

SB1689



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1689

Introduced 2/19/2009, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

320 ILCS 20/2

from Ch. 23, par. 6602

Amends the Elder Abuse and Neglect Act. Provides that a "mandated reporter" under the Act includes (i) any bank, savings and loan, or credit union officer, trustee, or employee and (ii) any ambulatory currency exchange or community currency exchange, as defined in the Currency Exchange Act, or an employee of such a currency exchange.

LRB096 04179 DRJ 14221 b

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 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, neglect, or self-neglect
14 for the sole reason that he or she is being furnished with or
15 relies upon treatment by spiritual means through prayer alone,
16 in accordance with the tenets and practices of a recognized
17 church 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.

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

6 (b) "Department" means the Department on Aging of the State
7 of Illinois.

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

9 (d) "Domestic living situation" means a residence where the
10 eligible adult lives alone or with his or her family or a
11 caregiver, or others, or a board and care home or other
12 community-based unlicensed facility, but is not:

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

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

17 (3) A home, institution, or other place operated by the
18 federal government or agency thereof or by the State of
19 Illinois;

20 (4) A hospital, sanitarium, or other institution, the
21 principal activity or business of which is the diagnosis,
22 care, and treatment of human illness through the
23 maintenance and operation of organized facilities
24 therefor, which is required to be licensed under the
25 Hospital Licensing Act;

26 (5) A "community living facility" as defined in the

1 Community Living Facilities Licensing Act;

2 (6) A "community residential alternative" as defined
3 in the Community Residential Alternatives Licensing Act;

4 (7) A "community-integrated living arrangement" as
5 defined in the Community-Integrated Living Arrangements
6 Licensure and Certification Act;

7 (8) An assisted living or shared housing establishment
8 as defined in the Assisted Living and Shared Housing Act;

9 ~~or~~

10 (9) A supportive living facility as described in
11 Section 5-5.01a of the Illinois Public Aid Code; ~~or~~

12 (e) "Eligible adult" means a person 60 years of age or
13 older who resides in a domestic living situation and is, or is
14 alleged to be, abused, neglected, or financially exploited by
15 another individual or who neglects himself or herself.

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

21 (f-5) "Mandated reporter" means any of the following
22 persons while engaged in carrying out their professional
23 duties:

24 (1) a professional or professional's delegate while
25 engaged in: (i) social services, (ii) law enforcement,
26 (iii) education, (iv) the care of an eligible adult or

1 eligible adults, or (v) any of the occupations required to
2 be licensed under the Clinical Psychologist Licensing Act,
3 the Clinical Social Work and Social Work Practice Act, the
4 Illinois Dental Practice Act, the Dietetic and Nutrition
5 Services Practice Act, the Marriage and Family Therapy
6 Licensing Act, the Medical Practice Act of 1987, the
7 Naprapathic Practice Act, the Nurse Practice Act, the
8 Nursing Home Administrators Licensing and Disciplinary
9 Act, the Illinois Occupational Therapy Practice Act, the
10 Illinois Optometric Practice Act of 1987, the Pharmacy
11 Practice Act, the Illinois Physical Therapy Act, the
12 Physician Assistant Practice Act of 1987, the Podiatric
13 Medical Practice Act of 1987, the Respiratory Care Practice
14 Act, the Professional Counselor and Clinical Professional
15 Counselor Licensing Act, the Illinois Speech-Language
16 Pathology and Audiology Practice Act, the Veterinary
17 Medicine and Surgery Practice Act of 2004, and the Illinois
18 Public Accounting Act;

19 (2) an employee of a vocational rehabilitation
20 facility prescribed or supervised by the Department of
21 Human Services;

22 (3) an administrator, employee, or person providing
23 services in or through an unlicensed community based
24 facility;

25 (4) any religious practitioner who provides treatment
26 by prayer or spiritual means alone in accordance with the

1 tenets and practices of a recognized church or religious
2 denomination, except as to information received in any
3 confession or sacred communication enjoined by the
4 discipline of the religious denomination to be held
5 confidential;

6 (5) field personnel of the Department of Healthcare and
7 Family Services, Department of Public Health, and
8 Department of Human Services, and any county or municipal
9 health department;

10 (6) personnel of the Department of Human Services, the
11 Guardianship and Advocacy Commission, the State Fire
12 Marshal, local fire departments, the Department on Aging
13 and its subsidiary Area Agencies on Aging and provider
14 agencies, and the Office of State Long Term Care Ombudsman;

15 (7) any employee of the State of Illinois not otherwise
16 specified herein who is involved in providing services to
17 eligible adults, including professionals providing medical
18 or rehabilitation services and all other persons having
19 direct contact with eligible adults;

20 (8) a person who performs the duties of a coroner or
21 medical examiner; ~~or~~

22 (9) a person who performs the duties of a paramedic or
23 an emergency medical technician; ~~or~~

24 (10) any bank, savings and loan, or credit union
25 officer, trustee, or employee; or

26 (11) any ambulatory currency exchange or community

1 currency exchange, as defined in the Currency Exchange Act,
2 or an employee of such a currency exchange.

3 (g) "Neglect" means another individual's failure to
4 provide an eligible adult with or willful withholding from an
5 eligible adult the necessities of life including, but not
6 limited to, food, clothing, shelter or health care. This
7 subsection does not create any new affirmative duty to provide
8 support to eligible adults. Nothing in this Act shall be
9 construed to mean that an eligible adult is a victim of neglect
10 because of health care services provided or not provided by
11 licensed health care professionals.

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

17 (i) "Regional administrative agency" means any public or
18 nonprofit agency in a planning and service area so designated
19 by the Department, provided that the designated Area Agency on
20 Aging shall be designated the regional administrative agency if
21 it so requests. The Department shall assume the functions of
22 the regional administrative agency for any planning and service
23 area where another agency is not so designated.

24 (i-5) "Self-neglect" means a condition that is the result
25 of an eligible adult's inability, due to physical or mental
26 impairments, or both, or a diminished capacity, to perform

1 essential self-care tasks that substantially threaten his or
2 her own health, including: providing essential food, clothing,
3 shelter, and health care; and obtaining goods and services
4 necessary to maintain physical health, mental health,
5 emotional well-being, and general safety.

6 (j) "Substantiated case" means a reported case of alleged
7 or suspected abuse, neglect, financial exploitation, or
8 self-neglect in which a provider agency, after assessment,
9 determines that there is reason to believe abuse, neglect, or
10 financial exploitation has occurred.

11 (Source: P.A. 94-1064, eff. 1-1-07; 95-639, eff. 10-5-07;
12 95-689, eff. 10-29-07; 95-876, eff. 8-21-08.)