



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0398

Introduced 1/25/2005, by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

30 ILCS 5/3-2
210 ILCS 30/6.8

from Ch. 15, par. 303-2
from Ch. 111 1/2, par. 4166.8

Amends the Illinois State Auditing Act. Requires that the Auditor General's audits of certain mental health and developmental disabilities facilities under the jurisdiction of the Department of Human Services include their records concerning reports of suspected abuse of facility staff by facility residents or patients. Amends the Abused and Neglected Long Term Care Facility Residents Reporting Act. Provides that the biennial program audit required under the Act shall include an examination of the records of each facility concerning the abuse or suspected abuse of facility staff by patients or residents and the Inspector General's effectiveness in investigating these kinds of reports.

LRB094 06903 RSP 37015 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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

4 Section 5. The Illinois State Auditing Act is amended by
5 changing Section 3-2 as follows:

6 (30 ILCS 5/3-2) (from Ch. 15, par. 303-2)

7 Sec. 3-2. Mandatory and directed post audits. The Auditor
8 General shall conduct a financial audit, a compliance audit, or
9 other attestation engagement, as is appropriate to the agency's
10 operations under generally accepted government auditing
11 standards, of each State agency except the Auditor General or
12 his office at least once during every biennium, except as is
13 otherwise provided in regulations adopted under Section 3-8.
14 The general direction and supervision of the financial audit
15 program may be delegated only to an individual who is a
16 Certified Public Accountant and a payroll employee of the
17 Office of the Auditor General. In the conduct of financial
18 audits, compliance audits, and other attestation engagements,
19 the Auditor General may inquire into and report upon matters
20 properly within the scope of a performance audit, provided that
21 such inquiry shall be limited to matters arising during the
22 ordinary course of the financial audit.

23 In any year the Auditor General shall conduct any special
24 audits as may be necessary to form an opinion on the financial
25 statements of this State, as prepared by the Comptroller, and
26 to certify that this presentation is in accordance with
27 generally accepted accounting principles for government.

28 Simultaneously with the biennial compliance audit of the
29 Department of Human Services, the Auditor General shall conduct
30 a program audit of each facility under the jurisdiction of that
31 Department that is described in Section 4 of the Mental Health
32 and Developmental Disabilities Administrative Act. The program

1 audit shall include an examination of the records of each
2 facility concerning (i) reports of suspected abuse or neglect
3 of any patient or resident of the facility and (ii) reports of
4 suspected abuse of facility staff by patients or residents. The
5 Auditor General shall report the findings of the program audit
6 to the Governor and the General Assembly, including findings
7 concerning patterns or trends relating to (i) abuse or neglect
8 of facility patients and residents or (ii) abuse of facility
9 staff. However, for any year for which the Inspector General
10 submits a report to the Governor and General Assembly as
11 required under Section 6.7 of the Abused and Neglected Long
12 Term Care Facility Residents Reporting Act, the Auditor General
13 need not conduct the program audit otherwise required under
14 this paragraph.

15 The Auditor General shall conduct a performance audit of a
16 State agency when so directed by the Commission, or by either
17 house of the General Assembly, in a resolution identifying the
18 subject, parties and scope. Such a directing resolution may:

19 (a) require the Auditor General to examine and report
20 upon specific management efficiencies or cost
21 effectiveness proposals specified therein;

22 (b) in the case of a program audit, set forth specific
23 program objectives, responsibilities or duties or may
24 specify the program performance standards or program
25 evaluation standards to be the basis of the program audit;

26 (c) be directed at particular procedures or functions
27 established by statute, by administrative regulation or by
28 precedent; and

29 (d) require the Auditor General to examine and report
30 upon specific proposals relating to state programs
31 specified in the resolution.

32 The Commission may by resolution clarify, further direct,
33 or limit the scope of any audit directed by a resolution of the
34 House or Senate, provided that any such action by the
35 Commission must be consistent with the terms of the directing
36 resolution.

1 (Source: P.A. 93-630, eff. 12-23-03.)

2 Section 10. The Abused and Neglected Long Term Care
3 Facility Residents Reporting Act is amended by changing Section
4 6.8 as follows:

5 (210 ILCS 30/6.8) (from Ch. 111 1/2, par. 4166.8)

6 Sec. 6.8. Program audit. The Auditor General shall conduct
7 a biennial program audit of the office of the Inspector General
8 in relation to the Inspector General's compliance with this
9 Act. The audit shall specifically include the Inspector
10 General's effectiveness in investigating reports of alleged
11 neglect or abuse of residents in any facility operated by the
12 Department of Human Services and in making recommendations for
13 sanctions to the Departments of Human Services and Public
14 Health. The audit shall also include an examination of the
15 records of each facility concerning the abuse or suspected
16 abuse of facility staff by patients or residents and the
17 Inspector General's effectiveness in investigating these kinds
18 of reports. The Auditor General shall conduct the program audit
19 according to the provisions of the Illinois State Auditing Act
20 and shall report its findings to the General Assembly no later
21 than January 1 of each odd-numbered year.

22 (Source: P.A. 92-358, eff. 8-15-01; 93-636, eff. 12-31-03.)