

1 AN ACT concerning State government.

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

4 (20 ILCS 1110/7 rep.)

5 (20 ILCS 1110/8 rep.)

6 (20 ILCS 1110/9 rep.)

7 (20 ILCS 1110/10 rep.)

8 (20 ILCS 1110/11 rep.)

9 (20 ILCS 1110/12 rep.)

10 (20 ILCS 1110/13 rep.)

11 (20 ILCS 1110/14 rep.)

12 (20 ILCS 1110/15 rep.)

13 (20 ILCS 1110/16 rep.)

14 (20 ILCS 1110/17 rep.)

15 Section 5. The Illinois Coal and Energy Development Bond
16 Act is amended by repealing Sections 7, 8, 9, 10, 11, 12, 13,
17 14, 15, 16, and 17.

18 Section 10. The Department of Human Services Act is
19 amended by changing Section 1-17 as follows:

20 (20 ILCS 1305/1-17)

21 Sec. 1-17. Inspector General.

22 (a) Nature and purpose. It is the express intent of the

1 General Assembly to ensure the health, safety, and financial
2 condition of individuals receiving services in this State due
3 to mental illness, developmental disability, or both by
4 protecting those persons from acts of abuse, neglect, or both
5 by service providers. To that end, the Office of the Inspector
6 General for the Department of Human Services is created to
7 investigate and report upon allegations of the abuse, neglect,
8 or financial exploitation of individuals receiving services
9 within mental health facilities, developmental disabilities
10 facilities, and community agencies operated, licensed, funded,
11 or certified by the Department of Human Services, but not
12 licensed or certified by any other State agency.

13 (b) Definitions. The following definitions apply to this
14 Section:

15 ~~"Adult student with a disability" means an adult student,~~
16 ~~age 18 through 21, inclusive, with an Individual Education~~
17 ~~Program, other than a resident of a facility licensed by the~~
18 ~~Department of Children and Family Services in accordance with~~
19 ~~the Child Care Act of 1969. For purposes of this definition,~~
20 ~~"through age 21, inclusive", means through the day before the~~
21 ~~student's 22nd birthday.~~

22 "Agency" or "community agency" means (i) a community
23 agency licensed, funded, or certified by the Department, but
24 not licensed or certified by any other human services agency
25 of the State, to provide mental health service or
26 developmental disabilities service, or (ii) a program

1 licensed, funded, or certified by the Department, but not
2 licensed or certified by any other human services agency of
3 the State, to provide mental health service or developmental
4 disabilities service.

5 "Aggravating circumstance" means a factor that is
6 attendant to a finding and that tends to compound or increase
7 the culpability of the accused.

8 "Allegation" means an assertion, complaint, suspicion, or
9 incident involving any of the following conduct by an
10 employee, facility, or agency against an individual or
11 individuals: mental abuse, physical abuse, sexual abuse,
12 neglect, or financial exploitation.

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

14 "Deflection" means a situation in which an individual is
15 presented for admission to a facility or agency, and the
16 facility staff or agency staff do not admit the individual.
17 "Deflection" includes triage, redirection, and denial of
18 admission.

19 "Department" means the Department of Human Services.

20 "Developmental disability" means "developmental
21 disability" as defined in the Mental Health and Developmental
22 Disabilities Code.

23 "Egregious neglect" means a finding of neglect as
24 determined by the Inspector General that (i) represents a
25 gross failure to adequately provide for, or a callused
26 indifference to, the health, safety, or medical needs of an

1 individual and (ii) results in an individual's death or other
2 serious deterioration of an individual's physical condition or
3 mental condition.

4 "Employee" means any person who provides services at the
5 facility or agency on-site or off-site. The service
6 relationship can be with the individual or with the facility
7 or agency. Also, "employee" includes any employee or
8 contractual agent of the Department of Human Services or the
9 community agency involved in providing or monitoring or
10 administering mental health or developmental disability
11 services. This includes but is not limited to: owners,
12 operators, payroll personnel, contractors, subcontractors, and
13 volunteers.

14 "Facility" or "State-operated facility" means a mental
15 health facility or developmental disabilities facility
16 operated by the Department.

17 "Financial exploitation" means taking unjust advantage of
18 an individual's assets, property, or financial resources
19 through deception, intimidation, or conversion for the
20 employee's, facility's, or agency's own advantage or benefit.

21 "Finding" means the Office of Inspector General's
22 determination regarding whether an allegation is
23 substantiated, unsubstantiated, or unfounded.

24 "Health Care Worker Registry" or "Registry" means the
25 Health Care Worker Registry under the Health Care Worker
26 Background Check Act.

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

4 "Mental abuse" means the use of demeaning, intimidating,
5 or threatening words, signs, gestures, or other actions by an
6 employee about an individual and in the presence of an
7 individual or individuals that results in emotional distress
8 or maladaptive behavior, or could have resulted in emotional
9 distress or maladaptive behavior, for any individual present.

10 "Mental illness" means "mental illness" as defined in the
11 Mental Health and Developmental Disabilities Code.

12 "Mentally ill" means having a mental illness.

13 "Mitigating circumstance" means a condition that (i) is
14 attendant to a finding, (ii) does not excuse or justify the
15 conduct in question, but (iii) may be considered in evaluating
16 the severity of the conduct, the culpability of the accused,
17 or both the severity of the conduct and the culpability of the
18 accused.

19 "Neglect" means an employee's, agency's, or facility's
20 failure to provide adequate medical care, personal care, or
21 maintenance and that, as a consequence, (i) causes an
22 individual pain, injury, or emotional distress, (ii) results
23 in either an individual's maladaptive behavior or the
24 deterioration of an individual's physical condition or mental
25 condition, or (iii) places the individual's health or safety
26 at substantial risk.

1 "Person with a developmental disability" means a person
2 having a developmental disability.

3 "Physical abuse" means an employee's non-accidental and
4 inappropriate contact with an individual that causes bodily
5 harm. "Physical abuse" includes actions that cause bodily harm
6 as a result of an employee directing an individual or person to
7 physically abuse another individual.

8 "Recommendation" means an admonition, separate from a
9 finding, that requires action by the facility, agency, or
10 Department to correct a systemic issue, problem, or deficiency
11 identified during an investigation.

12 "Required reporter" means any employee who suspects,
13 witnesses, or is informed of an allegation of any one or more
14 of the following: mental abuse, physical abuse, sexual abuse,
15 neglect, or financial exploitation.

16 "Secretary" means the Chief Administrative Officer of the
17 Department.

18 "Sexual abuse" means any sexual contact or intimate
19 physical contact between an employee and an individual,
20 including an employee's coercion or encouragement of an
21 individual to engage in sexual behavior that results in sexual
22 contact, intimate physical contact, sexual behavior, or
23 intimate physical behavior. Sexual abuse also includes (i) an
24 employee's actions that result in the sending or showing of
25 sexually explicit images to an individual via computer,
26 cellular phone, electronic mail, portable electronic device,

1 or other media with or without contact with the individual or
2 (ii) an employee's posting of sexually explicit images of an
3 individual online or elsewhere whether or not there is contact
4 with the individual.

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

10 "Substantiated" means there is a preponderance of the
11 evidence to support the allegation.

12 "Unfounded" means there is no credible evidence to support
13 the allegation.

14 "Unsubstantiated" means there is credible evidence, but
15 less than a preponderance of evidence to support the
16 allegation.

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

22 (d) Operation and appropriation. The Inspector General
23 shall function independently within the Department with
24 respect to the operations of the Office, including the
25 performance of investigations and issuance of findings and
26 recommendations. The appropriation for the Office of Inspector

1 General shall be separate from the overall appropriation for
2 the Department.

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

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

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

1 exploitation.

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

24 (i) Duty to cooperate.

25 (1) The Inspector General shall at all times be
26 granted access to any facility or agency for the purpose

1 of investigating any allegation, conducting unannounced
2 site visits, monitoring compliance with a written
3 response, or completing any other statutorily assigned
4 duty. The Inspector General shall conduct unannounced site
5 visits to each facility at least annually for the purpose
6 of reviewing and making recommendations on systemic issues
7 relative to preventing, reporting, investigating, and
8 responding to all of the following: mental abuse, physical
9 abuse, sexual abuse, neglect, egregious neglect, or
10 financial exploitation.

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

1 requests from the Office of the Inspector General is in
2 violation of this Act.

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

16 (k) Reporting allegations and deaths.

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

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

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

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

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

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

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

23 (1) Reporting to law enforcement. ~~(1)~~ Reporting criminal
24 acts. Within 24 hours after determining that there is credible
25 evidence indicating that a criminal act may have been
26 committed or that special expertise may be required in an

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

10 ~~(2) Reporting allegations of adult students with~~
11 ~~disabilities. Upon receipt of a reportable allegation~~
12 ~~regarding an adult student with a disability, the~~
13 ~~Department's Office of the Inspector General shall~~
14 ~~determine whether the allegation meets the criteria for~~
15 ~~the Domestic Abuse Program under the Abuse of Adults with~~
16 ~~Disabilities Intervention Act. If the allegation is~~
17 ~~reportable to that program, the Office of the Inspector~~
18 ~~General shall initiate an investigation. If the allegation~~
19 ~~is not reportable to the Domestic Abuse Program, the~~
20 ~~Office of the Inspector General shall make an expeditious~~
21 ~~referral to the respective law enforcement entity. If the~~
22 ~~alleged victim is already receiving services from the~~
23 ~~Department, the Office of the Inspector General shall also~~
24 ~~make a referral to the respective Department of Human~~
25 ~~Services' Division or Bureau.~~

26 (m) Investigative reports. Upon completion of an

1 investigation, the Office of Inspector General shall issue an
2 investigative report identifying whether the allegations are
3 substantiated, unsubstantiated, or unfounded. Within 10
4 business days after the transmittal of a completed
5 investigative report substantiating an allegation, finding an
6 allegation is unsubstantiated, or if a recommendation is made,
7 the Inspector General shall provide the investigative report
8 on the case to the Secretary and to the director of the
9 facility or agency where any one or more of the following
10 occurred: mental abuse, physical abuse, sexual abuse, neglect,
11 egregious neglect, or financial exploitation. The director of
12 the facility or agency shall be responsible for maintaining
13 the confidentiality of the investigative report consistent
14 with State and federal law. In a substantiated case, the
15 investigative report shall include any mitigating or
16 aggravating circumstances that were identified during the
17 investigation. If the case involves substantiated neglect, the
18 investigative report shall also state whether egregious
19 neglect was found. An investigative report may also set forth
20 recommendations. All investigative reports prepared by the
21 Office of the Inspector General shall be considered
22 confidential and shall not be released except as provided by
23 the law of this State or as required under applicable federal
24 law. Unsubstantiated and unfounded reports shall not be
25 disclosed except as allowed under Section 6 of the Abused and
26 Neglected Long Term Care Facility Residents Reporting Act. Raw

1 data used to compile the investigative report shall not be
2 subject to release unless required by law or a court order.
3 "Raw data used to compile the investigative report" includes,
4 but is not limited to, any one or more of the following: the
5 initial complaint, witness statements, photographs,
6 investigator's notes, police reports, or incident reports. If
7 the allegations are substantiated, the victim, the victim's
8 guardian, and the accused shall be provided with a redacted
9 copy of the investigative report. Death reports where there
10 was no allegation of abuse or neglect shall only be released
11 pursuant to applicable State or federal law or a valid court
12 order. Unredacted investigative reports, as well as raw data,
13 may be shared with a local law enforcement entity, a State's
14 Attorney's office, or a county coroner's office upon written
15 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 shall determine the
3 appropriate corrective action to be taken.

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

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

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

1 complainant, and (vi) the accused. This information shall
2 include whether the allegations were deemed substantiated,
3 unsubstantiated, or unfounded.

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

14 (q) Action by facility or agency. Within 30 days of the
15 date the Secretary approves the written response or directs
16 that further administrative action be taken, the facility or
17 agency shall provide an implementation report to the Inspector
18 General that provides the status of the action taken. The
19 facility or agency shall be allowed an additional 30 days to
20 send notice of completion of the action or to send an updated
21 implementation report. If the action has not been completed
22 within the additional 30-day period, the facility or agency
23 shall send updated implementation reports every 60 days until
24 completion. The Inspector General shall conduct a review of
25 any implementation plan that takes more than 120 days after
26 approval to complete, and shall monitor compliance through a

1 random review of approved written responses, which may
2 include, but are not limited to: (i) site visits, (ii)
3 telephone contact, and (iii) requests for additional
4 documentation evidencing compliance.

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

12 (1) Appointment of on-site monitors.

13 (2) Transfer or relocation of an individual or
14 individuals.

15 (3) Closure of units.

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

17 (i) Department licensing, (ii) funding, or (iii)
18 certification.

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

22 (s) Health Care Worker Registry.

23 (1) Reporting to the Registry. The Inspector General
24 shall report to the Department of Public Health's Health
25 Care Worker Registry, a public registry, the identity and
26 finding of each employee of a facility or agency against

1 whom there is a final investigative report containing a
2 substantiated allegation of physical or sexual abuse,
3 financial exploitation, or egregious neglect of an
4 individual.

5 (2) Notice to employee. Prior to reporting the name of
6 an employee, the employee shall be notified of the
7 Department's obligation to report and shall be granted an
8 opportunity to request an administrative hearing, the sole
9 purpose of which is to determine if the substantiated
10 finding warrants reporting to the Registry. Notice to the
11 employee shall contain a clear and concise statement of
12 the grounds on which the report to the Registry is based,
13 offer the employee an opportunity for a hearing, and
14 identify the process for requesting such a hearing. Notice
15 is sufficient if provided by certified mail to the
16 employee's last known address. If the employee fails to
17 request a hearing within 30 days from the date of the
18 notice, the Inspector General shall report the name of the
19 employee to the Registry. Nothing in this subdivision
20 (s)(2) shall diminish or impair the rights of a person who
21 is a member of a collective bargaining unit under the
22 Illinois Public Labor Relations Act or under any other
23 federal labor statute.

24 (3) Registry hearings. If the employee requests an
25 administrative hearing, the employee shall be granted an
26 opportunity to appear before an administrative law judge

1 to present reasons why the employee's name should not be
2 reported to the Registry. The Department shall bear the
3 burden of presenting evidence that establishes, by a
4 preponderance of the evidence, that the substantiated
5 finding warrants reporting to the Registry. After
6 considering all the evidence presented, the administrative
7 law judge shall make a recommendation to the Secretary as
8 to whether the substantiated finding warrants reporting
9 the name of the employee to the Registry. The Secretary
10 shall render the final decision. The Department and the
11 employee shall have the right to request that the
12 administrative law judge consider a stipulated disposition
13 of these proceedings.

14 (4) Testimony at Registry hearings. A person who makes
15 a report or who investigates a report under this Act shall
16 testify fully in any judicial proceeding resulting from
17 such a report, as to any evidence of abuse or neglect, or
18 the cause thereof. No evidence shall be excluded by reason
19 of any common law or statutory privilege relating to
20 communications between the alleged perpetrator of abuse or
21 neglect, or the individual alleged as the victim in the
22 report, and the person making or investigating the report.
23 Testimony at hearings is exempt from the confidentiality
24 requirements of subsection (f) of Section 10 of the Mental
25 Health and Developmental Disabilities Confidentiality Act.

26 (5) Employee's rights to collateral action. No

1 reporting to the Registry shall occur and no hearing shall
2 be set or proceed if an employee notifies the Inspector
3 General in writing, including any supporting
4 documentation, that he or she is formally contesting an
5 adverse employment action resulting from a substantiated
6 finding by complaint filed with the Illinois Civil Service
7 Commission, or which otherwise seeks to enforce the
8 employee's rights pursuant to any applicable collective
9 bargaining agreement. If an action taken by an employer
10 against an employee as a result of a finding of physical
11 abuse, sexual abuse, or egregious neglect is overturned
12 through an action filed with the Illinois Civil Service
13 Commission or under any applicable collective bargaining
14 agreement and if that employee's name has already been
15 sent to the Registry, the employee's name shall be removed
16 from the Registry.

17 (6) Removal from Registry. At any time after the
18 report to the Registry, but no more than once in any
19 12-month period, an employee may petition the Department
20 in writing to remove his or her name from the Registry.
21 Upon receiving notice of such request, the Inspector
22 General shall conduct an investigation into the petition.
23 Upon receipt of such request, an administrative hearing
24 will be set by the Department. At the hearing, the
25 employee shall bear the burden of presenting evidence that
26 establishes, by a preponderance of the evidence, that

1 removal of the name from the Registry is in the public
2 interest. The parties may jointly request that the
3 administrative law judge consider a stipulated disposition
4 of these proceedings.

5 (t) Review of Administrative Decisions. The Department
6 shall preserve a record of all proceedings at any formal
7 hearing conducted by the Department involving Health Care
8 Worker Registry hearings. Final administrative decisions of
9 the Department are subject to judicial review pursuant to
10 provisions of the Administrative Review Law.

11 (u) Quality Care Board. There is created, within the
12 Office of the Inspector General, a Quality Care Board to be
13 composed of 7 members appointed by the Governor with the
14 advice and consent of the Senate. One of the members shall be
15 designated as chairman by the Governor. Of the initial
16 appointments made by the Governor, 4 Board members shall each
17 be appointed for a term of 4 years and 3 members shall each be
18 appointed for a term of 2 years. Upon the expiration of each
19 member's term, a successor shall be appointed for a term of 4
20 years. In the case of a vacancy in the office of any member,
21 the Governor shall appoint a successor for the remainder of
22 the unexpired term.

23 Members appointed by the Governor shall be qualified by
24 professional knowledge or experience in the area of law,
25 investigatory techniques, or in the area of care of the
26 mentally ill or care of persons with developmental

1 disabilities. Two members appointed by the Governor shall be
2 persons with a disability or parents of persons with a
3 disability. Members shall serve without compensation, but
4 shall be reimbursed for expenses incurred in connection with
5 the performance of their duties as members.

6 The Board shall meet quarterly, and may hold other
7 meetings on the call of the chairman. Four members shall
8 constitute a quorum allowing the Board to conduct its
9 business. The Board may adopt rules and regulations it deems
10 necessary to govern its own procedures.

11 The Board shall monitor and oversee the operations,
12 policies, and procedures of the Inspector General to ensure
13 the prompt and thorough investigation of allegations of
14 neglect and abuse. In fulfilling these responsibilities, the
15 Board may do the following:

16 (1) Provide independent, expert consultation to the
17 Inspector General on policies and protocols for
18 investigations of alleged abuse, neglect, or both abuse
19 and neglect.

20 (2) Review existing regulations relating to the
21 operation of facilities.

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

24 (4) Recommend policies concerning methods for
25 improving the intergovernmental relationships between the
26 Office of the Inspector General and other State or federal

1 offices.

2 (v) Annual report. The Inspector General shall provide to
3 the General Assembly and the Governor, no later than January 1
4 of each year, a summary of reports and investigations made
5 under this Act for the prior fiscal year with respect to
6 individuals receiving mental health or developmental
7 disabilities services. The report shall detail the imposition
8 of sanctions, if any, and the final disposition of any
9 corrective or administrative action directed by the Secretary.
10 The summaries shall not contain any confidential or
11 identifying information of any individual, but shall include
12 objective data identifying any trends in the number of
13 reported allegations, the timeliness of the Office of the
14 Inspector General's investigations, and their disposition, for
15 each facility and Department-wide, for the most recent 3-year
16 time period. The report shall also identify, by facility, the
17 staff-to-patient ratios taking account of direct care staff
18 only. The report shall also include detailed recommended
19 administrative actions and matters for consideration by the
20 General Assembly.

21 (w) Program audit. The Auditor General shall conduct a
22 program audit of the Office of the Inspector General on an
23 as-needed basis, as determined by the Auditor General. The
24 audit shall specifically include the Inspector General's
25 compliance with the Act and effectiveness in investigating
26 reports of allegations occurring in any facility or agency.

1 The Auditor General shall conduct the program audit according
2 to the provisions of the Illinois State Auditing Act and shall
3 report its findings to the General Assembly no later than
4 January 1 following the audit period.

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

9 (y) Nothing in this Section shall require a facility,
10 including its employees, agents, medical staff members, and
11 health care professionals, to provide a service to an
12 individual in contravention of that individual's stated or
13 implied objection to the provision of that service on the
14 ground that that service conflicts with the individual's
15 religious beliefs or practices, nor shall the failure to
16 provide a service to an individual be considered abuse under
17 this Section if the individual has objected to the provision
18 of that service based on his or her religious beliefs or
19 practices.

20 (Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21.)

21 (20 ILCS 2712/Act rep.)

22 Section 15. The Broadband Access on Passenger Rail Law is
23 repealed.

24 (20 ILCS 3930/7.6 rep.)

1 Section 20. The Illinois Criminal Justice Information Act
2 is amended by repealing Section 7.6.

3 (20 ILCS 5035/Act rep.)

4 Section 25. The Illinois Human Services Commission Act is
5 repealed.

6 (30 ILCS 105/5h rep.)

7 Section 30. The State Finance Act is amended by repealing
8 Section 5h.

9 Section 35. The Illinois Procurement Code is amended by
10 changing Section 25-55 as follows:

11 (30 ILCS 500/25-55)

12 Sec. 25-55. Annual reports. Every printed annual report
13 produced by a State agency shall bear a statement indicating
14 whether it was printed by the State of Illinois or by contract
15 and indicating the printing cost per copy and the number of
16 copies printed. ~~The Department of Central Management Services~~
17 ~~shall prepare and submit to the General Assembly on the fourth~~
18 ~~Wednesday of January in each year a report setting forth with~~
19 ~~respect to each State agency for the calendar year immediately~~
20 ~~preceding the calendar year in which the report is filed the~~
21 ~~total quantity of annual reports printed, the total cost, and~~
22 ~~the cost per copy and the cost per page of the annual report of~~

1 ~~the State agency printed during the calendar year covered by~~
2 ~~the report.~~

3 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

4 (205 ILCS 405/3.2 rep.)

5 Section 40. The Currency Exchange Act is amended by
6 repealing Section 3.2.

7 Section 45. The Grain Code is amended by changing Section
8 30-25 as follows:

9 (240 ILCS 40/30-25)

10 Sec. 30-25. Grain Insurance Reserve Fund. Upon payment in
11 full of all money that has been transferred to the Fund prior
12 to June 30, 2003 from the General Revenue Fund as provided for
13 under subsection (h) of Section 25-20, the State of Illinois
14 shall, subject to appropriation, remit \$2,000,000 to the
15 Corporation to be held in a separate and discrete account to be
16 used to the extent the assets in the Fund are insufficient to
17 satisfy claimants as payment of their claims become due as set
18 forth in subsection (h) of Section 25-20. The remittance of
19 the \$2,000,000 reserve shall be made to the Corporation within
20 60 days of payment in full of all money transferred to the Fund
21 as set forth above in this Section 30-25. All income received
22 by the Reserve Fund shall be deposited in the Fund within 35
23 days of the end of each calendar quarter.

1 (Source: P.A. 93-225, eff. 7-21-03.)

2 Section 50. The Community Services Act is amended by
3 changing Section 4 as follows:

4 (405 ILCS 30/4) (from Ch. 91 1/2, par. 904)

5 Sec. 4. Financing for community services.

6 (a) The Department of Human Services is authorized to
7 provide financial reimbursement to eligible private service
8 providers, corporations, local government entities or
9 voluntary associations for the provision of services to
10 persons with mental illness, persons with a developmental
11 disability, and persons with substance use disorders who are
12 living in the community for the purpose of achieving the goals
13 of this Act.

14 The Department shall utilize the following funding
15 mechanisms for community services:

16 (1) Purchase of Care Contracts: services purchased on
17 a predetermined fee per unit of service basis from private
18 providers or governmental entities. Fee per service rates
19 are set by an established formula which covers some
20 portion of personnel, supplies, and other allowable costs,
21 and which makes some allowance for geographic variations
22 in costs as well as for additional program components.

23 (2) Grants: sums of money which the Department grants
24 to private providers or governmental entities pursuant to

1 the grant recipient's agreement to provide certain
2 services, as defined by departmental grant guidelines, to
3 an approximate number of service recipients. Grant levels
4 are set through consideration of personnel, supply and
5 other allowable costs, as well as other funds available to
6 the program.

7 (3) Other Funding Arrangements: funding mechanisms may
8 be established on a pilot basis in order to examine the
9 feasibility of alternative financing arrangements for the
10 provision of community services.

11 The Department shall establish and maintain an equitable
12 system of payment which allows providers to improve persons
13 with disabilities' capabilities for independence and reduces
14 their reliance on State-operated services.

15 For services classified as entitlement services under
16 federal law or guidelines, caps may not be placed on the total
17 amount of payment a provider may receive in a fiscal year and
18 the Department shall not require that a portion of the
19 payments due be made in a subsequent fiscal year based on a
20 yearly payment cap.

21 (b) (Blank). ~~The Governor shall create a commission by~~
22 ~~September 1, 2009, or as soon thereafter as possible, to~~
23 ~~review funding methodologies, identify gaps in funding,~~
24 ~~identify revenue, and prioritize use of that revenue for~~
25 ~~community developmental disability services, mental health~~
26 ~~services, alcohol and substance abuse services, rehabilitation~~

1 ~~services, and early intervention services. The Office of the~~
2 ~~Governor shall provide staff support for the commission.~~

3 (c) (Blank). ~~The first meeting of the commission shall be~~
4 ~~held within the first month after the creation and appointment~~
5 ~~of the commission, and a final report summarizing the~~
6 ~~commission's recommendations must be issued within 12 months~~
7 ~~after the first meeting, and no later than September 1, 2010,~~
8 ~~to the Governor and the General Assembly.~~

9 (d) (Blank). ~~The commission shall have the following 13~~
10 ~~voting members:~~

11 ~~(A) one member of the House of Representatives,~~
12 ~~appointed by the Speaker of the House of Representatives;~~

13 ~~(B) one member of the House of Representatives,~~
14 ~~appointed by the House Minority Leader;~~

15 ~~(C) one member of the Senate, appointed by the~~
16 ~~President of the Senate;~~

17 ~~(D) one member of the Senate, appointed by the Senate~~
18 ~~Minority Leader;~~

19 ~~(E) one person with a developmental disability, or a~~
20 ~~family member or guardian of such a person, appointed by~~
21 ~~the Governor;~~

22 ~~(F) one person with a mental illness, or a family~~
23 ~~member or guardian of such a person, appointed by the~~
24 ~~Governor;~~

25 ~~(G) two persons from unions that represent employees~~
26 ~~of community providers that serve people with~~

1 ~~developmental disabilities, mental illness, and alcohol~~
2 ~~and substance abuse disorders, appointed by the Governor;~~
3 ~~and~~

4 ~~(H) five persons from statewide associations that~~
5 ~~represent community providers that provide residential,~~
6 ~~day training, and other developmental disability services,~~
7 ~~mental health services, alcohol and substance abuse~~
8 ~~services, rehabilitation services, or early intervention~~
9 ~~services, or any combination of those, appointed by the~~
10 ~~Governor.~~

11 ~~The commission shall also have the following ex officio,~~
12 ~~nonvoting members:~~

13 ~~(I) the Director of the Governor's Office of~~
14 ~~Management and Budget or his or her designee;~~

15 ~~(J) the Chief Financial Officer of the Department of~~
16 ~~Human Services or his or her designee;~~

17 ~~(K) the Administrator of the Department of Healthcare~~
18 ~~and Family Services Division of Finance or his or her~~
19 ~~designee;~~

20 ~~(L) the Director of the Department of Human Services~~
21 ~~Division of Developmental Disabilities or his or her~~
22 ~~designee;~~

23 ~~(M) the Director of the Department of Human Services~~
24 ~~Division of Mental Health or his or her designee; and~~

25 ~~(N) the Director of the Department of Human Services~~
26 ~~Division of Alcoholism and Substance Abuse or his or her~~

1 ~~designee.~~

2 (e) The funding methodologies must reflect economic
3 factors inherent in providing services and supports, recognize
4 individual disability needs, and consider geographic
5 differences, transportation costs, required staffing ratios,
6 and mandates not currently funded.

7 (f) In accepting Department funds, providers shall
8 recognize their responsibility to be accountable to the
9 Department and the State for the delivery of services which
10 are consistent with the philosophies and goals of this Act and
11 the rules and regulations promulgated under it.

12 (Source: P.A. 100-759, eff. 1-1-19.)

13 (730 ILCS 5/3-5-3 rep.)

14 (730 ILCS 5/5-8-1.3 rep.)

15 Section 55. The Unified Code of Corrections is amended by
16 repealing Sections 3-5-3 and 5-8-1.3.

17 Section 60. The Workers' Compensation Act is amended by
18 changing Section 18.1 as follows:

19 (820 ILCS 305/18.1)

20 Sec. 18.1. Claims by former and current employees of the
21 Commission. All claims by current and former employees and
22 appointees of the Commission shall be assigned to a certified
23 independent arbitrator not employed by the Commission

1 designated by the Chairman. In preparing the roster of
2 approved certified independent arbitrators, the Chairman shall
3 seek the advice and recommendation of the Commission or the
4 Workers' Compensation Advisory Board at his or her discretion.

5 ~~The Chairman shall designate an arbitrator from a list of~~
6 ~~approved certified arbitrators provided by the Commission~~
7 ~~Review Board.~~ If the Chairman is the claimant, then the

8 independent arbitrator from the approved list shall be
9 designated by the longest serving Commissioner. The designated
10 independent arbitrator shall have the authority of arbitrators
11 of the Commission regarding settlement and adjudication of the
12 claim of the current and former employees and appointees of
13 the Commission. The decision of the independent arbitrator
14 shall become the decision of the Commission. An appeal of the
15 independent arbitrator's decision shall be subject to judicial
16 review in accordance with subsection (f) of Section 19.

17 (Source: P.A. 97-18, eff. 6-28-11.)

18 (820 ILCS 305/14.1 rep.)

19 Section 65. The Workers' Compensation Act is amended by
20 repealing Section 14.1.

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