 or doctoral degree candidate.

20 To ensure that a parent can participate fully and
21 effectively with school personnel in the development of
22 appropriate educational and related services for his or her
23 child, the parent, an independent educational evaluator, or a
24 qualified professional retained by or on behalf of a parent or
25 child must be afforded reasonable access to educational
26 facilities, personnel, classrooms, and buildings and to the

1 child as provided in this subsection (g-5). The requirements
2 of this subsection (g-5) apply to any public school facility,
3 building, or program and to any facility, building, or program
4 supported in whole or in part by public funds. Prior to
5 visiting a school, school building, or school facility, the
6 parent, independent educational evaluator, or qualified
7 professional may be required by the school district to inform
8 the building principal or supervisor in writing of the
9 proposed visit, the purpose of the visit, and the approximate
10 duration of the visit. The visitor and the school district
11 shall arrange the visit or visits at times that are mutually
12 agreeable. Visitors shall comply with school safety, security,
13 and visitation policies at all times. School district
14 visitation policies must not conflict with this subsection
15 (g-5). Visitors shall be required to comply with the
16 requirements of applicable privacy laws, including those laws
17 protecting the confidentiality of education records such as
18 the federal Family Educational Rights and Privacy Act and the
19 Illinois School Student Records Act. The visitor shall not
20 disrupt the educational process.

21 (1) A parent must be afforded reasonable access of
22 sufficient duration and scope for the purpose of observing
23 his or her child in the child's current educational
24 placement, services, or program or for the purpose of
25 visiting an educational placement or program proposed for
26 the child.

1 (2) An independent educational evaluator or a
2 qualified professional retained by or on behalf of a
3 parent or child must be afforded reasonable access of
4 sufficient duration and scope for the purpose of
5 conducting an evaluation of the child, the child's
6 performance, the child's current educational program,
7 placement, services, or environment, or any educational
8 program, placement, services, or environment proposed for
9 the child, including interviews of educational personnel,
10 child observations, assessments, tests or assessments of
11 the child's educational program, services, or placement or
12 of any proposed educational program, services, or
13 placement. If one or more interviews of school personnel
14 are part of the evaluation, the interviews must be
15 conducted at a mutually agreed-upon time, date, and place
16 that do not interfere with the school employee's school
17 duties. The school district may limit interviews to
18 personnel having information relevant to the child's
19 current educational services, program, or placement or to
20 a proposed educational service, program, or placement.

21 (h) In the development of the individualized education
22 program or federal Section 504 plan for a student, if the
23 student needs extra accommodation during emergencies,
24 including natural disasters or an active shooter situation,
25 then that accommodation shall be taken into account when
26 developing the student's individualized education program or

1 federal Section 504 plan.

2 (Source: P.A. 102-199, eff. 7-1-22; 102-264, eff. 8-6-21;
3 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1072, eff.
4 6-10-22; 103-197, eff. 1-1-24; 103-605, eff. 7-1-24.)

5 Section 15. The Community-Integrated Living Arrangements
6 Licensure and Certification Act is amended by changing
7 Sections 2, 3, 4, 6, 8, and 10, as follows:

8 (210 ILCS 135/2) (from Ch. 91 1/2, par. 1702)

9 Sec. 2. The purpose of this Act is to promote the operation
10 of community-integrated living arrangements for the
11 supervision of persons ~~with mental illness and persons~~ with a
12 developmental disability by licensing community ~~mental health~~
13 ~~or~~ developmental services agencies to provide an array of
14 community-integrated living arrangements for such individuals.
15 These community-integrated living arrangements are intended to
16 promote independence in daily living and economic
17 self-sufficiency. The licensed community ~~mental health or~~
18 developmental services agencies in turn shall be required to
19 certify to the Department that the programs and placements
20 provided in the community-integrated living arrangements
21 comply with this Act, the Mental Health and Developmental
22 Disabilities Code, and applicable Department rules and
23 regulations.

24 (Source: P.A. 88-380.)

1 (210 ILCS 135/3) (from Ch. 91 1/2, par. 1703)

2 Sec. 3. As used in this Act, unless the context requires
3 otherwise:

4 (a) "Applicant" means a person, group of persons,
5 association, partnership or corporation that applies for a
6 license as a community ~~mental health or~~ developmental services
7 agency under this Act.

8 (b) "Community ~~mental health or~~ developmental services
9 agency" or "agency" means a public or private agency,
10 association, partnership, corporation or organization which,
11 pursuant to this Act, certifies community-integrated living
12 arrangements for ~~persons with mental illness or~~ persons with a
13 developmental disability.

14 (c) "Department" means the Department of Human Services
15 (as successor to the Department of Mental Health and
16 Developmental Disabilities).

17 (d) "Community-integrated living arrangement" means a
18 living arrangement certified by a community ~~mental health or~~
19 developmental services agency under this Act where 8 or fewer
20 recipients ~~with mental illness or~~ recipients with a
21 developmental disability who reside under the supervision of
22 the agency. Examples of community-integrated living
23 arrangements include but are not limited to the following:

24 (1) "Adult foster care", a living arrangement for
25 recipients in residences of families unrelated to them,

1 for the purpose of providing family care for the
2 recipients on a full-time basis;

3 (2) "Assisted residential care", an independent living
4 arrangement where recipients are intermittently supervised
5 by off-site staff;

6 (3) "Crisis residential care", a non-medical living
7 arrangement where recipients in need of non-medical,
8 crisis services are supervised by on-site staff 24 hours a
9 day;

10 (4) "Home individual programs", living arrangements
11 for 2 unrelated adults outside the family home;

12 (5) "Supported residential care", a living arrangement
13 where recipients are supervised by on-site staff and such
14 supervision is provided less than 24 hours a day;

15 (6) "Community residential alternatives", as defined
16 in the Community Residential Alternatives Licensing Act;
17 and

18 (7) "Special needs trust-supported residential care",
19 a living arrangement where recipients are supervised by
20 on-site staff and that supervision is provided 24 hours
21 per day or less, as dictated by the needs of the
22 recipients, and determined by service providers. As used
23 in this item (7), "special needs trust" means a trust for
24 the benefit of a beneficiary with a disability as
25 described in Section 1213 of the Illinois Trust Code.

26 (e) "Recipient" means a person who has received, is

1 receiving, or is in need of treatment or habilitation as those
2 terms are defined in the Mental Health and Developmental
3 Disabilities Code.

4 (f) "Unrelated" means that persons residing together in
5 programs or placements certified by a community ~~mental health~~
6 ~~or~~ developmental services agency under this Act do not have
7 any of the following relationships by blood, marriage or
8 adoption: parent, son, daughter, brother, sister, grandparent,
9 uncle, aunt, nephew, niece, great grandparent, great uncle,
10 great aunt, stepbrother, stepsister, stepson, stepdaughter,
11 stepparent or first cousin.

12 (Source: P.A. 101-48, eff. 1-1-20.)

13 (210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

14 Sec. 4. (a) Any community ~~mental health or~~ developmental
15 services agency who wishes to develop and support a variety of
16 community-integrated living arrangements may do so pursuant to
17 a license issued by the Department under this Act. However,
18 programs established under or otherwise subject to the Child
19 Care Act of 1969, the Nursing Home Care Act, the Specialized
20 Mental Health Rehabilitation Act of 2013, the ID/DD Community
21 Care Act, or the MC/DD Act, as now or hereafter amended, shall
22 remain subject thereto, and this Act shall not be construed to
23 limit the application of those Acts.

24 (b) The system of licensure established under this Act
25 shall be for the purposes of:

1 (1) ensuring that all recipients residing in
2 community-integrated living arrangements are receiving
3 appropriate community-based services, including
4 treatment, training and habilitation or rehabilitation;

5 (2) ensuring that recipients' rights are protected and
6 that all programs provided to and placements arranged for
7 recipients comply with this Act, the Mental Health and
8 Developmental Disabilities Code, and applicable Department
9 rules and regulations;

10 (3) maintaining the integrity of communities by
11 requiring regular monitoring and inspection of placements
12 and other services provided in community-integrated living
13 arrangements.

14 The licensure system shall be administered by a quality
15 assurance unit within the Department which shall be
16 administratively independent of units responsible for funding
17 of agencies or community services.

18 (c) As a condition of being licensed by the Department as a
19 community ~~mental health or~~ developmental services agency under
20 this Act, the agency shall certify to the Department that:

21 (1) all recipients residing in community-integrated
22 living arrangements are receiving appropriate
23 community-based services, including treatment, training
24 and habilitation or rehabilitation;

25 (2) all programs provided to and placements arranged
26 for recipients are supervised by the agency; and

1 (3) all programs provided to and placements arranged
2 for recipients comply with this Act, the Mental Health and
3 Developmental Disabilities Code, and applicable Department
4 rules and regulations.

5 (c-5) Each developmental services agency licensed under
6 this Act shall submit an annual report to the Department, as a
7 contractual requirement between the Department and the
8 developmental services agency, certifying that all
9 legislatively or administratively mandated wage increases to
10 benefit workers are passed through in accordance with the
11 legislative or administrative mandate. The Department shall
12 determine the manner and form of the annual report.

13 (d) An applicant for licensure as a community ~~mental~~
14 ~~health or~~ developmental services agency under this Act shall
15 submit an application pursuant to the application process
16 established by the Department by rule and shall pay an
17 application fee in an amount established by the Department,
18 which amount shall not be more than \$200.

19 (e) If an applicant meets the requirements established by
20 the Department to be licensed as a community ~~mental health or~~
21 developmental services agency under this Act, after payment of
22 the licensing fee, the Department shall issue a license valid
23 for 3 years from the date thereof unless suspended or revoked
24 by the Department or voluntarily surrendered by the agency.

25 (f) Upon application to the Department, the Department may
26 issue a temporary permit to an applicant for up to a 2-year

1 period to allow the holder of such permit reasonable time to
2 become eligible for a license under this Act.

3 (g) (1) The Department may conduct site visits to an agency
4 licensed under this Act, or to any program or placement
5 certified by the agency, and inspect the records or premises,
6 or both, of such agency, program or placement as it deems
7 appropriate, for the purpose of determining compliance with
8 this Act, the Mental Health and Developmental Disabilities
9 Code, and applicable Department rules and regulations. The
10 Department shall conduct inspections of the records and
11 premises of each community-integrated living arrangement
12 certified under this Act at least once every 2 years.

13 (2) If the Department determines that an agency licensed
14 under this Act is not in compliance with this Act or the rules
15 and regulations promulgated under this Act, the Department
16 shall serve a notice of violation upon the licensee. Each
17 notice of violation shall be prepared in writing and shall
18 specify the nature of the violation, the statutory provision
19 or rule alleged to have been violated, and that the licensee
20 submit a plan of correction to the Department if required. The
21 notice shall also inform the licensee of any other action
22 which the Department might take pursuant to this Act and of the
23 right to a hearing.

24 (g-5) As determined by the Department, a disproportionate
25 number or percentage of licensure complaints; a
26 disproportionate number or percentage of substantiated cases

1 of abuse, neglect, or exploitation involving an agency; an
2 apparent unnatural death of an individual served by an agency;
3 any egregious or life-threatening abuse or neglect within an
4 agency; or any other significant event as determined by the
5 Department shall initiate a review of the agency's license by
6 the Department, as well as a review of its service agreement
7 for funding. The Department shall adopt rules to establish the
8 process by which the determination to initiate a review shall
9 be made and the timeframe to initiate a review upon the making
10 of such determination.

11 (h) Upon the expiration of any license issued under this
12 Act, a license renewal application shall be required of and a
13 license renewal fee in an amount established by the Department
14 shall be charged to a community ~~mental health or~~ developmental
15 services agency, provided that such fee shall not be more than
16 \$200.

17 (i) A public or private agency, association, partnership,
18 corporation, or organization that has had a license revoked
19 under subsection (b) of Section 6 of this Act may not apply for
20 or possess a license under a different name.

21 (Source: P.A. 102-944, eff. 1-1-23.)

22 (210 ILCS 135/6) (from Ch. 91 1/2, par. 1706)

23 Sec. 6. (a) The Department shall deny an application for a
24 license, or revoke or refuse to renew the license of a
25 community ~~mental health or~~ developmental services agency, or

1 refuse to issue a license to the holder of a temporary permit,
2 if the Department determines that the applicant, agency or
3 permit holder has not complied with a provision of this Act,
4 the Mental Health and Developmental Disabilities Code, or
5 applicable Department rules and regulations. Specific grounds
6 for denial or revocation of a license, or refusal to renew a
7 license or to issue a license to the holder of a temporary
8 permit, shall include but not be limited to:

9 (1) Submission of false information either on
10 Department licensure forms or during an inspection;

11 (2) Refusal to allow an inspection to occur;

12 (3) Violation of this Act or rules and regulations
13 promulgated under this Act;

14 (4) Violation of the rights of a recipient;

15 (5) Failure to submit or implement a plan of
16 correction within the specified time period; or

17 (6) Failure to submit a workplace violence prevention
18 plan in compliance with the Health Care Workplace Violence
19 Prevention Act.

20 (b) If the Department determines that the operation of a
21 community ~~mental health or~~ developmental services agency or
22 one or more of the programs or placements certified by the
23 agency under this Act jeopardizes the health, safety or
24 welfare of the recipients served by the agency, the Department
25 may immediately revoke the agency's license and may direct the
26 agency to withdraw recipients from any such program or

1 placement. If an agency's license is revoked under this
2 subsection, then the Department or the Department's agents
3 shall have unimpeded, immediate, and full access to the
4 recipients served by that agency and the recipients'
5 medications, records, and personal possessions in order to
6 ensure a timely, safe, and smooth transition of those
7 individuals from the program or placement.

8 (c) Upon revocation of an agency's license under
9 subsection (b) of this Section, the agency shall continue
10 providing for the health, safety, and welfare of the
11 individuals that the agency was serving at the time the
12 agency's license was revoked during the period of transition.
13 The private, not-for-profit corporation designated by the
14 Governor to administer the State plan to protect and advocate
15 for the rights of persons with developmental disabilities
16 under Section 1 of the Protection and Advocacy for Persons
17 with Developmental Disabilities Act, contingent on State
18 funding from the Department, shall have unimpeded, immediate,
19 and full access to recipients and recipients' guardians to
20 inform them of the recipients' and recipients' guardians'
21 rights and options during the revocation and transition
22 process.

23 (d) The Office of Inspector General of the Department of
24 Human Services shall continue to have jurisdiction over an
25 agency and the individuals it served at the time the agency's
26 license was revoked for up to one year after the date that the

1 license was revoked.

2 (Source: P.A. 100-313, eff. 8-24-17.)

3 (210 ILCS 135/8) (from Ch. 91 1/2, par. 1708)

4 Sec. 8. (a) Any community ~~mental health or~~ developmental
5 services agency that continues to operate after its license is
6 revoked under this Act, or after its license expires and the
7 Department refuses to renew the license, is guilty of a
8 business offense and shall be fined an amount in excess of \$500
9 but not exceeding \$2,000, and each day of violation is a
10 separate offense. All fines shall be paid to the Mental Health
11 Fund.

12 (b) Whenever the Department is advised or has reason to
13 believe that any person, group of persons, association,
14 partnership or corporation is operating an agency without a
15 license or permit in violation of this Act, the Department may
16 investigate to ascertain the facts, may notify the person or
17 other entity that he is in violation of this Act, and may make
18 referrals to appropriate investigatory or law enforcement
19 agencies. Any person, group of persons, association,
20 partnership or corporation who continues to operate a
21 community ~~mental health or~~ developmental services agency as
22 defined in subsection (b) of Section 3 of this Act without a
23 license or temporary permit issued by the Department, after
24 receiving notice from the Department that such operation is in
25 violation of this Act, shall be guilty of a business offense

1 and shall be fined an amount in excess of \$500 but not
2 exceeding \$2,000, and each day of operation after receiving
3 such notice is a separate offense. All fines shall be paid to
4 the Mental Health Fund.

5 (Source: P.A. 85-1250.)

6 (210 ILCS 135/10) (from Ch. 91 1/2, par. 1710)

7 Sec. 10. Community integration.

8 (a) Community-integrated living arrangements shall be
9 located so as to enable residents to participate in and be
10 integrated into their community or neighborhood. The location
11 of such arrangements shall promote community integration of
12 persons with developmental ~~mental~~ disabilities.

13 (b) Beginning January 1, 1990, no Department of State
14 government, as defined in the Civil Administrative Code of
15 Illinois, shall place any person in or utilize any services of
16 a community-integrated living arrangement which is not
17 certified by an agency under this Act.

18 (Source: P.A. 100-602, eff. 7-13-18.)

19 Section 20. The Health Care Worker Background Check Act is
20 amended by changing Section 15 as follows:

21 (225 ILCS 46/15)

22 Sec. 15. Definitions. In this Act:

23 "Applicant" means an individual enrolling in a training

1 program, seeking employment, whether paid or on a volunteer
2 basis, with a health care employer who has received a bona fide
3 conditional offer of employment.

4 "Conditional offer of employment" means a bona fide offer
5 of employment by a health care employer to an applicant, which
6 is contingent upon the receipt of a report from the Department
7 of Public Health indicating that the applicant does not have a
8 record of conviction of any of the criminal offenses
9 enumerated in Section 25.

10 "Department" means the Department of Public Health.

11 "Direct care" means the provision of nursing care or
12 assistance with feeding, dressing, movement, bathing,
13 toileting, or other personal needs, including home services as
14 defined in the Home Health, Home Services, and Home Nursing
15 Agency Licensing Act.

16 The entity responsible for inspecting and licensing,
17 certifying, or registering the health care employer may, by
18 administrative rule, prescribe guidelines for interpreting
19 this definition with regard to the health care employers that
20 it licenses.

21 "Director" means the Director of Public Health.

22 "Disqualifying offenses" means those offenses set forth in
23 Section 25 of this Act.

24 "Employee" means any individual hired, employed, or
25 retained, whether paid or on a volunteer basis, to which this
26 Act applies.

1 "Finding" means the Department's determination of whether
2 an allegation is verified and substantiated.

3 "Fingerprint-based criminal history records check" means a
4 livescan fingerprint-based criminal history records check
5 submitted as a fee applicant inquiry in the form and manner
6 prescribed by the Illinois State Police.

7 "Health care employer" means:

8 (1) the owner or licensee of any of the following:

9 (i) a community living facility, as defined in the
10 Community Living Facilities Licensing Act;

11 (ii) a life care facility, as defined in the Life
12 Care Facilities Act;

13 (iii) a long-term care facility;

14 (iv) a home health agency, home services agency,
15 or home nursing agency as defined in the Home Health,
16 Home Services, and Home Nursing Agency Licensing Act;

17 (v) a hospice care program or volunteer hospice
18 program, as defined in the Hospice Program Licensing
19 Act;

20 (vi) a hospital, as defined in the Hospital
21 Licensing Act;

22 (vii) (blank);

23 (viii) a nurse agency, as defined in the Nurse
24 Agency Licensing Act;

25 (ix) a respite care provider, as defined in the
26 Respite Program Act;

1 (ix-a) an establishment licensed under the
2 Assisted Living and Shared Housing Act;

3 (x) a supportive living program, as defined in the
4 Illinois Public Aid Code;

5 (xi) early childhood intervention programs as
6 described in 59 Ill. Adm. Code 121;

7 (xii) the University of Illinois Hospital,
8 Chicago;

9 (xiii) programs funded by the Department on Aging
10 through the Community Care Program;

11 (xiv) programs certified to participate in the
12 Supportive Living Program authorized pursuant to
13 Section 5-5.01a of the Illinois Public Aid Code;

14 (xv) programs listed by the Emergency Medical
15 Services (EMS) Systems Act as Freestanding Emergency
16 Centers;

17 (xvi) locations licensed under the Alternative
18 Health Care Delivery Act;

19 (2) a day training program certified by the Department
20 of Human Services;

21 (3) a community integrated living arrangement operated
22 by a community ~~mental health and~~ developmental service
23 agency, as defined in the Community-Integrated Living
24 Arrangements Licensure and Certification Act;

25 (4) the State Long Term Care Ombudsman Program,
26 including any regional long term care ombudsman programs

1 under Section 4.04 of the Illinois Act on the Aging, only
2 for the purpose of securing background checks;

3 (5) the Department of Corrections or a third-party
4 vendor employing certified nursing assistants working with
5 the Department of Corrections;

6 (6) a financial management services entity contracted
7 with the Department of Human Services, Division of
8 Developmental Disabilities, which is not the employer of
9 personal support workers but supports individuals
10 receiving participant directed services, to administer the
11 individuals' employer authority. A financial management
12 services entity assists participants in completing
13 background check requirements, collecting and processing
14 time sheets for support workers, and processing payroll,
15 withholding, filing, and payment of applicable federal,
16 State, and local employment-related taxes and insurance;
17 or

18 (7) a Comprehensive Community Mental Health Center
19 certified by the Department of Human Services.

20 "Initiate" means obtaining from a student, applicant, or
21 employee his or her social security number, demographics, a
22 disclosure statement, and an authorization for the Department
23 of Public Health or its designee to request a
24 fingerprint-based criminal history records check; transmitting
25 this information electronically to the Department of Public
26 Health; conducting Internet searches on certain web sites,

1 including without limitation the Illinois Sex Offender
2 Registry, the Department of Corrections' Sex Offender Search
3 Engine, the Department of Corrections' Inmate Search Engine,
4 the Department of Corrections Wanted Fugitives Search Engine,
5 the National Sex Offender Public Registry, and the List of
6 Excluded Individuals and Entities database on the website of
7 the Health and Human Services Office of Inspector General to
8 determine if the applicant has been adjudicated a sex
9 offender, has been a prison inmate, or has committed Medicare
10 or Medicaid fraud, or conducting similar searches as defined
11 by rule; and having the student, applicant, or employee's
12 fingerprints collected and transmitted electronically to the
13 Illinois State Police.

14 "Livescan vendor" means an entity whose equipment has been
15 certified by the Illinois State Police to collect an
16 individual's demographics and inkless fingerprints and, in a
17 manner prescribed by the Illinois State Police and the
18 Department of Public Health, electronically transmit the
19 fingerprints and required data to the Illinois State Police
20 and a daily file of required data to the Department of Public
21 Health. The Department of Public Health shall negotiate a
22 contract with one or more vendors that effectively demonstrate
23 that the vendor has 2 or more years of experience transmitting
24 fingerprints electronically to the Illinois State Police and
25 that the vendor can successfully transmit the required data in
26 a manner prescribed by the Department of Public Health. Vendor

1 authorization may be further defined by administrative rule.

2 "Long-term care facility" means a facility licensed by the
3 State or certified under federal law as a long-term care
4 facility, including without limitation facilities licensed
5 under the Nursing Home Care Act, the Specialized Mental Health
6 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
7 the MC/DD Act, a supportive living facility, an assisted
8 living establishment, or a shared housing establishment or
9 registered as a board and care home.

10 "Resident" means a person, individual, or patient under
11 the direct care of a health care employer or who has been
12 provided goods or services by a health care employer.

13 (Source: P.A. 102-226, eff. 7-30-21; 102-503, eff. 8-20-21;
14 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-303, eff.
15 1-1-24; 103-1032, eff. 1-1-25.)

16 Section 23. The Department of Early Childhood Act is
17 amended by changing Section 10-65 as follows:

18 (325 ILCS 3/10-65)

19 Sec. 10-65. Individualized Family Service Plans.

20 (a) Each eligible infant or toddler and that infant's or
21 toddler's family shall receive:

22 (1) timely, comprehensive, multidisciplinary
23 assessment of the unique strengths and needs of each
24 eligible infant and toddler, and assessment of the

1 concerns and priorities of the families to appropriately
2 assist them in meeting their needs and identify supports
3 and services to meet those needs; and

4 (2) a written Individualized Family Service Plan
5 developed by a multidisciplinary team which includes the
6 parent or guardian. The individualized family service plan
7 shall be based on the multidisciplinary team's assessment
8 of the resources, priorities, and concerns of the family
9 and its identification of the supports and services
10 necessary to enhance the family's capacity to meet the
11 developmental needs of the infant or toddler, and shall
12 include the identification of services appropriate to meet
13 those needs, including the frequency, intensity, and
14 method of delivering services. During and as part of the
15 initial development of the individualized family services
16 plan, and any periodic reviews of the plan, the
17 multidisciplinary team may seek consultation from the lead
18 agency's designated experts, if any, to help determine
19 appropriate services and the frequency and intensity of
20 those services. All services in the individualized family
21 services plan must be justified by the multidisciplinary
22 assessment of the unique strengths and needs of the infant
23 or toddler and must be appropriate to meet those needs. At
24 the periodic reviews, the team shall determine whether
25 modification or revision of the outcomes or services is
26 necessary.

1 (b) The Individualized Family Service Plan shall be
2 evaluated once a year and the family shall be provided a review
3 of the Plan at 6-month intervals or more often where
4 appropriate based on infant or toddler and family needs. The
5 lead agency shall create a quality review process regarding
6 Individualized Family Service Plan development and changes
7 thereto, to monitor and help ensure that resources are being
8 used to provide appropriate early intervention services.

9 (c) The initial evaluation and initial assessment and
10 initial Plan meeting must be held within 45 days after the
11 initial contact with the early intervention services system.
12 The 45-day timeline does not apply for any period when the
13 child or parent is unavailable to complete the initial
14 evaluation, the initial assessments of the child and family,
15 or the initial Plan meeting, due to exceptional family
16 circumstances that are documented in the child's early
17 intervention records, or when the parent has not provided
18 consent for the initial evaluation or the initial assessment
19 of the child despite documented, repeated attempts to obtain
20 parental consent. As soon as exceptional family circumstances
21 no longer exist or parental consent has been obtained, the
22 initial evaluation, the initial assessment, and the initial
23 Plan meeting must be completed as soon as possible. With
24 parental consent, early intervention services may commence
25 before the completion of the comprehensive assessment and
26 development of the Plan. All early intervention services shall

1 be initiated as soon as possible but not later than 30 calendar
2 days after the consent of the parent or guardian has been
3 obtained for the individualized family service plan, in
4 accordance with rules adopted by the lead agency.

5 (d) Parents must be informed that early intervention
6 services shall be provided to each eligible infant and
7 toddler, to the maximum extent appropriate, in the natural
8 environment, which may include the home or other community
9 settings. Parents must also be informed of the availability of
10 early intervention services provided through telehealth
11 services. Parents shall make the final decision to accept or
12 decline early intervention services, including whether
13 accepted services are delivered in person or via telehealth
14 services. A decision to decline such services shall not be a
15 basis for administrative determination of parental fitness, or
16 other findings or sanctions against the parents. Parameters of
17 the Plan shall be set forth in rules.

18 (e) The regional intake offices shall explain to each
19 family, orally and in writing, all of the following:

20 (1) That the early intervention program will pay for
21 all early intervention services set forth in the
22 individualized family service plan that are not covered or
23 paid under the family's public or private insurance plan
24 or policy and not eligible for payment through any other
25 third party payor.

26 (2) That services will not be delayed due to any rules

1 or restrictions under the family's insurance plan or
2 policy.

3 (3) That the family may request, with appropriate
4 documentation supporting the request, a determination of
5 an exemption from private insurance use under Section
6 10-100.

7 (4) That responsibility for co-payments or
8 co-insurance under a family's private insurance plan or
9 policy will be transferred to the lead agency's central
10 billing office.

11 (5) That families will be responsible for payments of
12 family fees, which will be based on a sliding scale
13 according to the State's definition of ability to pay
14 which is comparing household size and income to the
15 sliding scale and considering out-of-pocket medical or
16 disaster expenses, and that these fees are payable to the
17 central billing office. Families who fail to provide
18 income information shall be charged the maximum amount on
19 the sliding scale.

20 (f) The individualized family service plan must state
21 whether the family has private insurance coverage and, if the
22 family has such coverage, must have attached to it a copy of
23 the family's insurance identification card or otherwise
24 include all of the following information:

25 (1) The name, address, and telephone number of the
26 insurance carrier.

1 (2) The contract number and policy number of the
2 insurance plan.

3 (3) The name, address, and social security number of
4 the primary insured.

5 (4) The beginning date of the insurance benefit year.

6 (g) A copy of the individualized family service plan must
7 be provided to each enrolled provider who is providing early
8 intervention services to the child who is the subject of that
9 plan.

10 (h) Children receiving services under this Act shall
11 receive a smooth and effective transition by their third
12 birthday consistent with federal regulations adopted pursuant
13 to Sections 1431 through 1444 of Title 20 of the United States
14 Code. On and after the effective date of this amendatory Act of
15 the 104th General Assembly Beginning January 1, 2022, children
16 who receive early intervention services prior to their third
17 birthday, who have been found eligible for early childhood
18 special education services under the Individuals with
19 Disabilities Education Act, 20 U.S.C. 1414(d)(1)(A), and this
20 Section, who have an individualized education program
21 developed and are found eligible for an individualized
22 education program under the Individuals with Disabilities
23 Education Act, ~~20 U.S.C. 1414(d)(1)(A),~~ and under Section
24 14-8.02 of the School Code, and whose birthday falls between
25 May 1 and August 31 may continue to receive early intervention
26 services until the beginning of the school year following

1 their third birthday in order to minimize gaps in services,
2 ensure better continuity of care, and align practices for the
3 enrollment of preschool children with special needs to the
4 enrollment practices of typically developing preschool
5 children.

6 (Source: P.A. 103-594, eff. 6-25-24.)

7 Section 25. The Early Intervention Services System Act is
8 amended by changing Section 11 as follows:

9 (325 ILCS 20/11) (from Ch. 23, par. 4161)

10 (Section scheduled to be repealed on July 1, 2026)

11 Sec. 11. Individualized Family Service Plans.

12 (a) Each eligible infant or toddler and that infant's or
13 toddler's family shall receive:

14 (1) timely, comprehensive, multidisciplinary
15 assessment of the unique strengths and needs of each
16 eligible infant and toddler, and assessment of the
17 concerns and priorities of the families to appropriately
18 assist them in meeting their needs and identify supports
19 and services to meet those needs; and

20 (2) a written Individualized Family Service Plan
21 developed by a multidisciplinary team which includes the
22 parent or guardian. The individualized family service plan
23 shall be based on the multidisciplinary team's assessment
24 of the resources, priorities, and concerns of the family

1 and its identification of the supports and services
2 necessary to enhance the family's capacity to meet the
3 developmental needs of the infant or toddler, and shall
4 include the identification of services appropriate to meet
5 those needs, including the frequency, intensity, and
6 method of delivering services. During and as part of the
7 initial development of the individualized family services
8 plan, and any periodic reviews of the plan, the
9 multidisciplinary team may seek consultation from the lead
10 agency's designated experts, if any, to help determine
11 appropriate services and the frequency and intensity of
12 those services. All services in the individualized family
13 services plan must be justified by the multidisciplinary
14 assessment of the unique strengths and needs of the infant
15 or toddler and must be appropriate to meet those needs. At
16 the periodic reviews, the team shall determine whether
17 modification or revision of the outcomes or services is
18 necessary.

19 (b) The Individualized Family Service Plan shall be
20 evaluated once a year and the family shall be provided a review
21 of the Plan at 6-month intervals or more often where
22 appropriate based on infant or toddler and family needs. The
23 lead agency shall create a quality review process regarding
24 Individualized Family Service Plan development and changes
25 thereto, to monitor and help ensure that resources are being
26 used to provide appropriate early intervention services.

1 (c) The initial evaluation and initial assessment and
2 initial Plan meeting must be held within 45 days after the
3 initial contact with the early intervention services system.
4 The 45-day timeline does not apply for any period when the
5 child or parent is unavailable to complete the initial
6 evaluation, the initial assessments of the child and family,
7 or the initial Plan meeting, due to exceptional family
8 circumstances that are documented in the child's early
9 intervention records, or when the parent has not provided
10 consent for the initial evaluation or the initial assessment
11 of the child despite documented, repeated attempts to obtain
12 parental consent. As soon as exceptional family circumstances
13 no longer exist or parental consent has been obtained, the
14 initial evaluation, the initial assessment, and the initial
15 Plan meeting must be completed as soon as possible. With
16 parental consent, early intervention services may commence
17 before the completion of the comprehensive assessment and
18 development of the Plan. All early intervention services shall
19 be initiated as soon as possible but not later than 30 calendar
20 days after the consent of the parent or guardian has been
21 obtained for the individualized family service plan, in
22 accordance with rules adopted by the Department of Human
23 Services.

24 (d) Parents must be informed that early intervention
25 services shall be provided to each eligible infant and
26 toddler, to the maximum extent appropriate, in the natural

1 environment, which may include the home or other community
2 settings. Parents must also be informed of the availability of
3 early intervention services provided through telehealth
4 services. Parents shall make the final decision to accept or
5 decline early intervention services, including whether
6 accepted services are delivered in person or via telehealth
7 services. A decision to decline such services shall not be a
8 basis for administrative determination of parental fitness, or
9 other findings or sanctions against the parents. Parameters of
10 the Plan shall be set forth in rules.

11 (e) The regional intake offices shall explain to each
12 family, orally and in writing, all of the following:

13 (1) That the early intervention program will pay for
14 all early intervention services set forth in the
15 individualized family service plan that are not covered or
16 paid under the family's public or private insurance plan
17 or policy and not eligible for payment through any other
18 third party payor.

19 (2) That services will not be delayed due to any rules
20 or restrictions under the family's insurance plan or
21 policy.

22 (3) That the family may request, with appropriate
23 documentation supporting the request, a determination of
24 an exemption from private insurance use under Section
25 13.25.

26 (4) That responsibility for co-payments or

1 co-insurance under a family's private insurance plan or
2 policy will be transferred to the lead agency's central
3 billing office.

4 (5) That families will be responsible for payments of
5 family fees, which will be based on a sliding scale
6 according to the State's definition of ability to pay
7 which is comparing household size and income to the
8 sliding scale and considering out-of-pocket medical or
9 disaster expenses, and that these fees are payable to the
10 central billing office. Families who fail to provide
11 income information shall be charged the maximum amount on
12 the sliding scale.

13 (f) The individualized family service plan must state
14 whether the family has private insurance coverage and, if the
15 family has such coverage, must have attached to it a copy of
16 the family's insurance identification card or otherwise
17 include all of the following information:

18 (1) The name, address, and telephone number of the
19 insurance carrier.

20 (2) The contract number and policy number of the
21 insurance plan.

22 (3) The name, address, and social security number of
23 the primary insured.

24 (4) The beginning date of the insurance benefit year.

25 (g) A copy of the individualized family service plan must
26 be provided to each enrolled provider who is providing early

1 intervention services to the child who is the subject of that
2 plan.

3 (h) Children receiving services under this Act shall
4 receive a smooth and effective transition by their third
5 birthday consistent with federal regulations adopted pursuant
6 to Sections 1431 through 1444 of Title 20 of the United States
7 Code. On and after the effective date of this amendatory Act of
8 the 104th General Assembly Beginning January 1, 2022, children
9 who receive early intervention services prior to their third
10 birthday, who have been found eligible for early childhood
11 special education services under the Individuals with
12 Disabilities Education Act, 20 U.S.C. 1414(d)(1)(A), and this
13 Section, who have an individualized education program
14 developed and are found eligible for an individualized
15 education program under the Individuals with Disabilities
16 Education Act, ~~20 U.S.C. 1414(d)(1)(A)~~, and under Section
17 14-8.02 of the School Code, and whose birthday falls between
18 May 1 and August 31 may continue to receive early intervention
19 services until the beginning of the school year following
20 their third birthday in order to minimize gaps in services,
21 ensure better continuity of care, and align practices for the
22 enrollment of preschool children with special needs to the
23 enrollment practices of typically developing preschool
24 children.

25 (Source: P.A. 101-654, eff. 3-8-21; 102-104, eff. 7-22-21;
26 102-209, eff. 11-30-21 (See Section 5 of P.A. 102-671 for

1 effective date of P.A. 102-209); 102-813, eff. 5-13-22;
2 102-962, eff. 7-1-22.)

3 Section 30. The Mental Health and Developmental
4 Disabilities Code is amended by changing Sections 1-122,
5 6-103, 6-103.2, and 6-103.3 and by adding Section 1-120.1 as
6 follows:

7 (405 ILCS 5/1-120.1 new)

8 Sec. 1-120.1. Physician assistant. "Physician assistant"
9 means a person who is licensed as a physician assistant under
10 the Physician Assistant Practice Act of 1987 and is authorized
11 to practice under a collaborating physician.

12 (405 ILCS 5/1-122) (from Ch. 91 1/2, par. 1-122)

13 Sec. 1-122. Qualified examiner. "Qualified examiner" means
14 a person who is:

15 (a) a Clinical social worker as defined in this Act
16 and who is also a licensed clinical social worker licensed
17 under the Clinical Social Work and Social Work Practice
18 Act,

19 (b) a registered nurse with a master's degree in
20 psychiatric nursing who has 3 years of clinical training
21 and experience in the evaluation and treatment of mental
22 illness which has been acquired subsequent to any training
23 and experience which constituted a part of the degree

1 program,

2 (c) a licensed clinical professional counselor with a
3 master's or doctoral degree in counseling or psychology or
4 a similar master's or doctorate program from a regionally
5 accredited institution who has at least 3 years of
6 supervised post-master's clinical professional counseling
7 experience that includes the provision of mental health
8 services for the evaluation, treatment, and prevention of
9 mental and emotional disorders, ~~or~~

10 (d) a licensed marriage and family therapist with a
11 master's or doctoral degree in marriage and family therapy
12 from a regionally accredited educational institution or a
13 similar master's program or from a program accredited by
14 either the Commission on Accreditation for Marriage and
15 Family Therapy or the Commission on Accreditation for
16 Counseling Related Educational Programs, who has at least
17 3 years of supervised post-master's experience as a
18 marriage and family therapist that includes the provision
19 of mental health services for the evaluation, treatment,
20 and prevention of mental and emotional disorders, or -

21 (e) a physician assistant who has 3 years of clinical
22 training and experience in the evaluation and treatment of
23 mental illness which has been acquired subsequent to any
24 training and experience which constituted a part of the
25 degree program.

26 ~~A social worker who is a qualified examiner shall be a~~

1 ~~licensed clinical social worker under the Clinical Social Work~~
2 ~~and Social Work Practice Act.~~

3 (Source: P.A. 96-1357, eff. 1-1-11; 97-333, eff. 8-12-11.)

4 (405 ILCS 5/6-103) (from Ch. 91 1/2, par. 6-103)

5 Sec. 6-103. (a) All persons acting in good faith and
6 without negligence in connection with the preparation of
7 applications, petitions, certificates or other documents, for
8 the apprehension, transportation, examination, treatment,
9 habilitation, detention or discharge of an individual under
10 the provisions of this Act incur no liability, civil or
11 criminal, by reason of such acts.

12 (b) There shall be no liability on the part of, and no
13 cause of action shall arise against, any person who is a
14 physician, clinical psychologist, advanced practice
15 psychiatric nurse, or qualified examiner based upon that
16 person's failure to warn of and protect from a recipient's
17 threatened or actual violent behavior except where the
18 recipient has communicated to the person a serious threat of
19 physical violence against a reasonably identifiable victim or
20 victims. Nothing in this Section shall relieve any employee or
21 director of any residential mental health or developmental
22 disabilities facility from any duty he may have to protect the
23 residents of such a facility from any other resident.

24 (c) Any duty which any person may owe to anyone other than
25 a resident of a mental health and developmental disabilities

1 facility shall be discharged by that person making a
2 reasonable effort to communicate the threat to the victim and
3 to a law enforcement agency, or by a reasonable effort to
4 obtain the hospitalization of the recipient.

5 (d) An act of omission or commission by a peace officer
6 acting in good faith in rendering emergency assistance or
7 otherwise enforcing this Code does not impose civil liability
8 on the peace officer or his or her supervisor or employer
9 unless the act is a result of willful or wanton misconduct.

10 (Source: P.A. 91-726, eff. 6-2-00.)

11 (405 ILCS 5/6-103.2)

12 Sec. 6-103.2. Developmental disability; notice. If a
13 person 14 years old or older is determined to be a person with
14 a developmental disability by a physician, clinical
15 psychologist, advanced practice psychiatric nurse, or
16 qualified examiner, the physician, clinical psychologist,
17 advanced practice psychiatric nurse, or qualified examiner
18 shall notify the Department of Human Services within 7 days of
19 making the determination that the person has a developmental
20 disability. The Department of Human Services shall immediately
21 update its records and information relating to mental health
22 and developmental disabilities, and if appropriate, shall
23 notify the Illinois State Police in a form and manner
24 prescribed by the Illinois State Police. Information disclosed
25 under this Section shall remain privileged and confidential,

1 and shall not be redisclosed, except as required under
2 subsection (e) of Section 3.1 of the Firearm Owners
3 Identification Card Act, nor used for any other purpose. The
4 method of providing this information shall guarantee that the
5 information is not released beyond that which is necessary for
6 the purpose of this Section and shall be provided by rule by
7 the Department of Human Services. The identity of the person
8 reporting under this Section shall not be disclosed to the
9 subject of the report.

10 The physician, clinical psychologist, advanced practice
11 psychiatric nurse, or qualified examiner making the
12 determination and his or her employer may not be held
13 criminally, civilly, or professionally liable for making or
14 not making the notification required under this Section,
15 except for willful or wanton misconduct.

16 For purposes of this Section, "developmental disability"
17 means a disability which is attributable to any other
18 condition which results in impairment similar to that caused
19 by an intellectual disability and which requires services
20 similar to those required by intellectually disabled persons.
21 The disability must originate before the age of 18 years, be
22 expected to continue indefinitely, and constitute a
23 substantial disability. This disability results, in the
24 professional opinion of a physician, clinical psychologist,
25 advanced practice psychiatric nurse, or qualified examiner, in
26 significant functional limitations in 3 or more of the

1 following areas of major life activity:

- 2 (i) self-care;
- 3 (ii) receptive and expressive language;
- 4 (iii) learning;
- 5 (iv) mobility; or
- 6 (v) self-direction.

7 "Determined to be a person with a developmental disability
8 by a physician, clinical psychologist, advanced practice
9 psychiatric nurse, or qualified examiner" means in the
10 professional opinion of the physician, clinical psychologist,
11 advanced practice psychiatric nurse, or qualified examiner, a
12 person, with whom the physician, psychologist, nurse, or
13 examiner has a formal relationship in his or her professional
14 or official capacity, is diagnosed, assessed, or evaluated as
15 having a developmental disability.

16 (Source: P.A. 102-538, eff. 8-20-21.)

17 (405 ILCS 5/6-103.3)

18 Sec. 6-103.3. Clear and present danger; notice. If a
19 person is determined to pose a clear and present danger to
20 himself, herself, or to others by a physician, clinical
21 psychologist, advanced practice psychiatric nurse, or
22 qualified examiner, whether employed by the State, by any
23 public or private mental health facility or part thereof, or
24 by a law enforcement official or a school administrator, then
25 the physician, clinical psychologist, advanced practice

1 psychiatric nurse, or qualified examiner shall notify the
2 Department of Human Services and a law enforcement official or
3 school administrator shall notify the Illinois State Police,
4 within 24 hours of making the determination that the person
5 poses a clear and present danger. The Department of Human
6 Services shall immediately update its records and information
7 relating to mental health and developmental disabilities, and
8 if appropriate, shall notify the Illinois State Police in a
9 form and manner prescribed by the Illinois State Police.
10 Information disclosed under this Section shall remain
11 privileged and confidential, and shall not be redisclosed,
12 except as required under subsection (e) of Section 3.1 of the
13 Firearm Owners Identification Card Act, nor used for any other
14 purpose. The method of providing this information shall
15 guarantee that the information is not released beyond that
16 which is necessary for the purpose of this Section and shall be
17 provided by rule by the Department of Human Services. The
18 identity of the person reporting under this Section shall not
19 be disclosed to the subject of the report. The physician,
20 clinical psychologist, advanced practice psychiatric nurse,
21 qualified examiner, law enforcement official, or school
22 administrator making the determination and his or her employer
23 shall not be held criminally, civilly, or professionally
24 liable for making or not making the notification required
25 under this Section, except for willful or wanton misconduct.
26 This Section does not apply to a law enforcement official, if

1 making the notification under this Section will interfere with
2 an ongoing or pending criminal investigation.

3 For the purposes of this Section:

4 "Clear and present danger" has the meaning ascribed to
5 it in Section 1.1 of the Firearm Owners Identification
6 Card Act.

7 "Determined to pose a clear and present danger to
8 himself, herself, or to others by a physician, clinical
9 psychologist, advanced practice psychiatric nurse, or
10 qualified examiner" means in the professional opinion of
11 the physician, clinical psychologist, advanced practice
12 psychiatric nurse, or qualified examiner, a person, with
13 whom the physician, psychologist, nurse, or examiner has a
14 formal relationship in his or her official capacity, poses
15 a clear and present danger.

16 "School administrator" means the person required to
17 report under the School Administrator Reporting of Mental
18 Health Clear and Present Danger Determinations Law.

19 (Source: P.A. 102-538, eff. 8-20-21.)

20 Section 35. The Firearm Owners Identification Card Act is
21 amended by changing Sections 1.1, 8, 8.1, and 10 as follows:

22 (430 ILCS 65/1.1)

23 Sec. 1.1. For purposes of this Act:

24 "Addicted to narcotics" means a person who has been:

1 (1) convicted of an offense involving the use or
2 possession of cannabis, a controlled substance, or
3 methamphetamine within the past year; or

4 (2) determined by the Illinois State Police to be
5 addicted to narcotics based upon federal law or federal
6 guidelines.

7 "Addicted to narcotics" does not include possession or use
8 of a prescribed controlled substance under the direction and
9 authority of a physician or other person authorized to
10 prescribe the controlled substance when the controlled
11 substance is used in the prescribed manner.

12 "Adjudicated as a person with a mental disability" means
13 the person is the subject of a determination by a court, board,
14 commission or other lawful authority that the person, as a
15 result of marked subnormal intelligence, or mental illness,
16 mental impairment, incompetency, condition, or disease:

17 (1) presents a clear and present danger to himself,
18 herself, or to others;

19 (2) lacks the mental capacity to manage his or her own
20 affairs or is adjudicated a person with a disability as
21 defined in Section 11a-2 of the Probate Act of 1975;

22 (3) is not guilty in a criminal case by reason of
23 insanity, mental disease or defect;

24 (3.5) is guilty but mentally ill, as provided in
25 Section 5-2-6 of the Unified Code of Corrections;

26 (4) is incompetent to stand trial in a criminal case;

1 (5) is not guilty by reason of lack of mental
2 responsibility under Articles 50a and 72b of the Uniform
3 Code of Military Justice, 10 U.S.C. 850a, 876b;

4 (6) is a sexually violent person under subsection (f)
5 of Section 5 of the Sexually Violent Persons Commitment
6 Act;

7 (7) is a sexually dangerous person under the Sexually
8 Dangerous Persons Act;

9 (8) is unfit to stand trial under the Juvenile Court
10 Act of 1987;

11 (9) is not guilty by reason of insanity under the
12 Juvenile Court Act of 1987;

13 (10) is subject to involuntary admission as an
14 inpatient as defined in Section 1-119 of the Mental Health
15 and Developmental Disabilities Code;

16 (11) is subject to involuntary admission as an
17 outpatient as defined in Section 1-119.1 of the Mental
18 Health and Developmental Disabilities Code;

19 (12) is subject to judicial admission as set forth in
20 Section 4-500 of the Mental Health and Developmental
21 Disabilities Code; or

22 (13) is subject to the provisions of the Interstate
23 Agreements on Sexually Dangerous Persons Act.

24 "Advanced practice psychiatric nurse" has the meaning
25 ascribed to that term in Section 1-101.3 of the Mental Health
26 and Developmental Disabilities Code.

1 "Clear and present danger" means a person who:

2 (1) communicates a serious threat of physical violence
3 against a reasonably identifiable victim or poses a clear
4 and imminent risk of serious physical injury to himself,
5 herself, or another person as determined by a physician,
6 clinical psychologist, advanced practice psychiatric
7 nurse, or qualified examiner; or

8 (2) demonstrates threatening physical or verbal
9 behavior, such as violent, suicidal, or assaultive
10 threats, actions, or other behavior, as determined by a
11 physician, clinical psychologist, advanced practice
12 psychiatric nurse, qualified examiner, school
13 administrator, or law enforcement official.

14 "Clinical psychologist" has the meaning provided in
15 Section 1-103 of the Mental Health and Developmental
16 Disabilities Code.

17 "Controlled substance" means a controlled substance or
18 controlled substance analog as defined in the Illinois
19 Controlled Substances Act.

20 "Counterfeit" means to copy or imitate, without legal
21 authority, with intent to deceive.

22 "Developmental disability" means a severe, chronic
23 disability of an individual that:

24 (1) is attributable to a mental or physical impairment
25 or combination of mental and physical impairments;

26 (2) is manifested before the individual attains age

1 22;

2 (3) is likely to continue indefinitely;

3 (4) results in substantial functional limitations in 3
4 or more of the following areas of major life activity:

5 (A) Self-care.

6 (B) Receptive and expressive language.

7 (C) Learning.

8 (D) Mobility.

9 (E) Self-direction.

10 (F) Capacity for independent living.

11 (G) Economic self-sufficiency; and

12 (5) reflects the individual's need for a combination
13 and sequence of special, interdisciplinary, or generic
14 services, individualized supports, or other forms of
15 assistance that are of lifelong or extended duration and
16 are individually planned and coordinated.

17 "Federally licensed firearm dealer" means a person who is
18 licensed as a federal firearms dealer under Section 923 of the
19 federal Gun Control Act of 1968 (18 U.S.C. 923).

20 "Firearm" means any device, by whatever name known, which
21 is designed to expel a projectile or projectiles by the action
22 of an explosion, expansion of gas or escape of gas; excluding,
23 however:

24 (1) any pneumatic gun, spring gun, paint ball gun, or
25 B-B gun which expels a single globular projectile not
26 exceeding .18 inch in diameter or which has a maximum

1 muzzle velocity of less than 700 feet per second;

2 (1.1) any pneumatic gun, spring gun, paint ball gun,
3 or B-B gun which expels breakable paint balls containing
4 washable marking colors;

5 (2) any device used exclusively for signaling or
6 safety and required or recommended by the United States
7 Coast Guard or the Interstate Commerce Commission;

8 (3) any device used exclusively for the firing of stud
9 cartridges, explosive rivets or similar industrial
10 ammunition; and

11 (4) an antique firearm (other than a machine-gun)
12 which, although designed as a weapon, the Illinois State
13 Police finds by reason of the date of its manufacture,
14 value, design, and other characteristics is primarily a
15 collector's item and is not likely to be used as a weapon.

16 "Firearm ammunition" means any self-contained cartridge or
17 shotgun shell, by whatever name known, which is designed to be
18 used or adaptable to use in a firearm; excluding, however:

19 (1) any ammunition exclusively designed for use with a
20 device used exclusively for signaling or safety and
21 required or recommended by the United States Coast Guard
22 or the Interstate Commerce Commission; and

23 (2) any ammunition designed exclusively for use with a
24 stud or rivet driver or other similar industrial
25 ammunition.

26 "Gun show" means an event or function:

1 (1) at which the sale and transfer of firearms is the
2 regular and normal course of business and where 50 or more
3 firearms are displayed, offered, or exhibited for sale,
4 transfer, or exchange; or

5 (2) at which not less than 10 gun show vendors
6 display, offer, or exhibit for sale, sell, transfer, or
7 exchange firearms.

8 "Gun show" includes the entire premises provided for an
9 event or function, including parking areas for the event or
10 function, that is sponsored to facilitate the purchase, sale,
11 transfer, or exchange of firearms as described in this
12 Section. Nothing in this definition shall be construed to
13 exclude a gun show held in conjunction with competitive
14 shooting events at the World Shooting Complex sanctioned by a
15 national governing body in which the sale or transfer of
16 firearms is authorized under subparagraph (5) of paragraph (g)
17 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

18 Unless otherwise expressly stated, "gun show" does not
19 include training or safety classes, competitive shooting
20 events, such as rifle, shotgun, or handgun matches, trap,
21 skeet, or sporting clays shoots, dinners, banquets, raffles,
22 or any other event where the sale or transfer of firearms is
23 not the primary course of business.

24 "Gun show promoter" means a person who organizes or
25 operates a gun show.

26 "Gun show vendor" means a person who exhibits, sells,

1 offers for sale, transfers, or exchanges any firearms at a gun
2 show, regardless of whether the person arranges with a gun
3 show promoter for a fixed location from which to exhibit,
4 sell, offer for sale, transfer, or exchange any firearm.

5 "Intellectual disability" means significantly subaverage
6 general intellectual functioning, existing concurrently with
7 deficits in adaptive behavior and manifested during the
8 developmental period, which is defined as before the age of
9 22, that adversely affects a child's educational performance.

10 "Involuntarily admitted" has the meaning as prescribed in
11 Sections 1-119 and 1-119.1 of the Mental Health and
12 Developmental Disabilities Code.

13 "Mental health facility" means any licensed private
14 hospital or hospital affiliate, institution, or facility, or
15 part thereof, and any facility, or part thereof, operated by
16 the State or a political subdivision thereof which provides
17 treatment of persons with mental illness and includes all
18 hospitals, institutions, clinics, evaluation facilities,
19 mental health centers, colleges, universities, long-term care
20 facilities, and nursing homes, or parts thereof, which provide
21 treatment of persons with mental illness whether or not the
22 primary purpose is to provide treatment of persons with mental
23 illness.

24 "National governing body" means a group of persons who
25 adopt rules and formulate policy on behalf of a national
26 firearm sporting organization.

1 "Noncitizen" means a person who is not a citizen of the
2 United States, but is a person who is a foreign-born person who
3 lives in the United States, has not been naturalized, and is
4 still a citizen of a foreign country.

5 "Patient" means:

6 (1) a person who is admitted as an inpatient or
7 resident of a public or private mental health facility for
8 mental health treatment under Chapter III of the Mental
9 Health and Developmental Disabilities Code as an informal
10 admission, a voluntary admission, a minor admission, an
11 emergency admission, or an involuntary admission, unless
12 the treatment was solely for an alcohol abuse disorder; or

13 (2) a person who voluntarily or involuntarily receives
14 mental health treatment as an out-patient or is otherwise
15 provided services by a public or private mental health
16 facility and who poses a clear and present danger to
17 himself, herself, or others.

18 "Physician" has the meaning as defined in Section 1-120 of
19 the Mental Health and Developmental Disabilities Code.

20 "Protective order" means any orders of protection issued
21 under the Illinois Domestic Violence Act of 1986, stalking no
22 contact orders issued under the Stalking No Contact Order Act,
23 civil no contact orders issued under the Civil No Contact
24 Order Act, and firearms restraining orders issued under the
25 Firearms Restraining Order Act or a substantially similar
26 order issued by the court of another state, tribe, or United

1 States territory or military judge.

2 "Qualified examiner" has the meaning provided in Section
3 1-122 of the Mental Health and Developmental Disabilities
4 Code.

5 "Sanctioned competitive shooting event" means a shooting
6 contest officially recognized by a national or state shooting
7 sport association, and includes any sight-in or practice
8 conducted in conjunction with the event.

9 "School administrator" means the person required to report
10 under the School Administrator Reporting of Mental Health
11 Clear and Present Danger Determinations Law.

12 "Stun gun or taser" has the meaning ascribed to it in
13 Section 24-1 of the Criminal Code of 2012.

14 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
15 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 102-972, eff.
16 1-1-23; 102-1030, eff. 5-27-22; 103-154, eff. 6-30-23;
17 103-407, eff. 7-28-23.)

18 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

19 Sec. 8. Grounds for denial and revocation. The Illinois
20 State Police has authority to deny an application for or to
21 revoke and seize a Firearm Owner's Identification Card
22 previously issued under this Act only if the Illinois State
23 Police finds that the applicant or the person to whom such card
24 was issued is or was at the time of issuance:

25 (a) A person under 21 years of age who has been

1 convicted of a misdemeanor other than a traffic offense or
2 adjudged delinquent;

3 (b) This subsection (b) applies through the 180th day
4 following July 12, 2019 (the effective date of Public Act
5 101-80). A person under 21 years of age who does not have
6 the written consent of his parent or guardian to acquire
7 and possess firearms and firearm ammunition, or whose
8 parent or guardian has revoked such written consent, or
9 where such parent or guardian does not qualify to have a
10 Firearm Owner's Identification Card;

11 (b-5) This subsection (b-5) applies on and after the
12 181st day following July 12, 2019 (the effective date of
13 Public Act 101-80). A person under 21 years of age who is
14 not an active duty member of the United States Armed
15 Forces or the Illinois National Guard and does not have
16 the written consent of his or her parent or guardian to
17 acquire and possess firearms and firearm ammunition, or
18 whose parent or guardian has revoked such written consent,
19 or where such parent or guardian does not qualify to have a
20 Firearm Owner's Identification Card;

21 (c) A person convicted of a felony under the laws of
22 this or any other jurisdiction;

23 (d) A person addicted to narcotics;

24 (e) A person who has been a patient of a mental health
25 facility within the past 5 years or a person who has been a
26 patient in a mental health facility more than 5 years ago

1 who has not received the certification required under
2 subsection (u) of this Section. An active law enforcement
3 officer employed by a unit of government or a Department
4 of Corrections employee authorized to possess firearms who
5 is denied, revoked, or has his or her Firearm Owner's
6 Identification Card seized under this subsection (e) may
7 obtain relief as described in subsection (c-5) of Section
8 10 of this Act if the officer or employee did not act in a
9 manner threatening to the officer or employee, another
10 person, or the public as determined by the treating
11 clinical psychologist or physician, and the officer or
12 employee seeks mental health treatment;

13 (f) A person whose mental condition is of such a
14 nature that it poses a clear and present danger to the
15 applicant, any other person or persons, or the community;

16 (g) A person who has an intellectual disability;

17 (h) A person who intentionally makes a false statement
18 in the Firearm Owner's Identification Card application or
19 endorsement affidavit;

20 (i) A noncitizen who is unlawfully present in the
21 United States under the laws of the United States;

22 (i-5) A noncitizen who has been admitted to the United
23 States under a non-immigrant visa (as that term is defined
24 in Section 101(a)(26) of the Immigration and Nationality
25 Act (8 U.S.C. 1101(a)(26))), except that this subsection
26 (i-5) does not apply to any noncitizen who has been

1 lawfully admitted to the United States under a
2 non-immigrant visa if that noncitizen is:

3 (1) admitted to the United States for lawful
4 hunting or sporting purposes;

5 (2) an official representative of a foreign
6 government who is:

7 (A) accredited to the United States Government
8 or the Government's mission to an international
9 organization having its headquarters in the United
10 States; or

11 (B) en route to or from another country to
12 which that noncitizen is accredited;

13 (3) an official of a foreign government or
14 distinguished foreign visitor who has been so
15 designated by the Department of State;

16 (4) a foreign law enforcement officer of a
17 friendly foreign government entering the United States
18 on official business; or

19 (5) one who has received a waiver from the
20 Attorney General of the United States pursuant to 18
21 U.S.C. 922(y)(3);

22 (j) (Blank);

23 (k) A person who has been convicted within the past 5
24 years of battery, assault, aggravated assault, violation
25 of an order of protection, or a substantially similar
26 offense in another jurisdiction, in which a firearm was

1 used or possessed;

2 (l) A person who has been convicted of domestic
3 battery, aggravated domestic battery, or a substantially
4 similar offense in another jurisdiction committed before,
5 on or after January 1, 2012 (the effective date of Public
6 Act 97-158). If the applicant or person who has been
7 previously issued a Firearm Owner's Identification Card
8 under this Act knowingly and intelligently waives the
9 right to have an offense described in this paragraph (l)
10 tried by a jury, and by guilty plea or otherwise, results
11 in a conviction for an offense in which a domestic
12 relationship is not a required element of the offense but
13 in which a determination of the applicability of 18 U.S.C.
14 922(g)(9) is made under Section 112A-11.1 of the Code of
15 Criminal Procedure of 1963, an entry by the court of a
16 judgment of conviction for that offense shall be grounds
17 for denying an application for and for revoking and
18 seizing a Firearm Owner's Identification Card previously
19 issued to the person under this Act;

20 (m) (Blank);

21 (n) A person who is prohibited from acquiring or
22 possessing firearms or firearm ammunition by any Illinois
23 State statute or by federal law;

24 (o) A minor subject to a petition filed under Section
25 5-520 of the Juvenile Court Act of 1987 alleging that the
26 minor is a delinquent minor for the commission of an

1 offense that if committed by an adult would be a felony;

2 (p) An adult who had been adjudicated a delinquent
3 minor under the Juvenile Court Act of 1987 for the
4 commission of an offense that if committed by an adult
5 would be a felony;

6 (q) A person who is not a resident of the State of
7 Illinois, except as provided in subsection (a-10) of
8 Section 4;

9 (r) A person who has been adjudicated as a person with
10 a mental disability;

11 (s) A person who has been found to have a
12 developmental disability;

13 (t) A person involuntarily admitted into a mental
14 health facility; or

15 (u) A person who has had his or her Firearm Owner's
16 Identification Card revoked or denied under subsection (e)
17 of this Section or item (iv) of paragraph (2) of
18 subsection (a) of Section 4 of this Act because he or she
19 was a patient in a mental health facility as provided in
20 subsection (e) of this Section, shall not be permitted to
21 obtain a Firearm Owner's Identification Card, after the
22 5-year period has lapsed, unless he or she has received a
23 mental health evaluation by a physician, clinical
24 psychologist, advanced practice psychiatric nurse, or
25 qualified examiner as those terms are defined in the
26 Mental Health and Developmental Disabilities Code, and has

1 received a certification that he or she is not a clear and
2 present danger to himself, herself, or others. The
3 physician, clinical psychologist, advanced practice
4 psychiatric nurse, or qualified examiner making the
5 certification and his or her employer shall not be held
6 criminally, civilly, or professionally liable for making
7 or not making the certification required under this
8 subsection, except for willful or wanton misconduct. This
9 subsection does not apply to a person whose firearm
10 possession rights have been restored through
11 administrative or judicial action under Section 10 or 11
12 of this Act.

13 Upon revocation of a person's Firearm Owner's
14 Identification Card, the Illinois State Police shall provide
15 notice to the person and the person shall comply with Section
16 9.5 of this Act.

17 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
18 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.
19 5-27-22; 102-1116, eff. 1-10-23.)

20 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

21 Sec. 8.1. Notifications to the Illinois State Police.

22 (a) The Circuit Clerk shall, in the form and manner
23 required by the Supreme Court, notify the Illinois State
24 Police of all final dispositions of cases for which the
25 Department has received information reported to it under

1 Sections 2.1 and 2.2 of the Criminal Identification Act.

2 (b) Upon adjudication of any individual as a person with a
3 mental disability as defined in Section 1.1 of this Act or a
4 finding that a person has been involuntarily admitted, the
5 court shall direct the circuit court clerk to immediately
6 notify the Illinois State Police, Firearm Owner's
7 Identification (FOID) department, and shall forward a copy of
8 the court order to the Department.

9 (b-1) Beginning July 1, 2016, and each July 1 and December
10 30 of every year thereafter, the circuit court clerk shall, in
11 the form and manner prescribed by the Illinois State Police,
12 notify the Illinois State Police, Firearm Owner's
13 Identification (FOID) department if the court has not directed
14 the circuit court clerk to notify the Illinois State Police,
15 Firearm Owner's Identification (FOID) department under
16 subsection (b) of this Section, within the preceding 6 months,
17 because no person has been adjudicated as a person with a
18 mental disability by the court as defined in Section 1.1 of
19 this Act or if no person has been involuntarily admitted. The
20 Supreme Court may adopt any orders or rules necessary to
21 identify the persons who shall be reported to the Illinois
22 State Police under subsection (b), or any other orders or
23 rules necessary to implement the requirements of this Act.

24 (c) The Department of Human Services shall, in the form
25 and manner prescribed by the Illinois State Police, report all
26 information collected under subsection (b) of Section 12 of

1 the Mental Health and Developmental Disabilities
2 Confidentiality Act for the purpose of determining whether a
3 person who may be or may have been a patient in a mental health
4 facility is disqualified under State or federal law from
5 receiving or retaining a Firearm Owner's Identification Card,
6 or purchasing a weapon.

7 (d) If a person is determined to pose a clear and present
8 danger to himself, herself, or to others:

9 (1) by a physician, clinical psychologist, advanced
10 practice psychiatric nurse, or qualified examiner, or is
11 determined to have a developmental disability by a
12 physician, clinical psychologist, advanced practice
13 psychiatric nurse, or qualified examiner, whether employed
14 by the State or privately, then the physician, clinical
15 psychologist, advanced practice psychiatric nurse, or
16 qualified examiner shall, within 24 hours of making the
17 determination, notify the Department of Human Services
18 that the person poses a clear and present danger or has a
19 developmental disability; or

20 (2) by a law enforcement official or school
21 administrator, then the law enforcement official or school
22 administrator shall, within 24 hours of making the
23 determination, notify the Illinois State Police that the
24 person poses a clear and present danger.

25 The Department of Human Services shall immediately update
26 its records and information relating to mental health and

1 developmental disabilities, and if appropriate, shall notify
2 the Illinois State Police in a form and manner prescribed by
3 the Illinois State Police. The Illinois State Police shall
4 determine whether to revoke the person's Firearm Owner's
5 Identification Card under Section 8 of this Act. Any
6 information disclosed under this subsection shall remain
7 privileged and confidential, and shall not be redisclosed,
8 except as required under subsection (e) of Section 3.1 of this
9 Act, nor used for any other purpose. The method of providing
10 this information shall guarantee that the information is not
11 released beyond what is necessary for the purpose of this
12 Section and shall be provided by rule by the Department of
13 Human Services. The identity of the person reporting under
14 this Section shall not be disclosed to the subject of the
15 report. The physician, clinical psychologist, advanced
16 practice psychiatric nurse, qualified examiner, law
17 enforcement official, or school administrator making the
18 determination and his or her employer shall not be held
19 criminally, civilly, or professionally liable for making or
20 not making the notification required under this subsection,
21 except for willful or wanton misconduct.

22 (e) The Illinois State Police shall adopt rules to
23 implement this Section.

24 (Source: P.A. 102-538, eff. 8-20-21.)

1 Sec. 10. Appeals; hearing; relief from firearm
2 prohibitions.

3 (a) Whenever an application for a Firearm Owner's
4 Identification Card is denied or whenever such a Card is
5 revoked or seized as provided for in Section 8 of this Act, the
6 aggrieved party may (1) file a record challenge with the
7 Director regarding the record upon which the decision to deny
8 or revoke the Firearm Owner's Identification Card was based
9 under subsection (a-5); or (2) appeal to the Director of the
10 Illinois State Police through December 31, 2022, or beginning
11 January 1, 2023, the Firearm Owner's Identification Card
12 Review Board for a hearing seeking relief from such denial or
13 revocation unless the denial or revocation was based upon a
14 forcible felony, stalking, aggravated stalking, domestic
15 battery, any violation of the Illinois Controlled Substances
16 Act, the Methamphetamine Control and Community Protection Act,
17 or the Cannabis Control Act that is classified as a Class 2 or
18 greater felony, any felony violation of Article 24 of the
19 Criminal Code of 1961 or the Criminal Code of 2012, or any
20 adjudication as a delinquent minor for the commission of an
21 offense that if committed by an adult would be a felony, in
22 which case the aggrieved party may petition the circuit court
23 in writing in the county of his or her residence for a hearing
24 seeking relief from such denial or revocation.

25 (a-5) There is created a Firearm Owner's Identification
26 Card Review Board to consider any appeal under subsection (a)

1 beginning January 1, 2023, other than an appeal directed to
2 the circuit court and except when the applicant is challenging
3 the record upon which the decision to deny or revoke was based
4 as provided in subsection (a-10).

5 (0.05) In furtherance of the policy of this Act that
6 the Board shall exercise its powers and duties in an
7 independent manner, subject to the provisions of this Act
8 but free from the direction, control, or influence of any
9 other agency or department of State government. All
10 expenses and liabilities incurred by the Board in the
11 performance of its responsibilities hereunder shall be
12 paid from funds which shall be appropriated to the Board
13 by the General Assembly for the ordinary and contingent
14 expenses of the Board.

15 (1) The Board shall consist of 7 members appointed by
16 the Governor, with the advice and consent of the Senate,
17 with 3 members residing within the First Judicial District
18 and one member residing within each of the 4 remaining
19 Judicial Districts. No more than 4 members shall be
20 members of the same political party. The Governor shall
21 designate one member as the chairperson. The members shall
22 have actual experience in law, education, social work,
23 behavioral sciences, law enforcement, or community affairs
24 or in a combination of those areas.

25 (2) The terms of the members initially appointed after
26 January 1, 2022 (the effective date of Public Act 102-237)

1 shall be as follows: one of the initial members shall be
2 appointed for a term of one year, 3 shall be appointed for
3 terms of 2 years, and 3 shall be appointed for terms of 4
4 years. Thereafter, members shall hold office for 4 years,
5 with terms expiring on the second Monday in January
6 immediately following the expiration of their terms and
7 every 4 years thereafter. Members may be reappointed.
8 Vacancies in the office of member shall be filled in the
9 same manner as the original appointment, for the remainder
10 of the unexpired term. The Governor may remove a member
11 for incompetence, neglect of duty, malfeasance, or
12 inability to serve. Members shall receive compensation in
13 an amount equal to the compensation of members of the
14 Executive Ethics Commission and, beginning July 1, 2023,
15 shall be compensated from appropriations provided to the
16 Comptroller for this purpose. Members may be reimbursed,
17 from funds appropriated for such a purpose, for reasonable
18 expenses actually incurred in the performance of their
19 Board duties. The Illinois State Police shall designate an
20 employee to serve as Executive Director of the Board and
21 provide logistical and administrative assistance to the
22 Board.

23 (3) The Board shall meet at least quarterly each year
24 and at the call of the chairperson as often as necessary to
25 consider appeals of decisions made with respect to
26 applications for a Firearm Owner's Identification Card

1 under this Act. If necessary to ensure the participation
2 of a member, the Board shall allow a member to participate
3 in a Board meeting by electronic communication. Any member
4 participating electronically shall be deemed present for
5 purposes of establishing a quorum and voting.

6 (4) The Board shall adopt rules for the review of
7 appeals and the conduct of hearings. The Board shall
8 maintain a record of its decisions and all materials
9 considered in making its decisions. All Board decisions
10 and voting records shall be kept confidential and all
11 materials considered by the Board shall be exempt from
12 inspection except upon order of a court.

13 (5) In considering an appeal, the Board shall review
14 the materials received concerning the denial or revocation
15 by the Illinois State Police. By a vote of at least 4
16 members, the Board may request additional information from
17 the Illinois State Police or the applicant or the
18 testimony of the Illinois State Police or the applicant.
19 The Board may require that the applicant submit electronic
20 fingerprints to the Illinois State Police for an updated
21 background check if the Board determines it lacks
22 sufficient information to determine eligibility. The Board
23 may consider information submitted by the Illinois State
24 Police, a law enforcement agency, or the applicant. The
25 Board shall review each denial or revocation and determine
26 by a majority of members whether an applicant should be

1 granted relief under subsection (c).

2 (6) The Board shall by order issue summary decisions.
3 The Board shall issue a decision within 45 days of
4 receiving all completed appeal documents from the Illinois
5 State Police and the applicant. However, the Board need
6 not issue a decision within 45 days if:

7 (A) the Board requests information from the
8 applicant, including, but not limited to, electronic
9 fingerprints to be submitted to the Illinois State
10 Police, in accordance with paragraph (5) of this
11 subsection, in which case the Board shall make a
12 decision within 30 days of receipt of the required
13 information from the applicant;

14 (B) the applicant agrees, in writing, to allow the
15 Board additional time to consider an appeal; or

16 (C) the Board notifies the applicant and the
17 Illinois State Police that the Board needs an
18 additional 30 days to issue a decision. The Board may
19 only issue 2 extensions under this subparagraph (C).
20 The Board's notification to the applicant and the
21 Illinois State Police shall include an explanation for
22 the extension.

23 (7) If the Board determines that the applicant is
24 eligible for relief under subsection (c), the Board shall
25 notify the applicant and the Illinois State Police that
26 relief has been granted and the Illinois State Police

1 shall issue the Card.

2 (8) Meetings of the Board shall not be subject to the
3 Open Meetings Act and records of the Board shall not be
4 subject to the Freedom of Information Act.

5 (9) The Board shall report monthly to the Governor and
6 the General Assembly on the number of appeals received and
7 provide details of the circumstances in which the Board
8 has determined to deny Firearm Owner's Identification
9 Cards under this subsection (a-5). The report shall not
10 contain any identifying information about the applicants.

11 (a-10) Whenever an applicant or cardholder is not seeking
12 relief from a firearms prohibition under subsection (c) but
13 rather does not believe the applicant is appropriately denied
14 or revoked and is challenging the record upon which the
15 decision to deny or revoke the Firearm Owner's Identification
16 Card was based, or whenever the Illinois State Police fails to
17 act on an application within 30 days of its receipt, the
18 applicant shall file such challenge with the Director. The
19 Director shall render a decision within 60 business days of
20 receipt of all information supporting the challenge. The
21 Illinois State Police shall adopt rules for the review of a
22 record challenge.

23 (b) At least 30 days before any hearing in the circuit
24 court, the petitioner shall serve the relevant State's
25 Attorney with a copy of the petition. The State's Attorney may
26 object to the petition and present evidence. At the hearing,

1 the court shall determine whether substantial justice has been
2 done. Should the court determine that substantial justice has
3 not been done, the court shall issue an order directing the
4 Illinois State Police to issue a Card. However, the court
5 shall not issue the order if the petitioner is otherwise
6 prohibited from obtaining, possessing, or using a firearm
7 under federal law.

8 (c) Any person prohibited from possessing a firearm under
9 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
10 acquiring a Firearm Owner's Identification Card under Section
11 8 of this Act may apply to the Firearm Owner's Identification
12 Card Review Board or petition the circuit court in the county
13 where the petitioner resides, whichever is applicable in
14 accordance with subsection (a) of this Section, requesting
15 relief from such prohibition and the Board or court may grant
16 such relief if it is established by the applicant to the
17 court's or the Board's satisfaction that:

18 (0.05) when in the circuit court, the State's Attorney
19 has been served with a written copy of the petition at
20 least 30 days before any such hearing in the circuit court
21 and at the hearing the State's Attorney was afforded an
22 opportunity to present evidence and object to the
23 petition;

24 (1) the applicant has not been convicted of a forcible
25 felony under the laws of this State or any other
26 jurisdiction within 20 years of the applicant's

1 application for a Firearm Owner's Identification Card, or
2 at least 20 years have passed since the end of any period
3 of imprisonment imposed in relation to that conviction;

4 (2) the circumstances regarding a criminal conviction,
5 where applicable, the applicant's criminal history and his
6 reputation are such that the applicant will not be likely
7 to act in a manner dangerous to public safety;

8 (3) granting relief would not be contrary to the
9 public interest; and

10 (4) granting relief would not be contrary to federal
11 law.

12 (c-5) (1) An active law enforcement officer employed by a
13 unit of government or a Department of Corrections employee
14 authorized to possess firearms who is denied, revoked, or has
15 his or her Firearm Owner's Identification Card seized under
16 subsection (e) of Section 8 of this Act may apply to the
17 Firearm Owner's Identification Card Review Board requesting
18 relief if the officer or employee did not act in a manner
19 threatening to the officer or employee, another person, or the
20 public as determined by the treating clinical psychologist or
21 physician, and as a result of his or her work is referred by
22 the employer for or voluntarily seeks mental health evaluation
23 or treatment by a licensed clinical psychologist,
24 psychiatrist, advanced practice psychiatric nurse, or
25 qualified examiner, and:

26 (A) the officer or employee has not received treatment

1 involuntarily at a mental health facility, regardless of
2 the length of admission; or has not been voluntarily
3 admitted to a mental health facility for more than 30 days
4 and not for more than one incident within the past 5 years;
5 and

6 (B) the officer or employee has not left the mental
7 institution against medical advice.

8 (2) The Firearm Owner's Identification Card Review Board
9 shall grant expedited relief to active law enforcement
10 officers and employees described in paragraph (1) of this
11 subsection (c-5) upon a determination by the Board that the
12 officer's or employee's possession of a firearm does not
13 present a threat to themselves, others, or public safety. The
14 Board shall act on the request for relief within 30 business
15 days of receipt of:

16 (A) a notarized statement from the officer or employee
17 in the form prescribed by the Board detailing the
18 circumstances that led to the hospitalization;

19 (B) all documentation regarding the admission,
20 evaluation, treatment and discharge from the treating
21 licensed clinical psychologist or psychiatrist of the
22 officer;

23 (C) a psychological fitness for duty evaluation of the
24 person completed after the time of discharge; and

25 (D) written confirmation in the form prescribed by the
26 Board from the treating licensed clinical psychologist or

1 psychiatrist that the provisions set forth in paragraph
2 (1) of this subsection (c-5) have been met, the person
3 successfully completed treatment, and their professional
4 opinion regarding the person's ability to possess
5 firearms.

6 (3) Officers and employees eligible for the expedited
7 relief in paragraph (2) of this subsection (c-5) have the
8 burden of proof on eligibility and must provide all
9 information required. The Board may not consider granting
10 expedited relief until the proof and information is received.

11 (4) "Clinical psychologist", "psychiatrist", advanced
12 practice psychiatric nurse, and "qualified examiner" shall
13 have the same meaning as provided in Chapter I of the Mental
14 Health and Developmental Disabilities Code.

15 (c-10) (1) An applicant, who is denied, revoked, or has
16 his or her Firearm Owner's Identification Card seized under
17 subsection (e) of Section 8 of this Act based upon a
18 determination of a developmental disability or an intellectual
19 disability may apply to the Firearm Owner's Identification
20 Card Review Board requesting relief.

21 (2) The Board shall act on the request for relief within 60
22 business days of receipt of written certification, in the form
23 prescribed by the Board, from a physician or clinical
24 psychologist, advanced practice psychiatric nurse, or
25 qualified examiner, that the aggrieved party's developmental
26 disability or intellectual disability condition is determined

1 by a physician, clinical psychologist, or qualified to be
2 mild. If a fact-finding conference is scheduled to obtain
3 additional information concerning the circumstances of the
4 denial or revocation, the 60 business days the Director has to
5 act shall be tolled until the completion of the fact-finding
6 conference.

7 (3) The Board may grant relief if the aggrieved party's
8 developmental disability or intellectual disability is mild as
9 determined by a physician, clinical psychologist, advanced
10 practice psychiatric nurse, or qualified examiner and it is
11 established by the applicant to the Board's satisfaction that:

12 (A) granting relief would not be contrary to the
13 public interest; and

14 (B) granting relief would not be contrary to federal
15 law.

16 (4) The Board may not grant relief if the condition is
17 determined by a physician, clinical psychologist, advanced
18 practice psychiatric nurse, or qualified examiner to be
19 moderate, severe, or profound.

20 (5) The changes made to this Section by Public Act 99-29
21 apply to requests for relief pending on or before July 10, 2015
22 (the effective date of Public Act 99-29), except that the
23 60-day period for the Director to act on requests pending
24 before the effective date shall begin on July 10, 2015 (the
25 effective date of Public Act 99-29). All appeals as provided
26 in subsection (a-5) pending on January 1, 2023 shall be

1 considered by the Board.

2 (d) When a minor is adjudicated delinquent for an offense
3 which if committed by an adult would be a felony, the court
4 shall notify the Illinois State Police.

5 (e) The court shall review the denial of an application or
6 the revocation of a Firearm Owner's Identification Card of a
7 person who has been adjudicated delinquent for an offense that
8 if committed by an adult would be a felony if an application
9 for relief has been filed at least 10 years after the
10 adjudication of delinquency and the court determines that the
11 applicant should be granted relief from disability to obtain a
12 Firearm Owner's Identification Card. If the court grants
13 relief, the court shall notify the Illinois State Police that
14 the disability has been removed and that the applicant is
15 eligible to obtain a Firearm Owner's Identification Card.

16 (f) Any person who is subject to the disabilities of 18
17 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
18 of 1968 because of an adjudication or commitment that occurred
19 under the laws of this State or who was determined to be
20 subject to the provisions of subsections (e), (f), or (g) of
21 Section 8 of this Act may apply to the Illinois State Police
22 requesting relief from that prohibition. The Board shall grant
23 the relief if it is established by a preponderance of the
24 evidence that the person will not be likely to act in a manner
25 dangerous to public safety and that granting relief would not
26 be contrary to the public interest. In making this

1 determination, the Board shall receive evidence concerning (i)
2 the circumstances regarding the firearms disabilities from
3 which relief is sought; (ii) the petitioner's mental health
4 and criminal history records, if any; (iii) the petitioner's
5 reputation, developed at a minimum through character witness
6 statements, testimony, or other character evidence; and (iv)
7 changes in the petitioner's condition or circumstances since
8 the disqualifying events relevant to the relief sought. If
9 relief is granted under this subsection or by order of a court
10 under this Section, the Director shall as soon as practicable
11 but in no case later than 15 business days, update, correct,
12 modify, or remove the person's record in any database that the
13 Illinois State Police makes available to the National Instant
14 Criminal Background Check System and notify the United States
15 Attorney General that the basis for the record being made
16 available no longer applies. The Illinois State Police shall
17 adopt rules for the administration of this Section.

18 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
19 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1115, eff.
20 1-9-23; 102-1129, eff. 2-10-23; 103-605, eff. 7-1-24.)

21 Section 40. The Mental Health and Developmental
22 Disabilities Confidentiality Act is amended by changing
23 Section 5 as follows:

24 (740 ILCS 110/5) (from Ch. 91 1/2, par. 805)

1 Sec. 5. Disclosure; consent.

2 (a) Except as provided in Sections 6 through 12.2 of this
3 Act, records and communications may be disclosed to someone
4 other than those persons listed in Section 4 of this Act only
5 with the written consent of those persons who are entitled to
6 inspect and copy a recipient's record pursuant to Section 4 of
7 this Act.

8 (b) Every consent form shall be in writing and shall
9 specify the following:

10 (1) the person or agency to whom disclosure is to be
11 made;

12 (2) the purpose for which disclosure is to be made;

13 (3) the nature of the information to be disclosed;

14 (4) the right to inspect and copy the information to
15 be disclosed;

16 (5) the consequences of a refusal to consent, if any; and

17 (6) the calendar date on which the consent expires,
18 provided that if no calendar date is stated, information
19 may be released only on the day the consent form is
20 received by the therapist; and

21 (7) the right to revoke the consent at any time.

22 The consent form shall be signed by the person entitled to
23 give consent ~~and the signature shall be witnessed by a person~~
24 ~~who can attest to the identity of the person so entitled.~~ A
25 copy of the consent and a notation as to any action taken
26 thereon shall be entered in the recipient's record. Any

1 revocation of consent shall be in writing, signed by the
2 person who gave the consent ~~and the signature shall be~~
3 ~~witnessed by a person who can attest to the identity of the~~
4 ~~person so entitled~~. No written revocation of consent shall be
5 effective to prevent disclosure of records and communications
6 until it is received by the person otherwise authorized to
7 disclose records and communications.

8 (c) Only information relevant to the purpose for which
9 disclosure is sought may be disclosed. Blanket consent to the
10 disclosure of unspecified information shall not be valid.
11 Advance consent may be valid only if the nature of the
12 information to be disclosed is specified in detail and the
13 duration of the consent is indicated. Consent may be revoked
14 in writing at any time; any such revocation shall have no
15 effect on disclosures made prior thereto.

16 (d) No person or agency to whom any information is
17 disclosed under this Section may redisclose such information
18 unless the person who consented to the disclosure specifically
19 consents to such redisclosure.

20 (e) Except as otherwise provided in this Act, records and
21 communications shall remain confidential after the death of a
22 recipient and shall not be disclosed unless the recipient's
23 representative, as defined in the Probate Act of 1975 and the
24 therapist consent to such disclosure or unless disclosure is
25 authorized by court order after in camera examination and upon
26 good cause shown.

1 (f) Paragraphs (a) through (e) of this Section shall not
2 apply to and shall not be construed to limit insurance
3 companies writing Life, Accident or Health insurance as
4 defined in Section 4 of the Illinois Insurance Code in
5 obtaining general consents for the release to them or their
6 designated representatives of any and all confidential
7 communications and records kept by agencies, hospitals,
8 therapists or record custodians, and utilizing such
9 information in connection with the underwriting of
10 applications for coverage for such policies or contracts, or
11 in connection with evaluating claims or liability under such
12 policies or contracts, or coordinating benefits pursuant to
13 policy or contract provisions.

14 (Source: P.A. 90-655, eff. 7-30-98)

15 (30 ILCS 105/5.653 rep.)

16 Section 50. The State Finance Act is amended by repealing
17 Section 5.653.

18 (35 ILCS 5/507JJ rep.)

19 Section 55. The Illinois Income Tax Act is amended by
20 repealing Section 507JJ.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."