



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0254

Introduced 1/19/2007, by Rep. Patricia Reid Lindner

SYNOPSIS AS INTRODUCED:

320 ILCS 20/15 new

Amends the Elder Abuse and Neglect Act. Authorizes the Department on Aging or any other State or local agency to establish regional interagency elder abuse fatality review teams composed of representatives of entities and individuals including, but not limited to, the Department on Aging, the Department of Public Health, coroners or medical examiners (or both), State's Attorneys, local police departments, forensic units, and providers of services for persons age 60 or older. Requires the teams to review cases of deaths (i) involving blunt force trauma or an undetermined or suspicious cause of death, (ii) if requested by the deceased's attending physician, (iii) upon referral by a health care provider, or (iv) constituting an open or closed case from a senior protective services agency, law enforcement agency, or State's Attorney's office that involves alleged or suspected abuse, neglect, or financial exploitation. Authorizes the teams to review other cases. Requires the Department on Aging, in consultation with coroners, medical examiners, and law enforcement agencies, to use data gathered by the teams and recommendations made by the teams to create an annual report, and provides that the Department, in consultation with those others, may use the data and recommendations to develop education, prevention, prosecution, or other strategies. Authorizes creation of a database of at-risk individuals.

LRB095 01987 DRJ 24973 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 adding Section 15 as follows:

6 (320 ILCS 20/15 new)

7 Sec. 15. Elder abuse fatality review teams.

8 (a) In this Section, "review team" means a regional
9 interagency elder abuse fatality review team established under
10 this Section.

11 (b) The Department or any other State or county agency may
12 establish regional interagency elder abuse fatality review
13 teams (i) to assist local agencies in identifying and reviewing
14 suspicious deaths of elderly victims of alleged, suspected, or
15 substantiated abuse or neglect and (ii) to facilitate
16 communications between officials responsible for autopsies and
17 inquests and persons involved in reporting or investigating
18 alleged or suspected cases of abuse, neglect, or financial
19 exploitation of persons 60 years of age or older. Each such
20 team shall be composed of representatives of entities and
21 individuals including, but not limited to, the Department on
22 Aging, the Department of Public Health, coroners or medical
23 examiners (or both), State's Attorneys, local police

1 departments, forensic units, and providers of services for
2 persons 60 years of age or older.

3 (c) A review team shall review cases of deaths of persons
4 60 years of age or older (i) involving blunt force trauma or an
5 undetermined or suspicious cause of death, (ii) if requested by
6 the deceased's attending physician, (iii) upon referral by a
7 health care provider, or (iv) constituting an open or closed
8 case from a senior protective services agency, law enforcement
9 agency, or State's Attorney's office that involves alleged or
10 suspected abuse, neglect, or financial exploitation. A team may
11 also review other cases of deaths of persons 60 years of age or
12 older.

13 A review team shall meet not less than 6 times a year to
14 discuss cases for its possible review. The Department or other
15 State or county agency shall establish criteria to be used by
16 review teams in discussing cases of alleged, suspected, or
17 substantiated abuse or neglect for review.

18 (d) Any document or oral or written communication shared
19 within or produced by a review team relating to a case
20 discussed or reviewed by the review team is confidential and is
21 not subject to disclosure to or discoverable by another party.

22 Any document or oral or written communication provided to a
23 review team by an individual or entity, and created by that
24 individual or entity solely for the use of the review team, is
25 confidential and is not subject to disclosure to or
26 discoverable by another party.

1 Each entity or individual represented on an elder abuse
2 fatality review team may share with other members of the team
3 information in the entity's or individual's possession
4 concerning the decedent who is the subject of the review or
5 concerning any person who was in contact with the decedent, as
6 well as any other information deemed by the entity or
7 individual to be pertinent to the review. Any such information
8 shared by an entity or individual with other members of a team
9 is confidential. The intent of this paragraph is to permit the
10 disclosure to members of a team of any information deemed
11 confidential or privileged or prohibited from disclosure by any
12 other provision of law.

13 A coroner's or medical examiner's office may share with a
14 review team medical records that have been made available to
15 the coroner's or medical examiner's office in connection with
16 that office's investigation of a death.

17 (e) A review team's recommendation in relation to a case
18 discussed or reviewed by the review team, including, but not
19 limited to, a recommendation concerning an investigation or
20 prosecution in relation to such a case, may be disclosed by the
21 review team upon the completion of its review and at the
22 discretion of a majority of its members who reviewed the case.

23 (f) The Department, in consultation with coroners, medical
24 examiners, and law enforcement agencies, shall use aggregate
25 data gathered by review teams and review teams' recommendations
26 to create an annual report and may use those data and

1 recommendations to develop education, prevention, prosecution,
2 or other strategies designed to improve the coordination of
3 services for persons 60 years of age or older and their
4 families. The Department or other State or county agency, in
5 consultation with coroners, medical examiners, and law
6 enforcement agencies, also may use aggregate data gathered by
7 review teams to create a database of at-risk individuals.