



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3515

by Rep. Peter Breen

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5
210 ILCS 28/30
320 ILCS 20/7.5
320 ILCS 20/15

Amends the Freedom of Information Act. In a Section concerning statutory exemptions, removes references to specified records and information protected under the following Acts: the Abuse Prevention Review Team Act; Brian's Law; and the Adult Protective Services Act. Makes corresponding changes in the Abuse Prevention Review Team Act, Brian's Law, and the Adult Protective Services Act.

LRB100 10168 HEP 20349 b

1 AN ACT concerning government.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other records
19 prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible
2 disease or any information the disclosure of which is
3 restricted under the Illinois Sexually Transmissible
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of
8 the Architectural, Engineering, and Land Surveying
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (h) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act, and
15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

19 (i) Information contained in a local emergency energy
20 plan submitted to a municipality in accordance with a local
21 emergency energy plan ordinance that is adopted under
22 Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by wireless
25 carriers under the Wireless Emergency Telephone Safety
26 Act.

1 (k) Law enforcement officer identification information
2 or driver identification information compiled by a law
3 enforcement agency or the Department of Transportation
4 under Section 11-212 of the Illinois Vehicle Code.

5 (1) (Blank). ~~Records and information provided to a~~
6 ~~residential health care facility resident sexual assault~~
7 ~~and death review team or the Executive Council under the~~
8 ~~Abuse Prevention Review Team Act.~~

9 (m) Information provided to the predatory lending
10 database created pursuant to Article 3 of the Residential
11 Real Property Disclosure Act, except to the extent
12 authorized under that Article.

13 (n) Defense budgets and petitions for certification of
14 compensation and expenses for court appointed trial
15 counsel as provided under Sections 10 and 15 of the Capital
16 Crimes Litigation Act. This subsection (n) shall apply
17 until the conclusion of the trial of the case, even if the
18 prosecution chooses not to pursue the death penalty prior
19 to trial or sentencing.

20 (o) Information that is prohibited from being
21 disclosed under Section 4 of the Illinois Health and
22 Hazardous Substances Registry Act.

23 (p) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Regional Transportation Authority under Section 2.11 of

1 the Regional Transportation Authority Act or the St. Clair
2 County Transit District under the Bi-State Transit Safety
3 Act.

4 (q) Information prohibited from being disclosed by the
5 Personnel Records Review Act.

6 (r) Information prohibited from being disclosed by the
7 Illinois School Student Records Act.

8 (s) Information the disclosure of which is restricted
9 under Section 5-108 of the Public Utilities Act.

10 (t) All identified or deidentified health information
11 in the form of health data or medical records contained in,
12 stored in, submitted to, transferred by, or released from
13 the Illinois Health Information Exchange, and identified
14 or deidentified health information in the form of health
15 data and medical records of the Illinois Health Information
16 Exchange in the possession of the Illinois Health
17 Information Exchange Authority due to its administration
18 of the Illinois Health Information Exchange. The terms
19 "identified" and "deidentified" shall be given the same
20 meaning as in the Health Insurance Portability and
21 Accountability Act of 1996, Public Law 104-191, or any
22 subsequent amendments thereto, and any regulations
23 promulgated thereunder.

24 (u) (Blank). ~~Records and information provided to an~~
25 ~~independent team of experts under Brian's Law.~~

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under
2 the Firearm Owners Identification Card Act or applied for
3 or received a concealed carry license under the Firearm
4 Concealed Carry Act, unless otherwise authorized by the
5 Firearm Concealed Carry Act; and databases under the
6 Firearm Concealed Carry Act, records of the Concealed Carry
7 Licensing Review Board under the Firearm Concealed Carry
8 Act, and law enforcement agency objections under the
9 Firearm Concealed Carry Act.

10 (w) Personally identifiable information which is
11 exempted from disclosure under subsection (g) of Section
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure
14 under Section 5-1014.3 of the Counties Code or Section
15 8-11-21 of the Illinois Municipal Code.

16 (y) (Blank). ~~Confidential information under the Adult~~
17 ~~Protective Services Act and its predecessor enabling~~
18 ~~statute, the Elder Abuse and Neglect Act, including~~
19 ~~information about the identity and administrative finding~~
20 ~~against any caregiver of a verified and substantiated~~
21 ~~decision of abuse, neglect, or financial exploitation of an~~
22 ~~eligible adult maintained in the Registry established~~
23 ~~under Section 7.5 of the Adult Protective Services Act.~~

24 (z) (Blank). ~~Records and information provided to a~~
25 ~~fatality review team or the Illinois Fatality Review Team~~
26 ~~Advisory Council under Section 15 of the Adult Protective~~

1 ~~Services Act.~~

2 (aa) Information which is exempted from disclosure
3 under Section 2.37 of the Wildlife Code.

4 (bb) Information which is or was prohibited from
5 disclosure by the Juvenile Court Act of 1987.

6 (cc) Recordings made under the Law Enforcement
7 Officer-Worn Body Camera Act, except to the extent
8 authorized under that Act.

9 (dd) Information that is prohibited from being
10 disclosed under Section 45 of the Condominium and Common
11 Interest Community Ombudsperson Act.

12 (ee) ~~(dd)~~ Information that is exempted from disclosure
13 under Section 30.1 of the Pharmacy Practice Act.

14 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
15 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
16 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
17 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff.
18 8-19-16; revised 9-1-16.)

19 Section 10. The Abuse Prevention Review Team Act is amended
20 by changing Section 30 as follows:

21 (210 ILCS 28/30)

22 Sec. 30. Public access to information.

23 (a) Meetings of the review teams and the Executive Council
24 shall be closed to the public. Meetings of the review teams and

1 the Executive Council are not subject to the Open Meetings Act,
2 as provided in that Act.

3 (b) Records and information provided to a review team and
4 the Executive Council, and records maintained by a review team
5 or the Executive Council, are confidential ~~and not subject to~~
6 ~~the Freedom of Information Act, as provided in that Act.~~
7 Nothing contained in this subsection (b) prevents the sharing
8 or disclosure of records, other than those produced by a review
9 team or the Executive Council, relating or pertaining to the
10 sexual assault or death of a resident.

11 (c) Members of a review team and the Executive Council are
12 not subject to examination, in any civil or criminal
13 proceeding, concerning information presented to members of the
14 review team or the Executive Council or opinions formed by
15 members of the review team or the Executive Council based on
16 that information. A person may, however, be examined concerning
17 information provided to a review team or the Executive Council
18 that is otherwise available to the public.

19 (d) Records and information produced by a review team and
20 the Executive Council are not subject to discovery or subpoena
21 and are not admissible as evidence in any civil or criminal
22 proceeding. Those records and information are, however,
23 subject to discovery or a subpoena, and are admissible as
24 evidence, to the extent they are otherwise available to the
25 public.

26 (Source: P.A. 93-577, eff. 8-21-03.)

1 Section 15. The Adult Protective Services Act is amended by
2 changing Sections 7.5 and 15 as follows:

3 (320 ILCS 20/7.5)

4 Sec. 7.5. Registry.

5 (a) To protect individuals receiving in-home and
6 community-based services, the Department on Aging shall
7 establish an Adult Protective Service Registry that will be
8 hosted by the Department of Public Health on its website
9 effective January 1, 2015, and, if practicable, shall propose
10 rules for the Registry by January 1, 2015.

11 (a-5) The Registry shall identify caregivers against whom a
12 verified and substantiated finding was made under this Act of
13 abuse, neglect, or financial exploitation.

14 The information in the Registry shall be confidential
15 except as specifically authorized in this Act ~~and shall not be~~
16 ~~deemed a public record.~~

17 (a-10) Reporting to the Registry. The Department on Aging
18 shall report to the Registry the identity of the caregiver when
19 a verified and substantiated finding of abuse, neglect, or
20 financial exploitation of an eligible adult under this Act is
21 made against a caregiver, and all appeals, challenges, and
22 reviews, if any, have been completed and a finding for
23 placement on the Registry has been sustained or upheld.

24 A finding against a caregiver that is placed in the

1 Registry shall preclude that caregiver from providing direct
2 care, as defined in this Section, in a position with or that is
3 regulated by or paid with public funds from the Department on
4 Aging, the Department of Healthcare and Family Services, the
5 Department of Human Services, or the Department of Public
6 Health or with an entity or provider licensed, certified, or
7 regulated by or paid with public funds from any of these State
8 agencies.

9 (b) Definitions. As used in this Section:

10 "Direct care" includes, but is not limited to, direct
11 access to a person aged 60 or older or to an adult with
12 disabilities aged 18 through 59, his or her living quarters, or
13 his or her personal, financial, or medical records for the
14 purpose of providing nursing care or assistance with feeding,
15 dressing, movement, bathing, toileting, other personal needs
16 and activities of daily living or instrumental activities of
17 daily living, or assistance with financial transactions.

18 "Participant" means an individual who uses the services of
19 an in-home care program funded through the Department on Aging,
20 the Department of Healthcare and Family Services, the
21 Department of Human Services, or the Department of Public
22 Health.

23 (c) Access to and use of the Registry. Access to the
24 Registry shall be limited to the Department on Aging, the
25 Department of Healthcare and Family Services, the Department of
26 Human Services, and the Department of Public Health and

1 providers of direct care as described in subsection (a-10) of
2 this Section. These State agencies and providers shall not
3 hire, compensate either directly or on behalf of a participant,
4 or utilize the services of any person seeking to provide direct
5 care without first conducting an online check of whether the
6 person has been placed on the Registry. These State agencies
7 and providers shall maintain a copy of the results of the
8 online check to demonstrate compliance with this requirement.
9 These State agencies and providers are prohibited from
10 retaining, hiring, compensating either directly or on behalf of
11 a participant, or utilizing the services of a person to provide
12 direct care if the online check of the person reveals a
13 verified and substantiated finding of abuse, neglect, or
14 financial exploitation that has been placed on the Registry or
15 when the State agencies or providers otherwise gain knowledge
16 of such placement on the Registry. Failure to comply with this
17 requirement may subject such a provider to corrective action by
18 the appropriate regulatory agency or other lawful remedies
19 provided under the applicable licensure, certification, or
20 regulatory laws and rules.

21 (d) Notice to caregiver. The Department on Aging shall
22 establish rules concerning notice to the caregiver in cases of
23 a verified and substantiated finding of abuse, neglect, or
24 financial exploitation against him or her that may make him or
25 her eligible for placement on the Registry.

26 (e) Notification to eligible adults, guardians, or agents.

1 As part of its investigation, the Department on Aging shall
2 notify an eligible adult, or an eligible adult's guardian or
3 agent, that his or her caregiver's name may be placed on the
4 Registry based on a finding as described in subsection (a-10)
5 of this Section.

6 (f) Notification to employer. The Department on Aging shall
7 notify the appropriate State agency or provider of direct care,
8 as described in subsection (a-10), when there is a verified and
9 substantiated finding of abuse, neglect, or financial
10 exploitation in a case under this Act that is reported on the
11 Registry and that involves one of its caregivers. That State
12 agency or provider is prohibited from retaining or compensating
13 that individual in a position that involves direct care, and if
14 there is an imminent risk of danger to the victim or an
15 imminent risk of misuse of personal, medical, or financial
16 information, that caregiver shall immediately be barred from
17 providing direct care to the victim pending the outcome of any
18 challenge, appeal, criminal prosecution, or other type of
19 collateral action.

20 (g) Challenges and appeals. The Department on Aging shall
21 establish, by rule, procedures concerning challenges and
22 appeals to placement on the Registry pursuant to legislative
23 intent. The Department shall not make any report to the
24 Registry pending challenges or appeals.

25 (h) Caregiver's rights to collateral action. The
26 Department on Aging shall not make any report to the Registry

1 if a caregiver notifies the Department in writing that he or
2 she is formally challenging an adverse employment action
3 resulting from a verified and substantiated finding of abuse,
4 neglect, or financial exploitation by complaint filed with the
5 Illinois Civil Service Commission, or by another means which
6 seeks to enforce the caregiver's rights pursuant to any
7 applicable collective bargaining agreement. If an action taken
8 by an employer against a caregiver as a result of such a
9 finding is overturned through an action filed with the Illinois
10 Civil Service Commission or under any applicable collective
11 bargaining agreement after that caregiver's name has already
12 been sent to the Registry, the caregiver's name shall be
13 removed from the Registry.

14 (i) Removal from Registry. At any time after a report to
15 the Registry, but no more than once in each successive 3-year
16 period thereafter, for a maximum of 3 such requests, a
17 caregiver may request removal of his or her name from the
18 Registry in relationship to a single incident. The caregiver
19 shall bear the burden of establishing, by a preponderance of
20 the evidence, that removal of his or her name from the Registry
21 is in the public interest. Upon receiving such a request, the
22 Department on Aging shall conduct an investigation and consider
23 any evidentiary material provided. The Department shall issue a
24 decision either granting or denying removal to the caregiver
25 and report it to the Registry. The Department shall, by rule,
26 establish standards and a process for requesting the removal of

1 a name from the Registry.

2 (j) Referral of Registry reports to health care facilities.

3 In the event an eligible adult receiving services from a
4 provider agency changes his or her residence from a domestic
5 living situation to that of a health care or long term care
6 facility, the provider agency shall use reasonable efforts to
7 promptly inform the facility and the appropriate Regional Long
8 Term Care Ombudsman about any Registry reports relating to the
9 eligible adult. For purposes of this Section, a health care or
10 long term care facility includes, but is not limited to, any
11 residential facility licensed, certified, or regulated by the
12 Department of Public Health, Healthcare and Family Services, or
13 Human Services.

14 (k) The Department on Aging and its employees and agents
15 shall have immunity, except for intentional willful and wanton
16 misconduct, from any liability, civil, criminal, or otherwise,
17 for reporting information to and maintaining the Registry.

18 (Source: P.A. 98-49, eff. 1-1-14; 98-756, eff. 7-16-14;
19 98-1039, eff. 8-25-14; 99-78, eff. 7-20-15.)

20 (320 ILCS 20/15)

21 Sec. 15. Fatality review teams.

22 (a) State policy.

23 (1) Both the State and the community maintain a
24 commitment to preventing the abuse, neglect, and financial
25 exploitation of at-risk adults. This includes a charge to

1 bring perpetrators of crimes against at-risk adults to
2 justice and prevent untimely deaths in the community.

3 (2) When an at-risk adult dies, the response to the
4 death by the community, law enforcement, and the State must
5 include an accurate and complete determination of the cause
6 of death, and the development and implementation of
7 measures to prevent future deaths from similar causes.

8 (3) Multidisciplinary and multi-agency reviews of
9 deaths can assist the State and counties in developing a
10 greater understanding of the incidence and causes of
11 premature deaths and the methods for preventing those
12 deaths, improving methods for investigating deaths, and
13 identifying gaps in services to at-risk adults.

14 (4) Access to information regarding the deceased
15 person and his or her family by multidisciplinary and
16 multi-agency fatality review teams is necessary in order to
17 fulfill their purposes and duties.

18 (a-5) Definitions. As used in this Section:

19 "Advisory Council" means the Illinois Fatality Review
20 Team Advisory Council.

21 "Review Team" means a regional interagency fatality
22 review team.

23 (b) The Director, in consultation with the Advisory
24 Council, law enforcement, and other professionals who work in
25 the fields of investigating, treating, or preventing abuse or
26 neglect of at-risk adults, shall appoint members to a minimum

1 of one review team in each of the Department's planning and
2 service areas. Each member of a review team shall be appointed
3 for a 2-year term and shall be eligible for reappointment upon
4 the expiration of the term. A review team's purpose in
5 conducting review of at-risk adult deaths is: (i) to assist
6 local agencies in identifying and reviewing suspicious deaths
7 of adult victims of alleged, suspected, or substantiated abuse
8 or neglect in domestic living situations; (ii) to facilitate
9 communications between officials responsible for autopsies and
10 inquests and persons involved in reporting or investigating
11 alleged or suspected cases of abuse, neglect, or financial
12 exploitation of at-risk adults and persons involved in
13 providing services to at-risk adults; (iii) to evaluate means
14 by which the death might have been prevented; and (iv) to
15 report its findings to the appropriate agencies and the
16 Advisory Council and make recommendations that may help to
17 reduce the number of at-risk adult deaths caused by abuse and
18 neglect and that may help to improve the investigations of
19 deaths of at-risk adults and increase prosecutions, if
20 appropriate.

21 (b-5) Each such team shall be composed of representatives
22 of entities and individuals including, but not limited to:

- 23 (1) the Department on Aging;
- 24 (2) coroners or medical examiners (or both);
- 25 (3) State's Attorneys;
- 26 (4) local police departments;

1 (5) forensic units;

2 (6) local health departments;

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

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

14 (9) a local hospital, trauma center, or provider of
15 emergency medicine;

16 (10) providers of services for eligible adults in
17 domestic living situations; and

18 (11) a physician, psychiatrist, or other health care
19 provider knowledgeable about abuse and neglect of at-risk
20 adults.

21 (c) A review team shall review cases of deaths of at-risk
22 adults occurring in its planning and service area (i) involving
23 blunt force trauma or an undetermined manner or suspicious
24 cause of death; (ii) if requested by the deceased's attending
25 physician or an emergency room physician; (iii) upon referral
26 by a health care provider; (iv) upon referral by a coroner or

1 medical examiner; (v) constituting an open or closed case from
2 an adult protective services agency, law enforcement agency,
3 State's Attorney's office, or the Department of Human Services'
4 Office of the Inspector General that involves alleged or
5 suspected abuse, neglect, or financial exploitation; or (vi)
6 upon referral by a law enforcement agency or State's Attorney's
7 office. If such a death occurs in a planning and service area
8 where a review team has not yet been established, the Director
9 shall request that the Advisory Council or another review team
10 review that death. A team may also review deaths of at-risk
11 adults if the alleged abuse or neglect occurred while the
12 person was residing in a domestic living situation.

13 A review team shall meet not less than 4 times a year to
14 discuss cases for its possible review. Each review team, with
15 the advice and consent of the Department, shall establish
16 criteria to be used in discussing cases of alleged, suspected,
17 or substantiated abuse or neglect for review and shall conduct
18 its activities in accordance with any applicable policies and
19 procedures established by the Department.

20 (c-5) The Illinois Fatality Review Team Advisory Council,
21 consisting of one member from each review team in Illinois,
22 shall be the coordinating and oversight body for review teams
23 and activities in Illinois. The Director may appoint to the
24 Advisory Council any ex-officio members deemed necessary.
25 Persons with expertise needed by the Advisory Council may be
26 invited to meetings. The Advisory Council must select from its

1 members a chairperson and a vice-chairperson, each to serve a
2 2-year term. The chairperson or vice-chairperson may be
3 selected to serve additional, subsequent terms. The Advisory
4 Council must meet at least 4 times during each calendar year.

5 The Department may provide or arrange for the staff support
6 necessary for the Advisory Council to carry out its duties. The
7 Director, in cooperation and consultation with the Advisory
8 Council, shall appoint, reappoint, and remove review team
9 members.

10 The Advisory Council has, but is not limited to, the
11 following duties:

12 (1) To serve as the voice of review teams in Illinois.

13 (2) To oversee the review teams in order to ensure that
14 the review teams' work is coordinated and in compliance
15 with State statutes and the operating protocol.

16 (3) To ensure that the data, results, findings, and
17 recommendations of the review teams are adequately used in
18 a timely manner to make any necessary changes to the
19 policies, procedures, and State statutes in order to
20 protect at-risk adults.

21 (4) To collaborate with the Department in order to
22 develop any legislation needed to prevent unnecessary
23 deaths of at-risk adults.

24 (5) To ensure that the review teams' review processes
25 are standardized in order to convey data, findings, and
26 recommendations in a usable format.

1 (6) To serve as a link with review teams throughout the
2 country and to participate in national review team
3 activities.

4 (7) To provide the review teams with the most current
5 information and practices concerning at-risk adult death
6 review and related topics.

7 (8) To perform any other functions necessary to enhance
8 the capability of the review teams to reduce and prevent
9 at-risk adult fatalities.

10 The Advisory Council may prepare an annual report, in
11 consultation with the Department, using aggregate data
12 gathered by review teams and using the review teams'
13 recommendations to develop education, prevention, prosecution,
14 or other strategies designed to improve the coordination of
15 services for at-risk adults and their families.

16 In any instance where a review team does not operate in
17 accordance with established protocol, the Director, in
18 consultation and cooperation with the Advisory Council, must
19 take any necessary actions to bring the review team into
20 compliance with the protocol.

21 (d) Any document or oral or written communication shared
22 within or produced by the review team relating to a case
23 discussed or reviewed by the review team is confidential and is
24 not admissible as evidence in any civil or criminal proceeding,
25 except for use by a State's Attorney's office in prosecuting a
26 criminal case against a caregiver. Those records and

1 information are, however, subject to discovery or subpoena, and
2 are admissible as evidence, to the extent they are otherwise
3 available to the public.

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

14 Each entity or individual represented on the fatality
15 review team may share with other members of the team
16 information in the entity's or individual's possession
17 concerning the decedent who is the subject of the review or
18 concerning any person who was in contact with the decedent, as
19 well as any other information deemed by the entity or
20 individual to be pertinent to the review. Any such information
21 shared by an entity or individual with other members of the
22 review team is confidential. The intent of this paragraph is to
23 permit the disclosure to members of the review team of any
24 information deemed confidential or privileged or prohibited
25 from disclosure by any other provision of law. Release of
26 confidential communication between domestic violence advocates

1 and a domestic violence victim shall follow subsection (d) of
2 Section 227 of the Illinois Domestic Violence Act of 1986 which
3 allows for the waiver of privilege afforded to guardians,
4 executors, or administrators of the estate of the domestic
5 violence victim. This provision relating to the release of
6 confidential communication between domestic violence advocates
7 and a domestic violence victim shall exclude adult protective
8 service providers.

9 A coroner's or medical examiner's office may share with the
10 review team medical records that have been made available to
11 the coroner's or medical examiner's office in connection with
12 that office's investigation of a death.

13 Members of a review team and the Advisory Council are not
14 subject to examination, in any civil or criminal proceeding,
15 concerning information presented to members of the review team
16 or the Advisory Council or opinions formed by members of the
17 review team or the Advisory Council based on that information.
18 A person may, however, be examined concerning information
19 provided to a review team or the Advisory Council.

20 (d-5) Meetings of the review teams and the Advisory Council
21 may be closed to the public under the Open Meetings Act.
22 ~~Records and information provided to a review team and the~~
23 ~~Advisory Council, and records maintained by a team or the~~
24 ~~Advisory Council, are exempt from release under the Freedom of~~
25 ~~Information Act.~~

26 (e) A review team's recommendation in relation to a case

1 discussed or reviewed by the review team, including, but not
2 limited to, a recommendation concerning an investigation or
3 prosecution, may be disclosed by the review team upon the
4 completion of its review and at the discretion of a majority of
5 its members who reviewed the case.

6 (e-5) The State shall indemnify and hold harmless members
7 of a review team and the Advisory Council for all their acts,
8 omissions, decisions, or other conduct arising out of the scope
9 of their service on the review team or Advisory Council, except
10 those involving willful or wanton misconduct. The method of
11 providing indemnification shall be as provided in the State
12 Employee Indemnification Act.

13 (f) The Department, in consultation with coroners, medical
14 examiners, and law enforcement agencies, shall use aggregate
15 data gathered by and recommendations from the Advisory Council
16 and the review teams to create an annual report and may use
17 those data and recommendations to develop education,
18 prevention, prosecution, or other strategies designed to
19 improve the coordination of services for at-risk adults and
20 their families. The Department or other State or county agency,
21 in consultation with coroners, medical examiners, and law
22 enforcement agencies, also may use aggregate data gathered by
23 the review teams to create a database of at-risk individuals.

24 (g) The Department shall adopt such rules and regulations
25 as it deems necessary to implement this Section.

26 (Source: P.A. 98-49, eff. 7-1-13; 98-1039, eff. 8-25-14; 99-78,

1 eff. 7-20-15; 99-530, eff. 1-1-17.)