

1 AN ACT concerning civil law.

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

4 Section 5. The Illinois Power of Attorney Act is amended by  
5 changing Section 2-7.5 as follows:

6 (755 ILCS 45/2-7.5)

7 Sec. 2-7.5. Incapacitated principal.

8 (a) This Section shall apply only to an agent acting for a  
9 principal who is incapacitated. A principal shall be considered  
10 incapacitated if that individual is under a legal disability as  
11 defined in Section 11a-2 of the Probate Act of 1975. A  
12 principal shall also be considered incapacitated if: (i) a  
13 physician licensed to practice medicine in all its branches has  
14 examined the principal and has determined that the principal  
15 lacks decision making capacity; and (ii) that physician has  
16 made a written record of this determination and has signed the  
17 written record within 90 days after the examination; and (iii)  
18 the written record has been delivered to the agent. The agent  
19 may rely conclusively on that written record.

20 (b) An agent shall provide a record of all receipts,  
21 disbursements, and significant actions taken under the  
22 authority of the agency when requested to do so: (i) by a  
23 representative of a provider agency, as defined in Section 2 of  
24 the Elder Abuse and Neglect Act, acting in the course of an  
25 assessment of a complaint of elder abuse or neglect under that  
26 Act; ~~or~~ (ii) by a representative of the Office of the State  
27 Long Term Care Ombudsman acting in the course of an  
28 investigation of a complaint of financial exploitation of a  
29 nursing home resident under Section 4.04 of the Illinois Act on  
30 the Aging; or (iii) by a representative of the Office of  
31 Inspector General for the Department of Human Services acting  
32 in the course of an assessment of a complaint of financial

1 exploitation of an adult with disabilities pursuant to Section  
2 35 of the Abuse of Adults with Disabilities Intervention Act.

3 (Source: P.A. 91-790, eff. 6-9-00.)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.