**Section 270.505  Regional Interagency Fatality Review Teams**

a) Establishment

*The Director, in consultation with the Council, law enforcement, and other professionals who work in the fields of investigating, treating or preventing abuse or neglect of at-risk adults shall appoint members to a minimum* o*f one Team in each of the Department's planning and service areas.* [320 ILCS 20/15(b)]

b) Composition

1) A Team *shall be composed of representatives of entities and individuals including, but not limited to:*

A) *the Department on Aging;*

B) *coroners or medical examiners (or both);*

C) *State's Attorneys;*

D) *local police departments;*

E) *forensic units;*

F) *local health departments;*

G) *a social service or health care agency that provides services to persons with mental illness, in a program whose accreditation to provide such services is recognized by the Division of Mental Health within the Department of Human Services;*

H) *a social service or health care agency that provides services to persons with developmental disabilities, in a program whose accreditation to provide such services is recognized by the Division of Developmental Disabilities within the Department of Human Services;*

I) *a local hospital, trauma center, or provider of emergency medicine;*

J) *providers of services for eligible adults in domestic living situations; and*

K) *a physician, psychiatrist, or other health care provider knowledgeable about abuse and neglect of at-risk adults.*  [320 ILCS 20/15(b-5)]

2) *Each member of a Team shall be appointed for a 2-year term and shall be eligible for reappointment upon the expiration of the term.* [320 ILCS 20/15(b)]

3) Appointments to fill unexpired vacancies will be made in the same manner as original appointments. A Team may declare a vacancy for a member when it determines that a member has resigned, no longer resides within the State of Illinois, failed to maintain the professional position outlined in subsection (b)(1), or has become incapacitated and rendered incapable of serving or performing duties as a member. A vacancy will be filled as soon as practicable.

4) Members of the Team will be automatically reappointed unless the Director and the member are notified at least 30 days before the term ends that the Council will recommend another person or a resignation is received from the member. All successive appointments will be for a term of 2 years.  No member will be reappointed if his or her reappointment would cause any conflict of interest.

5) The Director may terminate the appointment of any member prior to the end of a term based on the recommendation of the Chairperson for good cause, which includes, but is not limited to, unjustified absences, failure to meet Team responsibilities, or failure to maintain the professional position outlined in subsection (b)(1).

6) The Team will select from its members a Chairperson and a Vice-chairperson.

A) Each position will be for a 2-year term.

B) The Chairperson and Vice-chairperson may be selected to serve additional, subsequent terms.

C) The Chairperson of the Team will perform the duties ordinarily ascribed to this position, preside at all meetings of the Team, and make reports on behalf of the Team as may be required.

D) In the event of the Chairperson's inability to act, the Vice-chairperson will act in his or her stead.

7) A member will serve at his or her own expense and is to abide by all applicable ethics laws. All licensed professionals are to be in good standing within their profession.

c) Meetings

1) *A Team shall meet not less than 4 times a year to discuss cases for its possible review.* [320 ILCS 20/15(c)]

2) An agenda of scheduled business for deliberation will be developed in coordination with the Department and the Chairperson.

3) The meetings will take place at locations, dates and times determined by the Chairperson of the Team after consultation with members of the Team.

4) It will be the responsibility of the Chairperson to give notices of the locations, dates and time of meetings to each member of the Team and to the Director at least 30 days prior to each meeting.

5) A majority of the currently appointed and serving Team members will constitute a quorum.  A vacancy in the membership of the Team will not impair the right of a quorum to perform all of the duties of the Team. All deliberations of the Team and its subcommittees will be governed by Robert's Rules of Order.

6) A majority of the Team may allow a member to attend any meeting by video or audio conference in accordance with the Open Meetings Act, provided adequate equipment can reasonably be made available and that participation is audible to all other members.

7) *Meetings of the Teams may be closed to the public under the Open Meetings Act.* [320 ILCS 20/15(d-5)]

d) Review of Cases

1) *Each Team, with the advice and consent of the Department, shall establish criteria to be used in discussing cases of alleged, suspected or substantiated abuse or neglect for review and shall conduct its activities in accordance with any applicable policies and procedures established by the Department* for the allocation of time and resources of the Team for investigating cases; recordkeeping relating to the outcome of investigations and referral recommendations; maintaining confidential communications and records; sharing information about cases with other offices for adult protective services, criminal investigation and prosecution, or court-ordered discovery; and data aggregation, collection and analysis.  [320 ILCS 20/15(c)]

2) *A Team's purpose in conducting review of at-risk adult deaths is:*

A) to *assist local agencies in identifying and reviewing suspicious deaths of adult victims of alleged, suspected or substantiated abuse or neglect in domestic living situations;*

B) *to facilitate communications between officials responsible for autopsies and inquests and persons involved in reporting or investigating alleged or suspected cases of abuse, neglect or financial exploitation of at-risk adults and persons involved in providing services to at-risk adults;*

C) *to evaluate means by which the death might have been prevented; and*

D) *to report its findings to the appropriate agencies and the Council and make recommendations that may help to reduce the number of at-risk adult deaths caused by abuse and neglect and that may help to improve the investigations of deaths of at-risk adults and increase prosecutions, if appropriate.* [320 ILCS 20/15(b)]

3) *A Team shall review cases of deaths of at-risk adults occurring in its planning and service area:*

A) *involving blunt force trauma or an undetermined manner or suspicious cause of death;*

B) *if requested by the deceased's attending physician or an emergency room physician;*

C) *upon referral by a health care provider;*

D) *upon referral by a coroner or medical examiner;*

E) c*onstituting an open or closed case from an adult protective services agency, law enforcement agency, or State's Attorney's office, or the Department of Human Services' Office of Inspector General that involves alleged or suspected abuse, neglect or financial exploitation; or*

F) *upon referral by a law enforcement agency or State's Attorney's office.*

4) *If such a death occurs in a planning and service area where a Team has not yet been established, the Director shall request that the Council or another Team review that death.*

5) *A team may also review deaths of at-risk adults if the alleged abuse or neglect occurred while the person was residing in a domestic living situation*. [320 ILCS 20/15(c)]

6) *In any instance* in which *a Team does not operate in accordance with established protocol, the Director, in consultation and cooperation with the Council, must take any necessary actions to bring the Team into compliance with the protocol.* [320 ILCS 20/15(c-5)]

e) Confidentiality

1) *Members of a Team are not subject to examination, in any civil or criminal proceeding, concerning information presented to members of the Team or opinions formed by members of the Team based on that information. A person may, however, be examined concerning information provided to a Team.*

2) *Records and information provided to* the *Team, and records maintained by* the *Team, are exempt from release under the Freedom of Information Act*. [320 ILCS 20/15(d-5)]

3) *Any document or oral or written communication shared within or produced by the Team relating to a case discussed or reviewed by the Team is confidential and is not admissible as evidence in any civil or criminal proceeding, except for use by a State's Attorney's office in prosecuting a criminal case against a caregiver. Those records and information are, however, subject to discovery or subpoena, and are admissible as evidence, to the extent they are otherwise available to the public.*

4) *Any document or oral or written communication provided to a Team by an individual or entity, and created by that individual or entity solely for the use of the Team, is confidential, is not subject to disclosure to or discoverable by another party, and is not admissible as evidence in any civil or criminal proceeding, except for use by a State's Attorney's office in prosecuting a criminal case against a caregiver. Those records and information are, however, subject to discovery or subpoena, and are admissible as evidence, to the extent they are otherwise available to the public.*

5) *Each entity represented or individual represented on the* Team *may share with other members of the team information in the entity's or individual's possession concerning the decedent who is the subject of the review or concerning any person who was in contact with the decedent, as well as any other information deemed by the entity or individual to be pertinent to the review.  Any such information shared by an entity or individual with other members of the Team is confidential.  The intent of this* subsection (e)(5) *is to permit the disclosure to members of the Team of any information deemed confidential or privileged or prohibited from disclosure by any other provision of law.*

6) *Release of confidential communication between domestic violence advocates and a domestic violence victim shall follow* Section 227(d) *of the Illinois Domestic Violence Act of 1986* [750 ILCS 60], *which allows for the waiver of privilege afforded to guardians, executors or administrators of the estate of the domestic violence victim.  This provision relating to the release of confidential communication between domestic violence advocates and a domestic violence victim shall exclude adult protective service providers.*

7) *A coroner's or medical examiner's office may share with the Team medical records that have been made available to the coroner's or medical examiner's office in connection with that office's investigation of a death.* [320 ILCS 20/15(d)]

f) Recommendations and Referrals

*A Team's recommendation in relation to a case discussed or reviewed by the Team, including, but not limited to, a recommendation concerning an investigation or prosecution in relation to such a case, may be disclosed by the Team upon the completion of its review and at the discretion of a majority of its members who reviewed the case.*  [320 ILCS 20/15(e)]

g) Indemnification

1) Members of the Team will have no individual liability in an action based upon a disciplinary proceeding or other activity performed in good faith as a member of the Team.

2) *The State shall indemnify and hold harmless members of a* *Team for all their acts, omissions, decision or other conduct arising out of the scope of their service, except those involving willful or wanton misconduct.*

3) *The method of providing indemnification shall be as provided in the State Employee Indemnification Act* [5 ILCS 350]. [320 ILCS 20/15(e-5)]

h) Data Collection and Analysis

1) Data on actual cases collected by the Teams will be forwarded to the Department for aggregation and analysis, including, but not limited to, victim demographics; perpetrator demographics; descriptions of the victim's relationship with the perpetrators; cause of death; aggravating and other contributing risk factors for abuse, neglect or financial exploitation; the outcome of investigations; referral recommendations; and the final dispositions in criminal prosecutions.

2) *The Department, in consultation with coroners, medical examiners, and law enforcement agencies, shall use aggregate data gathered by and recommendations from the Teams to create an annual report.*

3) *The Department, in consultation with coroners, medical examiners, and law enforcement agencies, may use aggregate data gathered by and recommendations from the Teams to develop education, prevention, prosecution, or other strategies designed to improve the coordination of services for at-risk adults and their families.*

4) *The Department or other State or county agency, in consultation with coroners, medical examiners, and law enforcement agencies, may use aggregated data gathered by the Teams to create a database of at-risk individuals.*  [320 ILCS 20/15(f)]

(Source: Added at 42 Ill. Reg. 6659, effective April 12, 2018)