



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB2537**

Introduced 2/18/2005, by Rep. Robert W. Pritchard

**SYNOPSIS AS INTRODUCED:**

320 ILCS 20/2

from Ch. 23, par. 6602

Amends the Elder Abuse and Neglect Act. Provides that an administrator or employee of a bank, savings and loan association, or credit union is a "mandated reporter" of suspected abuse, neglect, or financial exploitation under the Act. Effective January 1, 2006.

LRB094 10183 DRJ 40450 b

1 AN ACT concerning aging.

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

4 Section 5. The Elder Abuse and Neglect Act is amended by  
5 changing Section 2 as follows:

6 (320 ILCS 20/2) (from Ch. 23, par. 6602)

7 Sec. 2. Definitions. As used in this Act, unless the  
8 context requires otherwise:

9 (a) "Abuse" means causing any physical, mental or sexual  
10 injury to an eligible adult, including exploitation of such  
11 adult's financial resources.

12 Nothing in this Act shall be construed to mean that an  
13 eligible adult is a victim of abuse or neglect for the sole  
14 reason that he or she is being furnished with or relies upon  
15 treatment by spiritual means through prayer alone, in  
16 accordance with the tenets and practices of a recognized church  
17 or religious denomination.

18 Nothing in this Act shall be construed to mean that an  
19 eligible adult is a victim of abuse because of health care  
20 services provided or not provided by licensed health care  
21 professionals.

22 (a-5) "Abuser" means a person who abuses, neglects, or  
23 financially exploits an eligible adult.

24 (a-7) "Caregiver" means a person who either as a result of  
25 a family relationship, voluntarily, or in exchange for  
26 compensation has assumed responsibility for all or a portion of  
27 the care of an eligible adult who needs assistance with  
28 activities of daily living.

29 (b) "Department" means the Department on Aging of the State  
30 of Illinois.

31 (c) "Director" means the Director of the Department.

32 (d) "Domestic living situation" means a residence where the

1 eligible adult lives alone or with his or her family or a  
2 caregiver, or others, or a board and care home or other  
3 community-based unlicensed facility, but is not:

4 (1) A licensed facility as defined in Section 1-113 of  
5 the Nursing Home Care Act;

6 (2) A "life care facility" as defined in the Life Care  
7 Facilities Act;

8 (3) A home, institution, or other place operated by the  
9 federal government or agency thereof or by the State of  
10 Illinois;

11 (4) A hospital, sanitarium, or other institution, the  
12 principal activity or business of which is the diagnosis,  
13 care, and treatment of human illness through the  
14 maintenance and operation of organized facilities  
15 therefor, which is required to be licensed under the  
16 Hospital Licensing Act;

17 (5) A "community living facility" as defined in the  
18 Community Living Facilities Licensing Act;

19 (6) A "community residential alternative" as defined  
20 in the Community Residential Alternatives Licensing Act;  
21 and

22 (7) A "community-integrated living arrangement" as  
23 defined in the Community-Integrated Living Arrangements  
24 Licensure and Certification Act.

25 (e) "Eligible adult" means a person 60 years of age or  
26 older who resides in a domestic living situation and is, or is  
27 alleged to be, abused, neglected, or financially exploited by  
28 another individual.

29 (f) "Emergency" means a situation in which an eligible  
30 adult is living in conditions presenting a risk of death or  
31 physical, mental or sexual injury and the provider agency has  
32 reason to believe the eligible adult is unable to consent to  
33 services which would alleviate that risk.

34 (f-5) "Mandated reporter" means any of the following  
35 persons while engaged in carrying out their professional  
36 duties:

1           (1) a professional or professional's delegate while  
2 engaged in: (i) social services, (ii) law enforcement,  
3 (iii) education, (iv) the care of an eligible adult or  
4 eligible adults, or (v) any of the occupations required to  
5 be licensed under the Clinical Psychologist Licensing Act,  
6 the Clinical Social Work and Social Work Practice Act, the  
7 Illinois Dental Practice Act, the Dietetic and Nutrition  
8 Services Practice Act, the Marriage and Family Therapy  
9 Licensing Act, the Medical Practice Act of 1987, the  
10 Naprapathic Practice Act, the Nursing and Advanced  
11 Practice Nursing Act, the Nursing Home Administrators  
12 Licensing and Disciplinary Act, the Illinois Occupational  
13 Therapy Practice Act, the Illinois Optometric Practice Act  
14 of 1987, the Pharmacy Practice Act of 1987, the Illinois  
15 Physical Therapy Act, the Physician Assistant Practice Act  
16 of 1987, the Podiatric Medical Practice Act of 1987, the  
17 Respiratory Care Practice Act, the Professional Counselor  
18 and Clinical Professional Counselor Licensing Act, the  
19 Illinois Speech-Language Pathology and Audiology Practice  
20 Act, the Veterinary Medicine and Surgery Practice Act of  
21 2004, and the Illinois Public Accounting Act;

22           (2) an employee of a vocational rehabilitation  
23 facility prescribed or supervised by the Department of  
24 Human Services;

25           (3) an administrator, employee, or person providing  
26 services in or through an unlicensed community based  
27 facility;

28           (4) a Christian Science Practitioner;

29           (5) field personnel of the Department of Public Aid,  
30 Department of Public Health, and Department of Human  
31 Services, and any county or municipal health department;

32           (6) personnel of the Department of Human Services, the  
33 Guardianship and Advocacy Commission, the State Fire  
34 Marshal, local fire departments, the Department on Aging  
35 and its subsidiary Area Agencies on Aging and provider  
36 agencies, and the Office of State Long Term Care Ombudsman;

1 (7) any employee of the State of Illinois not otherwise  
2 specified herein who is involved in providing services to  
3 eligible adults, including professionals providing medical  
4 or rehabilitation services and all other persons having  
5 direct contact with eligible adults;

6 (7.5) an administrator or employee of (i) a bank  
7 subject to the Illinois Banking Act, (ii) a savings and  
8 loan association subject to the Illinois Savings and Loan  
9 Act of 1985, or (iii) a credit union subject to the  
10 Illinois Credit Union Act;

11 (8) a person who performs the duties of a coroner or  
12 medical examiner; or

13 (9) a person who performs the duties of a paramedic or  
14 an emergency medical technician.

15 (g) "Neglect" means another individual's failure to  
16 provide an eligible adult with or willful withholding from an  
17 eligible adult the necessities of life including, but not  
18 limited to, food, clothing, shelter or medical care. This  
19 subsection does not create any new affirmative duty to provide  
20 support to eligible adults. Nothing in this Act shall be  
21 construed to mean that an eligible adult is a victim of neglect  
22 because of health care services provided or not provided by  
23 licensed health care professionals.

24 (h) "Provider agency" means any public or nonprofit agency  
25 in a planning and service area appointed by the regional  
26 administrative agency with prior approval by the Department on  
27 Aging to receive and assess reports of alleged or suspected  
28 abuse, neglect, or financial exploitation.

29 (i) "Regional administrative agency" means any public or  
30 nonprofit agency in a planning and service area so designated  
31 by the Department, provided that the designated Area Agency on  
32 Aging shall be designated the regional administrative agency if  
33 it so requests. The Department shall assume the functions of  
34 the regional administrative agency for any planning and service  
35 area where another agency is not so designated.

36 (j) "Substantiated case" means a reported case of alleged

1 or suspected abuse, neglect, or financial exploitation in which  
2 a provider agency, after assessment, determines that there is  
3 reason to believe abuse, neglect, or financial exploitation has  
4 occurred.

5 (Source: P.A. 92-16, eff. 6-28-01; 93-281 eff. 12-31-03;  
6 93-300, eff. 1-1-04; revised 9-22-03.)

7 Section 99. Effective date. This Act takes effect January  
8 1, 2006.