



Sen. Sue Rezin

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1 AMENDMENT TO SENATE BILL 1445

2 AMENDMENT NO. _____. Amend Senate Bill 1445 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Officials and Employees Ethics Act
5 is amended by changing Sections 25-20 and 25-70 as follows:

6 (5 ILCS 430/25-20)

7 Sec. 25-20. Duties of the Legislative Inspector General.
8 In addition to duties otherwise assigned by law, the
9 Legislative Inspector General shall have the following duties:

10 (1) To receive and investigate allegations of
11 violations of this Act. Except as otherwise provided in
12 paragraph (1.5), an investigation may not be initiated
13 more than one year after the most recent act of the alleged
14 violation or of a series of alleged violations except
15 where there is reasonable cause to believe that fraudulent
16 concealment has occurred. To constitute fraudulent

1 concealment sufficient to toll this limitations period,
2 there must be an affirmative act or representation
3 calculated to prevent discovery of the fact that a
4 violation has occurred. The Legislative Inspector General
5 shall have the discretion to determine the appropriate
6 means of investigation as permitted by law.

7 (1.5) Notwithstanding any provision of law to the
8 contrary, the Legislative Inspector General, whether
9 appointed by the Legislative Ethics Commission or the
10 General Assembly, may initiate an investigation based on
11 information provided to the Office of the Legislative
12 Inspector General or the Legislative Ethics Commission
13 during the period from December 1, 2014 through November
14 3, 2017. Any investigation initiated under this paragraph
15 (1.5) must be initiated within one year after the
16 effective date of this amendatory Act of the 100th General
17 Assembly.

18 Notwithstanding any provision of law to the contrary,
19 the Legislative Inspector General, through the Attorney
20 General, shall have the authority to file a complaint
21 related to any founded violations that occurred during the
22 period December 1, 2014 through November 3, 2017 to the
23 Legislative Ethics Commission, and the Commission shall
24 have jurisdiction to conduct administrative hearings
25 related to any pleadings filed by the Legislative
26 Inspector General, provided the complaint is filed with

1 the Commission no later than 6 months after the summary
2 report is provided to the Attorney General in accordance
3 with subsection (c) of Section 25-50.

4 (2) To request information relating to an
5 investigation from any person when the Legislative
6 Inspector General deems that information necessary in
7 conducting an investigation.

8 (3) To issue subpoenas, with the advance approval of
9 the Commission, to compel the attendance of witnesses for
10 the purposes of testimony and production of documents and
11 other items for inspection and copying and to make service
12 of those subpoenas and subpoenas issued under item (7) of
13 Section 25-15. The Legislative Inspector General shall
14 have the power to subpoena a former State employee as
15 described in subsection (d) of Section 25-5 to correct a
16 systemic issue, problem, or deficiency identified during
17 an investigation authorized by this Article.

18 (4) To submit reports as required by this Act.

19 (5) To file pleadings in the name of the Legislative
20 Inspector General with the Legislative Ethics Commission,
21 through the Attorney General, as provided in this Article
22 if the Attorney General finds that reasonable cause exists
23 to believe that a violation has occurred.

24 (6) To assist and coordinate the ethics officers for
25 State agencies under the jurisdiction of the Legislative
26 Inspector General and to work with those ethics officers.

1 (7) To participate in or conduct, when appropriate,
2 multi-jurisdictional investigations.

3 (8) To request, as the Legislative Inspector General
4 deems appropriate, from ethics officers of State agencies
5 under his or her jurisdiction, reports or information on
6 (i) the content of a State agency's ethics training
7 program and (ii) the percentage of new officers and
8 employees who have completed ethics training.

9 (9) To establish a policy that ensures the appropriate
10 handling and correct recording of all investigations of
11 allegations and to ensure that the policy is accessible
12 via the Internet in order that those seeking to report
13 those allegations are familiar with the process and that
14 the subjects of those allegations are treated fairly.

15 (10) To post information to the Legislative Inspector
16 General's website explaining to complainants and subjects
17 of an investigation the legal limitations on the
18 Legislative Inspector General's ability to provide
19 information to them and a general overview of the
20 investigation process.

21 (Source: P.A. 100-553, eff. 11-16-17; 100-588, eff. 6-8-18.)

22 (5 ILCS 430/25-70)

23 Sec. 25-70. Cooperation in investigations. It is the duty
24 of every officer, ~~and~~ employee, and former State employee
25 under the jurisdiction of the Legislative Inspector General,

1 including any inspector general serving in any State agency
2 under the jurisdiction of the Legislative Inspector General,
3 to cooperate with the Legislative Inspector General and the
4 Attorney General in any investigation undertaken pursuant to
5 this Act. Failure to cooperate includes, but is not limited
6 to, intentional omissions and knowing false statements.
7 Failure to cooperate with an investigation of the Legislative
8 Inspector General or the Attorney General is grounds for
9 disciplinary action, including dismissal. Nothing in this
10 Section limits or alters a person's existing rights or
11 privileges under State or federal law.

12 (Source: P.A. 100-588, eff. 6-8-18.)

13 Section 10. The Children and Family Services Act is
14 amended by changing Section 35.5 as follows:

15 (20 ILCS 505/35.5)

16 Sec. 35.5. Inspector General.

17 (a) The Governor shall appoint, and the Senate shall
18 confirm, an Inspector General who shall have the authority to
19 conduct investigations into allegations of or incidents of
20 possible misconduct, misfeasance, malfeasance, or violations
21 of rules, procedures, or laws by any employee, former employee
22 as defined in subsection (f-5), foster parent, service
23 provider, or contractor of the Department of Children and
24 Family Services, except for allegations of violations of the

1 State Officials and Employees Ethics Act which shall be
2 referred to the Office of the Governor's Executive Inspector
3 General for investigation. The Inspector General shall make
4 recommendations to the Director of Children and Family
5 Services concerning sanctions or disciplinary actions against
6 Department employees or providers of service under contract to
7 the Department. The Director of Children and Family Services
8 shall provide the Inspector General with an implementation
9 report on the status of any corrective actions taken on
10 recommendations under review and shall continue sending
11 updated reports until the corrective action is completed. The
12 Director shall provide a written response to the Inspector
13 General indicating the status of any sanctions or disciplinary
14 actions against employees or providers of service involving
15 any investigation subject to review. In any case, information
16 included in the reports to the Inspector General and
17 Department responses shall be subject to the public disclosure
18 requirements of the Abused and Neglected Child Reporting Act.
19 Any investigation conducted by the Inspector General shall be
20 independent and separate from the investigation mandated by
21 the Abused and Neglected Child Reporting Act. The Inspector
22 General shall be appointed for a term of 4 years. The Inspector
23 General shall function independently within the Department of
24 Children and Family Services with respect to the operations of
25 the Office of Inspector General, including the performance of
26 investigations and issuance of findings and recommendations,

1 and shall report to the Director of Children and Family
2 Services and the Governor and perform other duties the
3 Director may designate. The Inspector General shall adopt
4 rules as necessary to carry out the functions, purposes, and
5 duties of the office of Inspector General in the Department of
6 Children and Family Services, in accordance with the Illinois
7 Administrative Procedure Act and any other applicable law.

8 (b) The Inspector General shall have access to all
9 information and personnel necessary to perform the duties of
10 the office. To minimize duplication of efforts, and to assure
11 consistency and conformance with the requirements and
12 procedures established in the B.H. v. Suter consent decree and
13 to share resources when appropriate, the Inspector General
14 shall coordinate his or her activities with the Bureau of
15 Quality Assurance within the Department.

16 (c) The Inspector General shall be the primary liaison
17 between the Department and the Department of State Police with
18 regard to investigations conducted under the Inspector
19 General's auspices. If the Inspector General determines that a
20 possible criminal act has been committed, or that special
21 expertise is required in the investigation, he or she shall
22 immediately notify the Department of State Police. All
23 investigations conducted by the Inspector General shall be
24 conducted in a manner designed to ensure the preservation of
25 evidence for possible use in a criminal prosecution.

26 (d) The Inspector General may recommend to the Department

1 of Children and Family Services, the Department of Public
2 Health, or any other appropriate agency, sanctions to be
3 imposed against service providers under the jurisdiction of or
4 under contract with the Department for the protection of
5 children in the custody or under the guardianship of the
6 Department who received services from those providers. The
7 Inspector General may seek the assistance of the Attorney
8 General or any of the several State's Attorneys in imposing
9 sanctions.

10 (e) The Inspector General shall at all times be granted
11 access to any foster home, facility, or program operated for
12 or licensed or funded by the Department.

13 (f) Nothing in this Section shall limit investigations by
14 the Department of Children and Family Services that may
15 otherwise be required by law or that may be necessary in that
16 Department's capacity as the central administrative authority
17 for child welfare.

18 (f-5) It is the duty of every employee and former employee
19 to cooperate with the Inspector General in any investigation
20 undertaken in accordance with this Act. For purposes of this
21 Section, "former employee" means a former agency director,
22 senior administrator, or any other individual who, while
23 employed at the Department, had the authority to implement
24 policy action for (i) the Department, (ii) an agency under
25 contract with the Department, or (iii) any facility or program
26 operated for or licensed or funded by the Department.

1 (g) The Inspector General shall have the power to subpoena
2 witnesses and compel the production of books and papers
3 pertinent to an investigation authorized by this Act. The
4 Inspector General shall have the power to subpoena a former
5 employee as defined in subsection (f-5) to correct a systemic
6 issue, problem, or deficiency identified during an
7 investigation authorized by this Act. The power to subpoena or
8 to compel the production of books and papers, however, shall
9 not extend to the person or documents of a labor organization
10 or its representatives insofar as the person or documents of a
11 labor organization relate to the function of representing an
12 employee subject to investigation under this Act. Any person
13 who fails to appear in response to a subpoena or to answer any
14 question or produce any books or papers pertinent to an
15 investigation under this Act, except as otherwise provided in
16 this Section, or who knowingly gives false testimony in
17 relation to an investigation under this Act is guilty of a
18 Class A misdemeanor.

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

1 shall include detailed recommended administrative actions and
2 matters for consideration by the General Assembly.

3 (Source: P.A. 95-527, eff. 6-1-08; 96-555, eff. 8-18-09.)

4 Section 15. The Department of Human Services Act is
5 amended by changing Section 1-17 as follows:

6 (20 ILCS 1305/1-17)

7 Sec. 1-17. Inspector General.

8 (a) Nature and purpose. It is the express intent of the
9 General Assembly to ensure the health, safety, and financial
10 condition of individuals receiving services in this State due
11 to mental illness, developmental disability, or both by
12 protecting those persons from acts of abuse, neglect, or both
13 by service providers. To that end, the Office of the Inspector
14 General for the Department of Human Services is created to
15 investigate and report upon allegations of the abuse, neglect,
16 or financial exploitation of individuals receiving services
17 within mental health facilities, developmental disabilities
18 facilities, and community agencies operated, licensed, funded,
19 or certified by the Department of Human Services, but not
20 licensed or certified by any other State agency.

21 (b) Definitions. The following definitions apply to this
22 Section:

23 "Adult student with a disability" means an adult student,
24 age 18 through 21, inclusive, with an Individual Education

1 Program, other than a resident of a facility licensed by the
2 Department of Children and Family Services in accordance with
3 the Child Care Act of 1969. For purposes of this definition,
4 "through age 21, inclusive", means through the day before the
5 student's 22nd birthday.

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

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

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

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

24 "Deflection" means a situation in which an individual is
25 presented for admission to a facility or agency, and the
26 facility staff or agency staff do not admit the individual.

1 "Deflection" includes triage, redirection, and denial of
2 admission.

3 "Department" means the Department of Human Services.

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

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

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

24 "Facility" or "State-operated facility" means a mental
25 health facility or developmental disabilities facility
26 operated by the Department.

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

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

8 "Former employee" means a former agency director, senior
9 administrator, or any other individual who, while employed at
10 the Department, had the authority to implement policy action
11 for the Department, a facility, or an agency.

12 "Health Care Worker Registry" or "Registry" means the
13 Health Care Worker Registry under the Health Care Worker
14 Background Check Act.

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

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

24 "Mental illness" means "mental illness" as defined in the
25 Mental Health and Developmental Disabilities Code.

26 "Mentally ill" means having a mental illness.

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

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

15 "Person with a developmental disability" means a person
16 having a developmental disability.

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

22 "Recommendation" means an admonition, separate from a
23 finding, that requires action by the facility, agency, or
24 Department to correct a systemic issue, problem, or deficiency
25 identified during an investigation.

26 "Required reporter" means any employee who suspects,

1 witnesses, or is informed of an allegation of any one or more
2 of the following: mental abuse, physical abuse, sexual abuse,
3 neglect, or financial exploitation.

4 "Secretary" means the Chief Administrative Officer of the
5 Department.

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

19 "Sexually explicit images" includes, but is not limited
20 to, any material which depicts nudity, sexual conduct, or
21 sado-masochistic abuse, or which contains explicit and
22 detailed verbal descriptions or narrative accounts of sexual
23 excitement, sexual conduct, or sado-masochistic abuse.

24 "Substantiated" means there is a preponderance of the
25 evidence to support the allegation.

26 "Unfounded" means there is no credible evidence to support

1 the allegation.

2 "Unsubstantiated" means there is credible evidence, but
3 less than a preponderance of evidence to support the
4 allegation.

5 (c) Appointment. The Governor shall appoint, and the
6 Senate shall confirm, an Inspector General. The Inspector
7 General shall be appointed for a term of 4 years and shall
8 function within the Department of Human Services and report to
9 the Secretary and the Governor.

10 (d) Operation and appropriation. The Inspector General
11 shall function independently within the Department with
12 respect to the operations of the Office, including the
13 performance of investigations and issuance of findings and
14 recommendations. The appropriation for the Office of Inspector
15 General shall be separate from the overall appropriation for
16 the Department.

17 (e) Powers and duties. The Inspector General shall
18 investigate reports of suspected mental abuse, physical abuse,
19 sexual abuse, neglect, or financial exploitation of
20 individuals in any mental health or developmental disabilities
21 facility or agency and shall have authority to take immediate
22 action to prevent any one or more of the following from
23 happening to individuals under its jurisdiction: mental abuse,
24 physical abuse, sexual abuse, neglect, or financial
25 exploitation. Upon written request of an agency of this State,
26 the Inspector General may assist another agency of the State

1 in investigating reports of the abuse, neglect, or abuse and
2 neglect of persons with mental illness, persons with
3 developmental disabilities, or persons with both. To comply
4 with the requirements of subsection (k) of this Section, the
5 Inspector General shall also review all reportable deaths for
6 which there is no allegation of abuse or neglect. Nothing in
7 this Section shall preempt any duties of the Medical Review
8 Board set forth in the Mental Health and Developmental
9 Disabilities Code. The Inspector General shall have no
10 authority to investigate alleged violations of the State
11 Officials and Employees Ethics Act. Allegations of misconduct
12 under the State Officials and Employees Ethics Act shall be
13 referred to the Office of the Governor's Executive Inspector
14 General for investigation.

15 (f) Limitations. The Inspector General shall not conduct
16 an investigation within an agency or facility if that
17 investigation would be redundant to or interfere with an
18 investigation conducted by another State agency. The Inspector
19 General shall have no supervision over, or involvement in, the
20 routine programmatic, licensing, funding, or certification
21 operations of the Department. Nothing in this subsection
22 limits investigations by the Department that may otherwise be
23 required by law or that may be necessary in the Department's
24 capacity as central administrative authority responsible for
25 the operation of the State's mental health and developmental
26 disabilities facilities.

1 (g) Rulemaking authority. The Inspector General shall
2 promulgate rules establishing minimum requirements for
3 reporting allegations as well as for initiating, conducting,
4 and completing investigations based upon the nature of the
5 allegation or allegations. The rules shall clearly establish
6 that if 2 or more State agencies could investigate an
7 allegation, the Inspector General shall not conduct an
8 investigation that would be redundant to, or interfere with,
9 an investigation conducted by another State agency. The rules
10 shall further clarify the method and circumstances under which
11 the Office of Inspector General may interact with the
12 licensing, funding, or certification units of the Department
13 in preventing further occurrences of mental abuse, physical
14 abuse, sexual abuse, neglect, egregious neglect, and financial
15 exploitation.

16 (h) Training programs. The Inspector General shall (i)
17 establish a comprehensive program to ensure that every person
18 authorized to conduct investigations receives ongoing training
19 relative to investigation techniques, communication skills,
20 and the appropriate means of interacting with persons
21 receiving treatment for mental illness, developmental
22 disability, or both mental illness and developmental
23 disability, and (ii) establish and conduct periodic training
24 programs for facility and agency employees concerning the
25 prevention and reporting of any one or more of the following:
26 mental abuse, physical abuse, sexual abuse, neglect, egregious

1 neglect, or financial exploitation. The Inspector General
2 shall further ensure (i) every person authorized to conduct
3 investigations at community agencies receives ongoing training
4 in Title 59, Parts 115, 116, and 119 of the Illinois
5 Administrative Code, and (ii) every person authorized to
6 conduct investigations shall receive ongoing training in Title
7 59, Part 50 of the Illinois Administrative Code. Nothing in
8 this Section shall be deemed to prevent the Office of
9 Inspector General from conducting any other training as
10 determined by the Inspector General to be necessary or
11 helpful.

12 (i) Duty to cooperate.

13 (1) The Inspector General shall at all times be
14 granted access to any facility or agency for the purpose
15 of investigating any allegation, conducting unannounced
16 site visits, monitoring compliance with a written
17 response, or completing any other statutorily assigned
18 duty. The Inspector General shall conduct unannounced site
19 visits to each facility at least annually for the purpose
20 of reviewing and making recommendations on systemic issues
21 relative to preventing, reporting, investigating, and
22 responding to all of the following: mental abuse, physical
23 abuse, sexual abuse, neglect, egregious neglect, or
24 financial exploitation.

25 (2) Any employee or former employee who fails to
26 cooperate with an Office of the Inspector General

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

18 (j) Subpoena powers. The Inspector General shall have the
19 power to subpoena witnesses and compel the production of all
20 documents and physical evidence relating to his or her
21 investigations and any hearings authorized by this Act. The
22 Inspector General shall have the power to subpoena a former
23 employee in order to correct a systemic issue, problem, or
24 deficiency identified during an investigation authorized by
25 this Act. This subpoena power shall not extend to persons or
26 documents of a labor organization or its representatives

1 insofar as the persons are acting in a representative capacity
2 to an employee whose conduct is the subject of an
3 investigation or the documents relate to that representation.
4 Any person who otherwise fails to respond to a subpoena or who
5 knowingly provides false information to the Office of the
6 Inspector General by subpoena during an investigation is
7 guilty of a Class A misdemeanor.

8 (k) Reporting allegations and deaths.

9 (1) Allegations. If an employee witnesses, is told of,
10 or has reason to believe an incident of mental abuse,
11 physical abuse, sexual abuse, neglect, or financial
12 exploitation has occurred, the employee, agency, or
13 facility shall report the allegation by phone to the
14 Office of the Inspector General hotline according to the
15 agency's or facility's procedures, but in no event later
16 than 4 hours after the initial discovery of the incident,
17 allegation, or suspicion of any one or more of the
18 following: mental abuse, physical abuse, sexual abuse,
19 neglect, or financial exploitation. A required reporter as
20 defined in subsection (b) of this Section who knowingly or
21 intentionally fails to comply with these reporting
22 requirements is guilty of a Class A misdemeanor.

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

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

4 (ii) Any death of an individual occurring within
5 24 hours after deflection from a residential program
6 or facility.

7 (iii) Any other death of an individual occurring
8 at an agency or facility or at any Department-funded
9 site.

10 (3) Retaliation. It is a violation of this Act for any
11 employee or administrator of an agency or facility to take
12 retaliatory action against an employee who acts in good
13 faith in conformance with his or her duties as a required
14 reporter.

15 (1) Reporting to law enforcement.

16 (1) Reporting criminal acts. Within 24 hours after
17 determining that there is credible evidence indicating
18 that a criminal act may have been committed or that
19 special expertise may be required in an investigation, the
20 Inspector General shall notify the Department of State
21 Police or other appropriate law enforcement authority, or
22 ensure that such notification is made. The Department of
23 State Police shall investigate any report from a
24 State-operated facility indicating a possible murder,
25 sexual assault, or other felony by an employee. All
26 investigations conducted by the Inspector General shall be

1 conducted in a manner designed to ensure the preservation
2 of evidence for possible use in a criminal prosecution.

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

19 (m) Investigative reports. Upon completion of an
20 investigation, the Office of Inspector General shall issue an
21 investigative report identifying whether the allegations are
22 substantiated, unsubstantiated, or unfounded. Within 10
23 business days after the transmittal of a completed
24 investigative report substantiating an allegation, finding an
25 allegation is unsubstantiated, or if a recommendation is made,
26 the Inspector General shall provide the investigative report

1 on the case to the Secretary and to the director of the
2 facility or agency where any one or more of the following
3 occurred: mental abuse, physical abuse, sexual abuse, neglect,
4 egregious neglect, or financial exploitation. The director of
5 the facility or agency shall be responsible for maintaining
6 the confidentiality of the investigative report consistent
7 with State and federal law. In a substantiated case, the
8 investigative report shall include any mitigating or
9 aggravating circumstances that were identified during the
10 investigation. If the case involves substantiated neglect, the
11 investigative report shall also state whether egregious
12 neglect was found. An investigative report may also set forth
13 recommendations. All investigative reports prepared by the
14 Office of the Inspector General shall be considered
15 confidential and shall not be released except as provided by
16 the law of this State or as required under applicable federal
17 law. Unsubstantiated and unfounded reports shall not be
18 disclosed except as allowed under Section 6 of the Abused and
19 Neglected Long Term Care Facility Residents Reporting Act. Raw
20 data used to compile the investigative report shall not be
21 subject to release unless required by law or a court order.
22 "Raw data used to compile the investigative report" includes,
23 but is not limited to, any one or more of the following: the
24 initial complaint, witness statements, photographs,
25 investigator's notes, police reports, or incident reports. If
26 the allegations are substantiated, the victim, the victim's

1 guardian, and the accused shall be provided with a redacted
2 copy of the investigative report. Death reports where there
3 was no allegation of abuse or neglect shall only be released
4 pursuant to applicable State or federal law or a valid court
5 order. Unredacted investigative reports, as well as raw data,
6 may be shared with a local law enforcement entity, a State's
7 Attorney's office, or a county coroner's office upon written
8 request.

9 (n) Written responses, clarification requests, and
10 reconsideration requests.

11 (1) Written responses. Within 30 calendar days from
12 receipt of a substantiated investigative report or an
13 investigative report which contains recommendations,
14 absent a reconsideration request, the facility or agency
15 shall file a written response that addresses, in a concise
16 and reasoned manner, the actions taken to: (i) protect the
17 individual; (ii) prevent recurrences; and (iii) eliminate
18 the problems identified. The response shall include the
19 implementation and completion dates of such actions. If
20 the written response is not filed within the allotted 30
21 calendar day period, the Secretary shall determine the
22 appropriate corrective action to be taken.

23 (2) Requests for clarification. The facility, agency,
24 victim or guardian, or the subject employee may request
25 that the Office of Inspector General clarify the finding
26 or findings for which clarification is sought.

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

15 (o) Disclosure of the finding by the Inspector General.
16 The Inspector General shall disclose the finding of an
17 investigation to the following persons: (i) the Governor, (ii)
18 the Secretary, (iii) the director of the facility or agency,
19 (iv) the alleged victims and their guardians, (v) the
20 complainant, and (vi) the accused. This information shall
21 include whether the allegations were deemed substantiated,
22 unsubstantiated, or unfounded.

23 (p) Secretary review. Upon review of the Inspector
24 General's investigative report and any agency's or facility's
25 written response, the Secretary shall accept or reject the
26 written response and notify the Inspector General of that

1 determination. The Secretary may further direct that other
2 administrative action be taken, including, but not limited to,
3 any one or more of the following: (i) additional site visits,
4 (ii) training, (iii) provision of technical assistance
5 relative to administrative needs, licensure, or certification,
6 or (iv) the imposition of appropriate sanctions.

7 (q) Action by facility or agency. Within 30 days of the
8 date the Secretary approves the written response or directs
9 that further administrative action be taken, the facility or
10 agency shall provide an implementation report to the Inspector
11 General that provides the status of the action taken. The
12 facility or agency shall be allowed an additional 30 days to
13 send notice of completion of the action or to send an updated
14 implementation report. If the action has not been completed
15 within the additional 30-day period, the facility or agency
16 shall send updated implementation reports every 60 days until
17 completion. The Inspector General shall conduct a review of
18 any implementation plan that takes more than 120 days after
19 approval to complete, and shall monitor compliance through a
20 random review of approved written responses, which may
21 include, but are not limited to: (i) site visits, (ii)
22 telephone contact, and (iii) requests for additional
23 documentation evidencing compliance.

24 (r) Sanctions. Sanctions, if imposed by the Secretary
25 under Subdivision (p)(iv) of this Section, shall be designed
26 to prevent further acts of mental abuse, physical abuse,

1 sexual abuse, neglect, egregious neglect, or financial
2 exploitation or some combination of one or more of those acts
3 at a facility or agency, and may include any one or more of the
4 following:

5 (1) Appointment of on-site monitors.

6 (2) Transfer or relocation of an individual or
7 individuals.

8 (3) Closure of units.

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

10 (i) Department licensing, (ii) funding, or (iii)
11 certification.

12 The Inspector General may seek the assistance of the
13 Illinois Attorney General or the office of any State's
14 Attorney in implementing sanctions.

15 (s) Health Care Worker Registry.

16 (1) Reporting to the Registry. The Inspector General
17 shall report to the Department of Public Health's Health
18 Care Worker Registry, a public registry, the identity and
19 finding of each employee of a facility or agency against
20 whom there is a final investigative report containing a
21 substantiated allegation of physical or sexual abuse,
22 financial exploitation, or egregious neglect of an
23 individual.

24 (2) Notice to employee. Prior to reporting the name of
25 an employee, the employee shall be notified of the
26 Department's obligation to report and shall be granted an

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

17 (3) Registry hearings. If the employee requests an
18 administrative hearing, the employee shall be granted an
19 opportunity to appear before an administrative law judge
20 to present reasons why the employee's name should not be
21 reported to the Registry. The Department shall bear the
22 burden of presenting evidence that establishes, by a
23 preponderance of the evidence, that the substantiated
24 finding warrants reporting to the Registry. After
25 considering all the evidence presented, the administrative
26 law judge shall make a recommendation to the Secretary as

1 to whether the substantiated finding warrants reporting
2 the name of the employee to the Registry. The Secretary
3 shall render the final decision. The Department and the
4 employee shall have the right to request that the
5 administrative law judge consider a stipulated disposition
6 of these proceedings.

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

19 (5) Employee's rights to collateral action. No
20 reporting to the Registry shall occur and no hearing shall
21 be set or proceed if an employee notifies the Inspector
22 General in writing, including any supporting
23 documentation, that he or she is formally contesting an
24 adverse employment action resulting from a substantiated
25 finding by complaint filed with the Illinois Civil Service
26 Commission, or which otherwise seeks to enforce the

1 employee's rights pursuant to any applicable collective
2 bargaining agreement. If an action taken by an employer
3 against an employee as a result of a finding of physical
4 abuse, sexual abuse, or egregious neglect is overturned
5 through an action filed with the Illinois Civil Service
6 Commission or under any applicable collective bargaining
7 agreement and if that employee's name has already been
8 sent to the Registry, the employee's name shall be removed
9 from the Registry.

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

24 (t) Review of Administrative Decisions. The Department
25 shall preserve a record of all proceedings at any formal
26 hearing conducted by the Department involving Health Care

1 Worker Registry hearings. Final administrative decisions of
2 the Department are subject to judicial review pursuant to
3 provisions of the Administrative Review Law.

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

16 Members appointed by the Governor shall be qualified by
17 professional knowledge or experience in the area of law,
18 investigatory techniques, or in the area of care of the
19 mentally ill or care of persons with developmental
20 disabilities. Two members appointed by the Governor shall be
21 persons with a disability or parents of persons with a
22 disability. Members shall serve without compensation, but
23 shall be reimbursed for expenses incurred in connection with
24 the performance of their duties as members.

25 The Board shall meet quarterly, and may hold other
26 meetings on the call of the chairman. Four members shall

1 constitute a quorum allowing the Board to conduct its
2 business. The Board may adopt rules and regulations it deems
3 necessary to govern its own procedures.

4 The Board shall monitor and oversee the operations,
5 policies, and procedures of the Inspector General to ensure
6 the prompt and thorough investigation of allegations of
7 neglect and abuse. In fulfilling these responsibilities, the
8 Board may do the following:

9 (1) Provide independent, expert consultation to the
10 Inspector General on policies and protocols for
11 investigations of alleged abuse, neglect, or both abuse
12 and neglect.

13 (2) Review existing regulations relating to the
14 operation of facilities.

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

17 (4) Recommend policies concerning methods for
18 improving the intergovernmental relationships between the
19 Office of the Inspector General and other State or federal
20 offices.

21 (v) Annual report. The Inspector General shall provide to
22 the General Assembly and the Governor, no later than January 1
23 of each year, a summary of reports and investigations made
24 under this Act for the prior fiscal year with respect to
25 individuals receiving mental health or developmental
26 disabilities services. The report shall detail the imposition

1 of sanctions, if any, and the final disposition of any
2 corrective or administrative action directed by the Secretary.
3 The summaries shall not contain any confidential or
4 identifying information of any individual, but shall include
5 objective data identifying any trends in the number of
6 reported allegations, the timeliness of the Office of the
7 Inspector General's investigations, and their disposition, for
8 each facility and Department-wide, for the most recent 3-year
9 time period. The report shall also identify, by facility, the
10 staff-to-patient ratios taking account of direct care staff
11 only. The report shall also include detailed recommended
12 administrative actions and matters for consideration by the
13 General Assembly.

14 (w) Program audit. The Auditor General shall conduct a
15 program audit of the Office of the Inspector General on an
16 as-needed basis, as determined by the Auditor General. The
17 audit shall specifically include the Inspector General's
18 compliance with the Act and effectiveness in investigating
19 reports of allegations occurring in any facility or agency.
20 The Auditor General shall conduct the program audit according
21 to the provisions of the Illinois State Auditing Act and shall
22 report its findings to the General Assembly no later than
23 January 1 following the audit period.

24 (x) Nothing in this Section shall be construed to mean
25 that an individual is a victim of abuse or neglect because of
26 health care services appropriately provided or not provided by

1 health care professionals.

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

13 (Source: P.A. 100-313, eff. 8-24-17; 100-432, eff. 8-25-17;
14 100-863, eff. 8-14-18; 100-943, eff. 1-1-19; 100-991, eff.
15 8-20-18; 100-1098, eff. 8-26-18; 101-81, eff. 7-12-19.)

16 Section 20. The Illinois Public Aid Code is amended by
17 changing Section 12-13.1 as follows:

18 (305 ILCS 5/12-13.1)

19 Sec. 12-13.1. Inspector General.

20 (a) The Governor shall appoint, and the Senate shall
21 confirm, an Inspector General who shall function within the
22 Illinois Department of Public Aid (now Healthcare and Family
23 Services) and report to the Governor. The term of the
24 Inspector General shall expire on the third Monday of January,

1 1997 and every 4 years thereafter.

2 (b) In order to prevent, detect, and eliminate fraud,
3 waste, abuse, mismanagement, and misconduct, the Inspector
4 General shall oversee the Department of Healthcare and Family
5 Services' and the Department on Aging's integrity functions,
6 which include, but are not limited to, the following:

7 (1) Investigation of misconduct by employees, former
8 employees as defined in subsection (e-5), vendors,
9 contractors and medical providers, except for allegations
10 of violations of the State Officials and Employees Ethics
11 Act which shall be referred to the Office of the
12 Governor's Executive Inspector General for investigation.

13 (2) Prepayment and post-payment audits of medical
14 providers related to ensuring that appropriate payments
15 are made for services rendered and to the prevention and
16 recovery of overpayments.

17 (3) Monitoring of quality assurance programs
18 administered by the Department of Healthcare and Family
19 Services and the Community Care Program administered by
20 the Department on Aging.

21 (4) Quality control measurements of the programs
22 administered by the Department of Healthcare and Family
23 Services and the Community Care Program administered by
24 the Department on Aging.

25 (5) Investigations of fraud or intentional program
26 violations committed by clients of the Department of

1 Healthcare and Family Services and the Community Care
2 Program administered by the Department on Aging.

3 (6) Actions initiated against contractors, vendors, or
4 medical providers for any of the following reasons:

5 (A) Violations of the medical assistance program
6 and the Community Care Program administered by the
7 Department on Aging.

8 (B) Sanctions against providers brought in
9 conjunction with the Department of Public Health or
10 the Department of Human Services (as successor to the
11 Department of Mental Health and Developmental
12 Disabilities).

13 (C) Recoveries of assessments against hospitals
14 and long-term care facilities.

15 (D) Sanctions mandated by the United States
16 Department of Health and Human Services against
17 medical providers.

18 (E) Violations of contracts related to any
19 programs administered by the Department of Healthcare
20 and Family Services and the Community Care Program
21 administered by the Department on Aging.

22 (7) Representation of the Department of Healthcare and
23 Family Services at hearings with the Illinois Department
24 of Financial and Professional Regulation in actions taken
25 against professional licenses held by persons who are in
26 violation of orders for child support payments.

1 (b-5) At the request of the Secretary of Human Services,
2 the Inspector General shall, in relation to any function
3 performed by the Department of Human Services as successor to
4 the Department of Public Aid, exercise one or more of the
5 powers provided under this Section as if those powers related
6 to the Department of Human Services; in such matters, the
7 Inspector General shall report his or her findings to the
8 Secretary of Human Services.

9 (c) Notwithstanding, and in addition to, any other
10 provision of law, the Inspector General shall have access to
11 all information, personnel and facilities of the Department of
12 Healthcare and Family Services and the Department of Human
13 Services (as successor to the Department of Public Aid), their
14 employees, vendors, contractors and medical providers and any
15 federal, State or local governmental agency that are necessary
16 to perform the duties of the Office as directly related to
17 public assistance programs administered by those departments.
18 No medical provider shall be compelled, however, to provide
19 individual medical records of patients who are not clients of
20 the programs administered by the Department of Healthcare and
21 Family Services. State and local governmental agencies are
22 authorized and directed to provide the requested information,
23 assistance or cooperation.

24 For purposes of enhanced program integrity functions and
25 oversight, and to the extent consistent with applicable
26 information and privacy, security, and disclosure laws, State

1 agencies and departments shall provide the Office of Inspector
2 General access to confidential and other information and data,
3 and the Inspector General is authorized to enter into
4 agreements with appropriate federal agencies and departments
5 to secure similar data. This includes, but is not limited to,
6 information pertaining to: licensure; certification; earnings;
7 immigration status; citizenship; wage reporting; unearned and
8 earned income; pension income; employment; supplemental
9 security income; social security numbers; National Provider
10 Identifier (NPI) numbers; the National Practitioner Data Bank
11 (NPDB); program and agency exclusions; taxpayer identification
12 numbers; tax delinquency; corporate information; and death
13 records.

14 The Inspector General shall enter into agreements with
15 State agencies and departments, and is authorized to enter
16 into agreements with federal agencies and departments, under
17 which such agencies and departments shall share data necessary
18 for medical assistance program integrity functions and
19 oversight. The Inspector General shall enter into agreements
20 with State agencies and departments, and is authorized to
21 enter into agreements with federal agencies and departments,
22 under which such agencies shall share data necessary for
23 recipient and vendor screening, review, and investigation,
24 including but not limited to vendor payment and recipient
25 eligibility verification. The Inspector General shall develop,
26 in cooperation with other State and federal agencies and

1 departments, and in compliance with applicable federal laws
2 and regulations, appropriate and effective methods to share
3 such data. The Inspector General shall enter into agreements
4 with State agencies and departments, and is authorized to
5 enter into agreements with federal agencies and departments,
6 including, but not limited to: the Secretary of State; the
7 Department of Revenue; the Department of Public Health; the
8 Department of Human Services; and the Department of Financial
9 and Professional Regulation.

10 The Inspector General shall have the authority to deny
11 payment, prevent overpayments, and recover overpayments.

12 The Inspector General shall have the authority to deny or
13 suspend payment to, and deny, terminate, or suspend the
14 eligibility of, any vendor who fails to grant the Inspector
15 General timely access to full and complete records, including
16 records of recipients under the medical assistance program for
17 the most recent 6 years, in accordance with Section 140.28 of
18 Title 89 of the Illinois Administrative Code, and other
19 information for the purpose of audits, investigations, or
20 other program integrity functions, after reasonable written
21 request by the Inspector General.

22 (d) The Inspector General shall serve as the Department of
23 Healthcare and Family Services' primary liaison with law
24 enforcement, investigatory and prosecutorial agencies,
25 including but not limited to the following:

26 (1) The Department of State Police.

1 (2) The Federal Bureau of Investigation and other
2 federal law enforcement agencies.

3 (3) The various Inspectors General of federal agencies
4 overseeing the programs administered by the Department of
5 Healthcare and Family Services.

6 (4) The various Inspectors General of any other State
7 agencies with responsibilities for portions of programs
8 primarily administered by the Department of Healthcare and
9 Family Services.

10 (5) The Offices of the several United States Attorneys
11 in Illinois.

12 (6) The several State's Attorneys.

13 (7) The offices of the Centers for Medicare and
14 Medicaid Services that administer the Medicare and
15 Medicaid integrity programs.

16 The Inspector General shall meet on a regular basis with
17 these entities to share information regarding possible
18 misconduct by any persons or entities involved with the public
19 aid programs administered by the Department of Healthcare and
20 Family Services.

21 (e) All investigations conducted by the Inspector General
22 shall be conducted in a manner that ensures the preservation
23 of evidence for use in criminal prosecutions. If the Inspector
24 General determines that a possible criminal act relating to
25 fraud in the provision or administration of the medical
26 assistance program has been committed, the Inspector General

1 shall immediately notify the Medicaid Fraud Control Unit. If
2 the Inspector General determines that a possible criminal act
3 has been committed within the jurisdiction of the Office, the
4 Inspector General may request the special expertise of the
5 Department of State Police. The Inspector General may present
6 for prosecution the findings of any criminal investigation to
7 the Office of the Attorney General, the Offices of the several
8 United States Attorneys in Illinois or the several State's
9 Attorneys.

10 (e-5) It is the duty of every employee and former employee
11 to cooperate with the Inspector General in any investigation
12 undertaken in accordance with this Code. For purposes of this
13 Section, "former employee" means a former agency director,
14 senior administrator, or any other individual who, while
15 employed at the Department of Healthcare and Family Services
16 or the Department of Human Services, had the authority to
17 implement policy action concerning the public assistance
18 programs established under this Code for (i) the Department of
19 Healthcare and Family Services or the Department of Human
20 Services, (ii) an agency under contract with the Department of
21 Healthcare and Family Services or the Department of Human
22 Services, or (iii) any facility or program operated for or
23 licensed or funded by the Department of Healthcare and Family
24 Services or the Department of Human Services.

25 (f) To carry out his or her duties as described in this
26 Section, the Inspector General and his or her designees shall

1 have the power to compel by subpoena the attendance and
2 testimony of witnesses and the production of books, electronic
3 records and papers as directly related to public assistance
4 programs administered by the Department of Healthcare and
5 Family Services or the Department of Human Services (as
6 successor to the Department of Public Aid). The Inspector
7 General shall have the power to subpoena a former employee, as
8 defined in subsection (e-5), of the Department of Healthcare
9 and Family Services or the Department of Human Services to
10 correct a systemic issue, problem, or deficiency identified
11 during an investigation authorized by this Section. No medical
12 provider shall be compelled, however, to provide individual
13 medical records of patients who are not clients of the Medical
14 Assistance Program.

15 (g) The Inspector General shall report all convictions,
16 terminations, and suspensions taken against vendors,
17 contractors and medical providers to the Department of
18 Healthcare and Family Services and to any agency responsible
19 for licensing or regulating those persons or entities.

20 (h) The Inspector General shall make annual reports,
21 findings, and recommendations regarding the Office's
22 investigations into reports of fraud, waste, abuse,
23 mismanagement, or misconduct relating to any programs
24 administered by the Department of Healthcare and Family
25 Services or the Department of Human Services (as successor to
26 the Department of Public Aid) to the General Assembly and the

1 Governor. These reports shall include, but not be limited to,
2 the following information:

3 (1) Aggregate provider billing and payment
4 information, including the number of providers at various
5 Medicaid earning levels.

6 (2) The number of audits of the medical assistance
7 program and the dollar savings resulting from those
8 audits.

9 (3) The number of prescriptions rejected annually
10 under the Department of Healthcare and Family Services'
11 Refill Too Soon program and the dollar savings resulting
12 from that program.

13 (4) Provider sanctions, in the aggregate, including
14 terminations and suspensions.

15 (5) A detailed summary of the investigations
16 undertaken in the previous fiscal year. These summaries
17 shall comply with all laws and rules regarding maintaining
18 confidentiality in the public aid programs.

19 (i) Nothing in this Section shall limit investigations by
20 the Department of Healthcare and Family Services or the
21 Department of Human Services that may otherwise be required by
22 law or that may be necessary in their capacity as the central
23 administrative authorities responsible for administration of
24 their agency's programs in this State.

25 (j) The Inspector General may issue shields or other
26 distinctive identification to his or her employees not

1 exercising the powers of a peace officer if the Inspector
2 General determines that a shield or distinctive identification
3 is needed by an employee to carry out his or her
4 responsibilities.

5 (Source: P.A. 97-689, eff. 6-14-12; 98-8, eff. 5-3-13.)".