



Rep. Stephanie A. Kifowit

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LRB102 11611 KTG 23896 a

1 AMENDMENT TO HOUSE BILL 359

2 AMENDMENT NO. _____. Amend House Bill 359 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Veterans' Affairs Act is
5 amended by adding Section 39 as follows:

6 (20 ILCS 2805/39 new)

7 Sec. 39. Inspector General.

8 (a) The Governor shall appoint, and the Senate shall
9 confirm, an Inspector General who shall have the authority to
10 conduct investigations into allegations of or incidents of
11 possible misconduct, misfeasance, malfeasance, or violations
12 of rules, procedures, or laws by any employee, service
13 provider, or contractor of the Department of Veterans'
14 Affairs, except for allegations of violations of the State
15 Officials and Employees Ethics Act which shall be referred to
16 the Office of the Governor's Executive Inspector General for

1 investigation. The Inspector General shall make
2 recommendations to the Director of Veterans' Affairs
3 concerning sanctions or disciplinary actions against
4 Department employees or providers of service under contract to
5 the Department. The Director of Veterans' Affairs shall
6 provide the Inspector General with an implementation report on
7 the status of any corrective actions taken on recommendations
8 under review and shall continue sending updated reports until
9 the corrective action is completed. The Director shall provide
10 a written response to the Inspector General indicating the
11 status of any sanctions or disciplinary actions against
12 employees or providers of service involving any investigation
13 conducted in accordance with this Section.

14 The Inspector General shall be appointed for a term of 4
15 years. The Inspector General shall function independently
16 within the Department of Veterans' Affairs with respect to the
17 operations of the Office of Inspector General, including the
18 performance of investigations and issuance of findings and
19 recommendations, and shall report to the Director of Veterans'
20 Affairs and the Governor and perform other duties the Director
21 may designate. The Inspector General shall adopt rules as
22 necessary to carry out the functions, purposes, and duties of
23 the Office of Inspector General in the Department of Veterans'
24 Affairs, in accordance with the Illinois Administrative
25 Procedure Act and any other applicable law.

26 (b) The Inspector General shall have access to all

1 information and personnel necessary to perform the duties of
2 the Office.

3 (c) The Inspector General shall be the primary liaison
4 between the Department and the Illinois State Police with
5 regard to investigations conducted under the Inspector
6 General's auspices. If the Inspector General determines that a
7 possible criminal act has been committed, or that special
8 expertise is required in the investigation, he or she shall
9 immediately notify the Illinois State Police. All
10 investigations conducted by the Inspector General shall be
11 conducted in a manner designed to ensure the preservation of
12 evidence for possible use in a criminal prosecution.

13 (d) The Inspector General may recommend to the Department
14 of Veterans' Affairs, the Department of Public Health, or any
15 other appropriate agency, sanctions to be imposed against
16 service providers under the jurisdiction of or under contract
17 with the Department to provide services to veterans, their
18 survivors, and dependents. The Inspector General may seek the
19 assistance of the Attorney General or any of the several
20 State's Attorneys in imposing sanctions.

21 (e) The Inspector General shall at all times be granted
22 access to any veterans home, facility, or program operated for
23 or licensed or funded by the Department, including any
24 veterans home or facility licensed by the Department of Public
25 Health.

26 (f) Nothing in this Section shall limit investigations by

1 the Department of Veterans' Affairs that may otherwise be
2 required by law or that may be necessary in that Department's
3 capacity as the central administrative authority on matters
4 concerning services to veterans, their survivors, and
5 dependents.

6 (g) The Inspector General shall have the power to subpoena
7 witnesses and compel the production of books and papers
8 pertinent to an investigation authorized by this Section. The
9 power to subpoena or to compel the production of books and
10 papers, however, shall not extend to the person or documents
11 of a labor organization or its representatives insofar as the
12 person or documents of a labor organization relate to the
13 function of representing an employee subject to investigation
14 under this Section. Any person who fails to appear in response
15 to a subpoena or to answer any question or produce any books or
16 papers pertinent to an investigation under this Section,
17 except as otherwise provided in this Section, or who knowingly
18 gives false testimony in relation to an investigation under
19 this Section is guilty of a Class A misdemeanor.

20 (h) The Inspector General shall provide to the General
21 Assembly and the Governor, no later than January 1 of each
22 year, a summary of reports and investigations made under this
23 Section for the prior fiscal year. The summaries shall detail
24 the imposition of sanctions and the final disposition of those
25 recommendations. The summaries shall not contain any
26 confidential or identifying information concerning the

1 subjects of the reports and investigations. The summaries also
2 shall include detailed recommended administrative actions and
3 matters for consideration by the General Assembly.".