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HOUSE RESOLUTION 201

2 WHEREAS, Research has demonstrated over and over that
3 people with disabilities are far more likely to suffer from
4 abuse and neglect and to become victims of crime than are
5 people without disabilities; and

6 WHEREAS, In Illinois, responsibility for addressing abuse,
7 neglect and/or exploitation of people with disabilities lies
8 primarily with: the Department of Public Health (DPH), the
9 Department of Children and Family Services (DCFS), the
10 Department on Aging (DOA), and the Department of Human
11 Services' Office of Inspector General (DHS/OIG); and

12 WHEREAS, Each of these agencies has responsibility for
13 investigating abuse, neglect and/or exploitation of different
14 populations in different settings; and

15 WHEREAS, Not all populations and not all settings are
16 covered by the current investigatory system to address the
17 abuse, neglect or exploitation of people with disabilities,
18 resulting in serious gaps in protection; and

19 WHEREAS, The fragmented nature of Illinois' investigatory
20 system has resulted in wide-spread confusion among the public
21 on where to properly report incidents of abuse, neglect and/or

1 exploitation of people with disabilities and also confusion
2 among agency staff regarding the proper investigative body; and

3 WHEREAS, Many people with mental illness living in nursing
4 homes in Illinois attend off-site psychiatric day programs that
5 are not licensed, certified or regulated by any State or
6 federal agency; consequently, there is no requirement or
7 mechanism for reporting or investigating abuse, neglect or
8 exploitation of the individuals in these programs; and

9 WHEREAS, The General Assembly has passed P.A. 95-0651,
10 requiring all Illinois board and care homes to be licensed by
11 DPH, which will presumably provide oversight of these
12 facilities; however, due to the previous lack of oversight of
13 board and care homes, their identities and locations are
14 generally unknown; and

15 WHEREAS, Non-public therapeutic day schools serving
16 students (aged 6-21) with disabilities in Illinois are subject
17 to less stringent regulations regarding use of restraints and
18 isolated time-outs, are not strictly monitored, and are not
19 required to report allegations of abuse or neglect to the
20 Illinois State Board of Education (ISBE), leaving children in
21 these settings with fewer protections than those in other
22 settings; and

1 WHEREAS, Federal and State law require Illinois to maintain
2 an information registry relating to individuals who are
3 qualified to work in settings that serve adults or children
4 with disabilities and also those individuals who are prohibited
5 from such employment due to substantiated findings of abuse,
6 neglect or exploitation; and

7 WHEREAS, DPH maintains a Health Care Worker Registry
8 containing the names of certain health care staff working in
9 facilities serving adults that are licensed, funded or
10 certified by DPH or DHS, who have received required training
11 and are subject to a criminal background check; and

12 WHEREAS, DCFS maintains a separate registry, known as the
13 State Central Register, containing the names of and information
14 relating to individuals who have abused or neglected children;
15 and

16 WHEREAS, There is no cross-checking requirement or
17 mechanism between the two registries, making it possible for an
18 abuser to switch from working with one age group to the other;
19 and

20 WHEREAS, To be effective, investigatory systems charged
21 with responsibility for addressing abuse and neglect of people
22 with disabilities must provide a comprehensive and cohesive

1 structure that ensures the safety and well-being of the people
2 the system is mandated to protect; and

3 WHEREAS, Illinois' current investigatory system has been
4 mandated to address an ever-increasing set of issues and
5 settings without being provided increased resources needed to
6 effectively protect people with disabilities from abuse,
7 neglect and exploitation; and

8 WHEREAS, Equip for Equality (EFE) is the organization
9 designated to implement the federal Protection and Advocacy
10 (P&A) system for people with disabilities in Illinois; and

11 WHEREAS, Over the last five years, EFE has conducted
12 hundreds of unannounced visits to public and private facilities
13 and programs for people with disabilities, reviewed records,
14 identified, monitored and investigated dangerous conditions
15 and practices, issued recommendations, and distributed alerts
16 to service providers; and

17 WHEREAS, As a result of those activities, EFE has
18 identified and made recommendations regarding these and other
19 inadequacies in Illinois' investigatory system to address the
20 abuse, neglect and/or exploitation of people with
21 disabilities, which are detailed in a public report entitled,
22 "Ensuring the Safety of Children and Adults with Disabilities:

1 Filling the Gaps in Illinois' System that Investigates
2 Allegations of Abuse and Neglect"; and

3 WHEREAS, The Illinois Guardianship and Advocacy Commission
4 (GAC) has identified further gaps in Illinois' investigatory
5 system with respect to reports of abuse and/or neglect of
6 people with mental illness in hospital settings; therefore, be
7 it

8 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
9 NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that
10 the Abuse and Neglect Investigatory System Work Group is
11 created within the Department of Human Services to study and
12 recommend how Illinois' investigatory system to address the
13 abuse, neglect and exploitation of people with disabilities
14 should be changed to provide a comprehensive, cohesive system
15 that provides maximum protection for the safety and well-being
16 of people with disabilities of all ages and in all settings;
17 and be it further

18 RESOLVED, That the Department of Human Services shall
19 convene the Work Group, and the Secretary of Human Services
20 shall designate a chairperson of the Work Group; due to its
21 unique position and experience, the House requests that Equip
22 for Equality serve in an advisory capacity to the Work Group;
23 and be it further

1 RESOLVED, That additional members of the Work Group shall
2 include at least one representative each from DPH, DCFS, DOA,
3 DHS, DHS/OIG, DHFS, GAC, and ISBE; and be it further

4 RESOLVED, That additional members of the Work Group shall
5 include at least one representative of each of the following:
6 the medical community, the long-term care community, and
7 hospitals; and be it further

8 RESOLVED, That the Department of Human Services shall
9 invite other disability advocacy groups and individuals with
10 disabilities to serve as members of the Work Group; and be it
11 further

12 RESOLVED, That the designated State agencies shall
13 cooperate and participate with the Department of Human Services
14 in this collaborative effort and shall provide any necessary
15 research, office or meeting space, or other assistance; and be
16 it further

17 RESOLVED, That the Work Group shall, with input from all
18 members of the Work Group, develop recommendations and a plan
19 for closing the gaps in Illinois' current investigatory system
20 and improving its overall effectiveness, to include the
21 implementation of a statewide centralized hotline for

1 reporting incidents of abuse and neglect; and be it further

2 RESOLVED, That the Work Group shall further consider and
3 make recommendations regarding possible funding sources to
4 meet the increasing demands on Illinois' investigatory system
5 to address abuse, neglect and exploitation of people with
6 disabilities; and be it further

7 RESOLVED, That the Work Group shall submit its
8 recommendations and plan to the General Assembly no later than
9 May 31, 2010.