



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3212

Introduced 2/24/2011, by Rep. Jim Sacia

SYNOPSIS AS INTRODUCED:

5 ILCS 430/30-5
15 ILCS 305/14
20 ILCS 505/35.5
20 ILCS 1305/1-17
105 ILCS 5/1B-22
105 ILCS 5/34-13.1
305 ILCS 5/12-13.1
605 ILCS 10/8.5

Amends the State Officials and Employees Ethics Act, Secretary of State Act, Children and Family Services Act, Department of Human Services Act, School Code, Illinois Public Aid Code, and Toll Highway Act. Establishes and, in some cases, changes minimum qualifications for Inspectors General of the Auditor General, Secretary of State, Department of Children and Family Services, Department of Human Services, local boards of education, the Chicago Public Schools, the Department of Healthcare and Family Services, and the Toll Highway Authority. Effective immediately.

LRB097 08497 JDS 48624 b

1 AN ACT concerning inspectors general.

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

4 Section 5. The State Officials and Employees Ethics Act is
5 amended by changing Sections 30-5 as follows:

6 (5 ILCS 430/30-5)

7 Sec. 30-5. Appointment of Inspector General.

8 (a) The Auditor General shall appoint an Inspector General

9 (i) to investigate allegations of violations of Articles 5 and
10 10 by State officers and employees under his or her
11 jurisdiction and (ii) to perform other duties and exercise
12 other powers assigned to the Inspectors General by this or any
13 other Act. The Inspector General shall be appointed within 6
14 months after the effective date of this Act.

15 (b) The Auditor General shall provide by rule for the
16 operation of his or her Inspector General. It is declared to be
17 in the public interest, safety, and welfare that the Auditor
18 General adopt emergency rules under the Illinois
19 Administrative Procedure Act to initially perform his or her
20 duties under this subsection.

21 (c) The Inspector General appointed by the Auditor General
22 under subsection (a) of this Section shall have the following
23 qualifications:

1 (1) has not been convicted of any felony under the laws
2 of this State, another State, or the United States;

3 (2) has earned a baccalaureate degree from an
4 institution of higher education;

5 (3) has not been employed by the Auditor General other
6 than as an Inspector General during the 5 years immediately
7 preceding his or her appointment; and

8 (4) has (A) 5 or more years of service with a federal,
9 State, or local law enforcement agency, at least 2 years of
10 which have been in a progressive investigatory capacity;
11 (B) 5 or more years of service as a federal, State, or
12 local prosecutor; or (C) 5 or more years of service as a
13 senior manager or executive of a federal, State, or local
14 agency.

15 The Auditor General may appoint an existing inspector
16 general as the Inspector General required by this Article,
17 provided that such an inspector general is not prohibited by
18 law, rule, jurisdiction, qualification, or interest from
19 serving as the Inspector General required by this Article.

20 The Auditor General may not appoint a relative as the
21 Inspector General required by this Article.

22 (Source: P.A. 93-617, eff. 12-9-03.)

23 Section 10. The Secretary of State Act is amended by
24 changing Section 14 as follows:

1 (15 ILCS 305/14)

2 Sec. 14. Inspector General.

3 (a) The Secretary of State must, with the advice and
4 consent of the Senate, appoint an Inspector General for the
5 purpose of detection, deterrence, and prevention of fraud,
6 corruption, mismanagement, gross or aggravated misconduct, or
7 misconduct that may be criminal in nature in the Office of the
8 Secretary of State. The Inspector General shall serve a 5-year
9 term. If no successor is appointed and qualified upon the
10 expiration of the Inspector General's term, the Office of
11 Inspector General is deemed vacant and the powers and duties
12 under this Section may be exercised only by an appointed and
13 qualified interim Inspector General until a successor
14 Inspector General is appointed and qualified. If the General
15 Assembly is not in session when a vacancy in the Office of
16 Inspector General occurs, the Secretary of State may appoint an
17 interim Inspector General whose term shall expire 2 weeks after
18 the next regularly scheduled session day of the Senate.

19 (b) The Inspector General appointed under subsection (a) of
20 this Section shall have the following qualifications:

21 (1) has not been convicted of any felony under the laws
22 of this State, another State, or the United States;

23 (2) has earned a baccalaureate degree from an
24 institution of higher education; ~~and~~

25 (2.5) has not been employed by the Secretary of State
26 other than as an Inspector General during the 5 years

1 immediately preceding his or her appointment; and

2 (3) has either (A) 5 or more years of service with a
3 federal, State, or local law enforcement agency, at least 2
4 years of which have been in a progressive investigatory
5 capacity; (B) 5 or more years of service as a federal,
6 State, or local prosecutor; or (C) 5 or more years of
7 service as a senior manager or executive of a federal,
8 State, or local agency.

9 (c) The Inspector General may review, coordinate, and
10 recommend methods and procedures to increase the integrity of
11 the Office of the Secretary of State. The duties of the
12 Inspector General shall supplement and not supplant the duties
13 of the Chief Auditor for the Secretary of State's Office or any
14 other Inspector General that may be authorized by law. The
15 Inspector General must report directly to the Secretary of
16 State.

17 (d) In addition to the authority otherwise provided by this
18 Section, but only when investigating the Office of the
19 Secretary of State, its employees, or their actions for fraud,
20 corruption, mismanagement, gross or aggravated misconduct, or
21 misconduct that may be criminal in nature, the Inspector
22 General is authorized:

23 (1) To have access to all records, reports, audits,
24 reviews, documents, papers, recommendations, or other
25 materials available that relate to programs and operations
26 with respect to which the Inspector General has

1 responsibilities under this Section.

2 (2) To make any investigations and reports relating to
3 the administration of the programs and operations of the
4 Office of the Secretary of State that are, in the judgment
5 of the Inspector General, necessary or desirable.

6 (3) To request any information or assistance that may
7 be necessary for carrying out the duties and
8 responsibilities provided by this Section from any local,
9 State, or federal governmental agency or unit thereof.

10 (4) To require by subpoena the appearance of witnesses
11 and the production of all information, documents, reports,
12 answers, records, accounts, papers, and other data and
13 documentary evidence necessary in the performance of the
14 functions assigned by this Section, with the exception of
15 subsection (c) and with the exception of records of a labor
16 organization authorized and recognized under the Illinois
17 Public Labor Relations Act to be the exclusive bargaining
18 representative of employees of the Secretary of State,
19 including, but not limited to, records of representation of
20 employees and the negotiation of collective bargaining
21 agreements. A subpoena may be issued under this paragraph
22 (4) only by the Inspector General and not by members of the
23 Inspector General's staff. A person duly subpoenaed for
24 testimony, documents, or other items who neglects or
25 refuses to testify or produce documents or other items
26 under the requirements of the subpoena shall be subject to

1 punishment as may be determined by a court of competent
2 jurisdiction, unless (i) the testimony, documents, or
3 other items are covered by the attorney-client privilege or
4 any other privilege or right recognized by law or (ii) the
5 testimony, documents, or other items concern the
6 representation of employees and the negotiation of
7 collective bargaining agreements by a labor organization
8 authorized and recognized under the Illinois Public Labor
9 Relations Act to be the exclusive bargaining
10 representative of employees of the Secretary of State.
11 Nothing in this Section limits a person's right to
12 protection against self-incrimination under the Fifth
13 Amendment of the United States Constitution or Article I,
14 Section 10, of the Constitution of the State of Illinois.

15 (5) To have direct and prompt access to the Secretary
16 of State for any purpose pertaining to the performance of
17 functions and responsibilities under this Section.

18 (d-5) In addition to the authority otherwise provided by
19 this Section, the Secretary of State Inspector General shall
20 have jurisdiction to investigate complaints and allegations of
21 wrongdoing by any person or entity related to the Lobbyist
22 Registration Act. When investigating those complaints and
23 allegations, the Inspector General is authorized:

24 (1) To have access to all records, reports, audits,
25 reviews, documents, papers, recommendations, or other
26 materials available that relate to programs and operations

1 with respect to which the Inspector General has
2 responsibilities under this Section.

3 (2) To request any information or assistance that may
4 be necessary for carrying out the duties and
5 responsibilities provided by this Section from any local,
6 State, or federal governmental agency or unit thereof.

7 (3) To require by subpoena the appearance of witnesses
8 and the production of all information, documents, reports,
9 answers, records, accounts, papers, and other data and
10 documentary evidence necessary in the performance of the
11 functions assigned by this Section. A subpoena may be
12 issued under this paragraph (3) only by the Inspector
13 General and not by members of the Inspector General's
14 staff. A person duly subpoenaed for testimony, documents,
15 or other items who neglects or refuses to testify or
16 produce documents or other items under the requirements of
17 the subpoena shall be subject to punishment as may be
18 determined by a court of competent jurisdiction, unless the
19 testimony, documents, or other items are covered by the
20 attorney-client privilege or any other privilege or right
21 recognized by law. Nothing in this Section limits a
22 person's right to protection against self-incrimination
23 under the Fifth Amendment of the United States Constitution
24 or Section 10 of Article I of the Constitution of the State
25 of Illinois.

26 (4) To have direct and prompt access to the Secretary

1 of State for any purpose pertaining to the performance of
2 functions and responsibilities under this Section.

3 (e) The Inspector General may receive and investigate
4 complaints or information concerning the possible existence of
5 an activity constituting a violation of law, rules, or
6 regulations; mismanagement; abuse of authority; or substantial
7 and specific danger to the public health and safety. Any person
8 who knowingly files a false complaint or files a complaint with
9 reckless disregard for the truth or the falsity of the facts
10 underlying the complaint may be subject to discipline as set
11 forth in the rules of the Department of Personnel of the
12 Secretary of State or the Inspector General may refer the
13 matter to a State's Attorney or the Attorney General.

14 The Inspector General may not, after receipt of a complaint
15 or information, disclose the identity of the source without the
16 consent of the source, unless the Inspector General determines
17 that disclosure of the identity is reasonable and necessary for
18 the furtherance of the investigation.

19 Any employee who has the authority to recommend or approve
20 any personnel action or to direct others to recommend or
21 approve any personnel action may not, with respect to that
22 authority, take or threaten to take any action against any
23 employee as a reprisal for making a complaint or disclosing
24 information to the Inspector General, unless the complaint was
25 made or the information disclosed with the knowledge that it
26 was false or with willful disregard for its truth or falsity.

1 (f) The Inspector General must adopt rules, in accordance
2 with the provisions of the Illinois Administrative Procedure
3 Act, establishing minimum requirements for initiating,
4 conducting, and completing investigations. The rules must
5 establish criteria for determining, based upon the nature of
6 the allegation, the appropriate method of investigation, which
7 may include, but is not limited to, site visits, telephone
8 contacts, personal interviews, or requests for written
9 responses. The rules must also clarify how the Office of the
10 Inspector General shall interact with other local, State, and
11 federal law enforcement investigations.

12 Any employee of the Secretary of State subject to
13 investigation or inquiry by the Inspector General or any agent
14 or representative of the Inspector General concerning
15 misconduct that is criminal in nature shall have the right to
16 be notified of the right to remain silent during the
17 investigation or inquiry and the right to be represented in the
18 investigation or inquiry by an attorney or a representative of
19 a labor organization that is the exclusive collective
20 bargaining representative of employees of the Secretary of
21 State. Any investigation or inquiry by the Inspector General or
22 any agent or representative of the Inspector General must be
23 conducted with an awareness of the provisions of a collective
24 bargaining agreement that applies to the employees of the
25 Secretary of State and with an awareness of the rights of the
26 employees as set forth in State and federal law and applicable

1 judicial decisions. Any recommendations for discipline or any
2 action taken against any employee by the Inspector General or
3 any representative or agent of the Inspector General must
4 comply with the provisions of the collective bargaining
5 agreement that applies to the employee.

6 (g) On or before January 1 of each year, the Inspector
7 General shall report to the President of the Senate, the
8 Minority Leader of the Senate, the Speaker of the House of
9 Representatives, and the Minority Leader of the House of
10 Representatives on the types of investigations and the
11 activities undertaken by the Office of the Inspector General
12 during the previous calendar year.

13 (Source: P.A. 96-555, eff. 1-1-10; 96-1358, eff. 7-28-10.)

14 Section 15. The Children and Family Services Act is amended
15 by changing Section 35.5 as follows:

16 (20 ILCS 505/35.5)

17 Sec. 35.5. Inspector General.

18 (a) The Governor shall appoint, and the Senate shall
19 confirm, an Inspector General who shall have the authority to
20 conduct investigations into allegations of or incidents of
21 possible misconduct, misfeasance, malfeasance, or violations
22 of rules, procedures, or laws by any employee, foster parent,
23 service provider, or contractor of the Department of Children
24 and Family Services, except for allegations of violations of

1 the State Officials and Employees Ethics Act which shall be
2 referred to the Office of the Governor's Executive Inspector
3 General for investigation. The Inspector General shall make
4 recommendations to the Director of Children and Family Services
5 concerning sanctions or disciplinary actions against
6 Department employees or providers of service under contract to
7 the Department. The Director of Children and Family Services
8 shall provide the Inspector General with an implementation
9 report on the status of any corrective actions taken on
10 recommendations under review and shall continue sending
11 updated reports until the corrective action is completed. The
12 Director shall provide a written response to the Inspector
13 General indicating the status of any sanctions or disciplinary
14 actions against employees or providers of service involving any
15 investigation subject to review. In any case, information
16 included in the reports to the Inspector General and Department
17 responses shall be subject to the public disclosure
18 requirements of the Abused and Neglected Child Reporting Act.
19 Any investigation conducted by the Inspector General shall be
20 independent and separate from the investigation mandated by the
21 Abused and Neglected Child Reporting Act. The Inspector General
22 shall be appointed for a term of 4 years. The Inspector General
23 shall function independently within the Department of Children
24 and Family Services with respect to the operations of the
25 Office of Inspector General, including the performance of
26 investigations and issuance of findings and recommendations,

1 and shall report to the Director of Children and Family
2 Services and the Governor and perform other duties the Director
3 may designate. The Inspector General shall adopt rules as
4 necessary to carry out the functions, purposes, and duties of
5 the office of Inspector General in the Department of Children
6 and Family Services, in accordance with the Illinois
7 Administrative Procedure Act and any other applicable law.

8 (a-5) The Inspector General appointed by the Governor under
9 subsection (a) of this Section shall have the following
10 qualifications:

11 (1) has not been convicted of any felony under the laws
12 of this State, another State, or the United States;

13 (2) has earned a baccalaureate degree from an
14 institution of higher education;

15 (3) has not been employed by the Department of Children
16 and Family Services other than as an Inspector General
17 during the 5 years immediately preceding his or her
18 appointment; and

19 (4) has (A) 5 or more years of service with a federal,
20 State, or local law enforcement agency, at least 2 years of
21 which have been in a progressive investigatory capacity;

22 (B) 5 or more years of service as a federal, State, or
23 local prosecutor; or (C) 5 or more years of service as a
24 senior manager or executive of a federal, State, or local
25 agency.

26 (b) The Inspector General shall have access to all

1 information and personnel necessary to perform the duties of
2 the office. To minimize duplication of efforts, and to assure
3 consistency and conformance with the requirements and
4 procedures established in the B.H. v. Suter consent decree and
5 to share resources when appropriate, the Inspector General
6 shall coordinate his or her activities with the Bureau of
7 Quality Assurance within the Department.

8 (c) The Inspector General shall be the primary liaison
9 between the Department and the Department of State Police with
10 regard to investigations conducted under the Inspector
11 General's auspices. If the Inspector General determines that a
12 possible criminal act has been committed, or that special
13 expertise is required in the investigation, he or she shall
14 immediately notify the Department of State Police. All
15 investigations conducted by the Inspector General shall be
16 conducted in a manner designed to ensure the preservation of
17 evidence for possible use in a criminal prosecution.

18 (d) The Inspector General may recommend to the Department
19 of Children and Family Services, the Department of Public
20 Health, or any other appropriate agency, sanctions to be
21 imposed against service providers under the jurisdiction of or
22 under contract with the Department for the protection of
23 children in the custody or under the guardianship of the
24 Department who received services from those providers. The
25 Inspector General may seek the assistance of the Attorney
26 General or any of the several State's Attorneys in imposing

1 sanctions.

2 (e) The Inspector General shall at all times be granted
3 access to any foster home, facility, or program operated for or
4 licensed or funded by the Department.

5 (f) Nothing in this Section shall limit investigations by
6 the Department of Children and Family Services that may
7 otherwise be required by law or that may be necessary in that
8 Department's capacity as the central administrative authority
9 for child welfare.

10 (g) The Inspector General shall have the power to subpoena
11 witnesses and compel the production of books and papers
12 pertinent to an investigation authorized by this Act. The power
13 to subpoena or to compel the production of books and papers,
14 however, shall not extend to the person or documents of a labor
15 organization or its representatives insofar as the person or
16 documents of a labor organization relate to the function of
17 representing an employee subject to investigation under this
18 Act. Any person who fails to appear in response to a subpoena
19 or to answer any question or produce any books or papers
20 pertinent to an investigation under this Act, except as
21 otherwise provided in this Section, or who knowingly gives
22 false testimony in relation to an investigation under this Act
23 is guilty of a Class A misdemeanor.

24 (h) The Inspector General shall provide to the General
25 Assembly and the Governor, no later than January 1 of each
26 year, a summary of reports and investigations made under this

1 Section for the prior fiscal year. The summaries shall detail
2 the imposition of sanctions and the final disposition of those
3 recommendations. The summaries shall not contain any
4 confidential or identifying information concerning the
5 subjects of the reports and investigations. The summaries also
6 shall include detailed recommended administrative actions and
7 matters for consideration by the General Assembly.

8 (Source: P.A. 95-527, eff. 6-1-08; 96-555, eff. 8-18-09.)

9 Section 20. The Department of Human Services Act is amended
10 by changing Section 1-17 as follows:

11 (20 ILCS 1305/1-17)

12 Sec. 1-17. Inspector General.

13 (a) Nature and purpose. It is the express intent of the
14 General Assembly to ensure the health, safety, and financial
15 condition of individuals receiving services in this State due
16 to mental illness, developmental disability, or both by
17 protecting those persons from acts of abuse, neglect, or both
18 by service providers. To that end, the Office of the Inspector
19 General for the Department of Human Services is created to
20 investigate and report upon allegations of the abuse, neglect,
21 or financial exploitation of individuals receiving services
22 within mental health facilities, developmental disabilities
23 facilities, and community agencies operated, licensed, funded
24 or certified by the Department of Human Services, but not

1 licensed or certified by any other State agency. It is also the
2 express intent of the General Assembly to authorize the
3 Inspector General to investigate alleged or suspected cases of
4 abuse, neglect, or financial exploitation of adults with
5 disabilities living in domestic settings in the community under
6 the Abuse of Adults with Disabilities Intervention Act.

7 (b) Definitions. The following definitions apply to this
8 Section:

9 "Adult student with a disability" means an adult student,
10 age 18 through 21, inclusive, with an Individual Education
11 Program, other than a resident of a facility licensed by the
12 Department of Children and Family Services in accordance with
13 the Child Care Act of 1969. For purposes of this definition,
14 "through age 21, inclusive", means through the day before the
15 student's 22nd birthday.

16 "Agency" or "community agency" means (i) a community agency
17 licensed, funded, or certified by the Department, but not
18 licensed or certified by any other human services agency of the
19 State, to provide mental health service or developmental
20 disabilities service, or (ii) a program licensed, funded, or
21 certified by the Department, but not licensed or certified by
22 any other human services agency of the State, to provide mental
23 health service or developmental disabilities service.

24 "Aggravating circumstance" means a factor that is
25 attendant to a finding and that tends to compound or increase
26 the culpability of the accused.

1 "Allegation" means an assertion, complaint, suspicion, or
2 incident involving any of the following conduct by an employee,
3 facility, or agency against an individual or individuals:
4 mental abuse, physical abuse, sexual abuse, neglect, or
5 financial exploitation.

6 "Day" means working day, unless otherwise specified.

7 "Deflection" means a situation in which an individual is
8 presented for admission to a facility or agency, and the
9 facility staff or agency staff do not admit the individual.
10 "Deflection" includes triage, redirection, and denial of
11 admission.

12 "Department" means the Department of Human Services.

13 "Developmentally disabled" means having a developmental
14 disability.

15 "Developmental disability" means "developmental
16 disability" as defined in the Mental Health and Developmental
17 Disabilities Code.

18 "Egregious neglect" means a finding of neglect as
19 determined by the Inspector General that (i) represents a gross
20 failure to adequately provide for, or a callused indifference
21 to, the health, safety, or medical needs of an individual and
22 (ii) results in an individual's death or other serious
23 deterioration of an individual's physical condition or mental
24 condition.

25 "Employee" means any person who provides services at the
26 facility or agency on-site or off-site. The service

1 relationship can be with the individual or with the facility or
2 agency. Also, "employee" includes any employee or contractual
3 agent of the Department of Human Services or the community
4 agency involved in providing or monitoring or administering
5 mental health or developmental disability services. This
6 includes but is not limited to: owners, operators, payroll
7 personnel, contractors, subcontractors, and volunteers.

8 "Facility" or "State-operated facility" means a mental
9 health facility or developmental disabilities facility
10 operated by the Department.

11 "Financial exploitation" means taking unjust advantage of
12 an individual's assets, property, or financial resources
13 through deception, intimidation, or conversion for the
14 employee's, facility's, or agency's own advantage or benefit.

15 "Finding" means the Office of Inspector General's
16 determination regarding whether an allegation is
17 substantiated, unsubstantiated, or unfounded.

18 "Health care worker registry" or "registry" means the
19 health care worker registry created by the Nursing Home Care
20 Act.

21 "Individual" means any person receiving mental health
22 service, developmental disabilities service, or both from a
23 facility or agency, while either on-site or off-site.

24 "Mental abuse" means the use of demeaning, intimidating, or
25 threatening words, signs, gestures, or other actions by an
26 employee about an individual and in the presence of an

1 individual or individuals that results in emotional distress or
2 maladaptive behavior, or could have resulted in emotional
3 distress or maladaptive behavior, for any individual present.

4 "Mental illness" means "mental illness" as defined in the
5 Mental Health and Developmental Disabilities Code.

6 "Mentally ill" means having a mental illness.

7 "Mitigating circumstance" means a condition that (i) is
8 attendant to a finding, (ii) does not excuse or justify the
9 conduct in question, but (iii) may be considered in evaluating
10 the severity of the conduct, the culpability of the accused, or
11 both the severity of the conduct and the culpability of the
12 accused.

13 "Neglect" means an employee's, agency's, or facility's
14 failure to provide adequate medical care, personal care, or
15 maintenance and that, as a consequence, (i) causes an
16 individual pain, injury, or emotional distress, (ii) results in
17 either an individual's maladaptive behavior or the
18 deterioration of an individual's physical condition or mental
19 condition, or (iii) places the individual's health or safety at
20 substantial risk.

21 "Physical abuse" means an employee's non-accidental and
22 inappropriate contact with an individual that causes bodily
23 harm. "Physical abuse" includes actions that cause bodily harm
24 as a result of an employee directing an individual or person to
25 physically abuse another individual.

26 "Recommendation" means an admonition, separate from a

1 finding, that requires action by the facility, agency, or
2 Department to correct a systemic issue, problem, or deficiency
3 identified during an investigation.

4 "Required reporter" means any employee who suspects,
5 witnesses, or is informed of an allegation of any one or more
6 of the following: mental abuse, physical abuse, sexual abuse,
7 neglect, or financial exploitation.

8 "Secretary" means the Chief Administrative Officer of the
9 Department.

10 "Sexual abuse" means any sexual contact or intimate
11 physical contact between an employee and an individual,
12 including an employee's coercion or encouragement of an
13 individual to engage in sexual behavior that results in sexual
14 contact, intimate physical contact, sexual behavior, or
15 intimate physical behavior.

16 "Substantiated" means there is a preponderance of the
17 evidence to support the allegation.

18 "Unfounded" means there is no credible evidence to support
19 the allegation.

20 "Unsubstantiated" means there is credible evidence, but
21 less than a preponderance of evidence to support the
22 allegation.

23 (c) Appointment. The Governor shall appoint, and the Senate
24 shall confirm, an Inspector General. The Inspector General
25 shall be appointed for a term of 4 years and shall function
26 within the Department of Human Services and report to the

1 Secretary and the Governor.

2 (c-5) The Inspector General appointed by the Governor under
3 subsection (c) of this Section shall have the following
4 qualifications:

5 (1) has not been convicted of any felony under the laws
6 of this State, another State, or the United States;

7 (2) has earned a baccalaureate degree from an
8 institution of higher education;

9 (3) has not been employed by the Department of Human
10 Services other than as an Inspector General during the 5
11 years immediately preceding his or her appointment; and

12 (4) has (A) 5 or more years of service with a federal,
13 State, or local law enforcement agency, at least 2 years of
14 which have been in a progressive investigatory capacity;

15 (B) 5 or more years of service as a federal, State, or
16 local prosecutor; or (C) 5 or more years of service as a
17 senior manager or executive of a federal, State, or local
18 agency.

19 (d) Operation and appropriation. The Inspector General
20 shall function independently within the Department with
21 respect to the operations of the Office, including the
22 performance of investigations and issuance of findings and
23 recommendations. The appropriation for the Office of Inspector
24 General shall be separate from the overall appropriation for
25 the Department.

26 (e) Powers and duties. The Inspector General shall

1 investigate reports of suspected mental abuse, physical abuse,
2 sexual abuse, neglect, or financial exploitation of
3 individuals in any mental health or developmental disabilities
4 facility or agency and shall have authority to take immediate
5 action to prevent any one or more of the following from
6 happening to individuals under its jurisdiction: mental abuse,
7 physical abuse, sexual abuse, neglect, or financial
8 exploitation. Upon written request of an agency of this State,
9 the Inspector General may assist another agency of the State in
10 investigating reports of the abuse, neglect, or abuse and
11 neglect of persons with mental illness, persons with
12 developmental disabilities, or persons with both. To comply
13 with the requirements of subsection (k) of this Section, the
14 Inspector General shall also review all reportable deaths for
15 which there is no allegation of abuse or neglect. Nothing in
16 this Section shall preempt any duties of the Medical Review
17 Board set forth in the Mental Health and Developmental
18 Disabilities Code. The Inspector General shall have no
19 authority to investigate alleged violations of the State
20 Officials and Employees Ethics Act. Allegations of misconduct
21 under the State Officials and Employees Ethics Act shall be
22 referred to the Office of the Governor's Executive Inspector
23 General for investigation.

24 (f) Limitations. The Inspector General shall not conduct an
25 investigation within an agency or facility if that
26 investigation would be redundant to or interfere with an

1 investigation conducted by another State agency. The Inspector
2 General shall have no supervision over, or involvement in, the
3 routine programmatic, licensing, funding, or certification
4 operations of the Department. Nothing in this subsection limits
5 investigations by the Department that may otherwise be required
6 by law or that may be necessary in the Department's capacity as
7 central administrative authority responsible for the operation
8 of the State's mental health and developmental disabilities
9 facilities.

10 (g) Rulemaking authority. The Inspector General shall
11 promulgate rules establishing minimum requirements for
12 reporting allegations as well as for initiating, conducting,
13 and completing investigations based upon the nature of the
14 allegation or allegations. The rules shall clearly establish
15 that if 2 or more State agencies could investigate an
16 allegation, the Inspector General shall not conduct an
17 investigation that would be redundant to, or interfere with, an
18 investigation conducted by another State agency. The rules
19 shall further clarify the method and circumstances under which
20 the Office of Inspector General may interact with the
21 licensing, funding, or certification units of the Department in
22 preventing further occurrences of mental abuse, physical
23 abuse, sexual abuse, neglect, egregious neglect, and financial
24 exploitation.

25 (h) Training programs. The Inspector General shall (i)
26 establish a comprehensive program to ensure that every person

1 authorized to conduct investigations receives ongoing training
2 relative to investigation techniques, communication skills,
3 and the appropriate means of interacting with persons receiving
4 treatment for mental illness, developmental disability, or
5 both mental illness and developmental disability, and (ii)
6 establish and conduct periodic training programs for facility
7 and agency employees concerning the prevention and reporting of
8 any one or more of the following: mental abuse, physical abuse,
9 sexual abuse, neglect, egregious neglect, or financial
10 exploitation. Nothing in this Section shall be deemed to
11 prevent the Office of Inspector General from conducting any
12 other training as determined by the Inspector General to be
13 necessary or helpful.

14 (i) Duty to cooperate.

15 (1) The Inspector General shall at all times be granted
16 access to any facility or agency for the purpose of
17 investigating any allegation, conducting unannounced site
18 visits, monitoring compliance with a written response, or
19 completing any other statutorily assigned duty. The
20 Inspector General shall conduct unannounced site visits to
21 each facility at least annually for the purpose of
22 reviewing and making recommendations on systemic issues
23 relative to preventing, reporting, investigating, and
24 responding to all of the following: mental abuse, physical
25 abuse, sexual abuse, neglect, egregious neglect, or
26 financial exploitation.

1 (2) Any employee who fails to cooperate with an Office
2 of the Inspector General investigation is in violation of
3 this Act. Failure to cooperate with an investigation
4 includes, but is not limited to, any one or more of the
5 following: (i) creating and transmitting a false report to
6 the Office of the Inspector General hotline, (ii) providing
7 false information to an Office of the Inspector General
8 Investigator during an investigation, (iii) colluding with
9 other employees to cover up evidence, (iv) colluding with
10 other employees to provide false information to an Office
11 of the Inspector General investigator, (v) destroying
12 evidence, (vi) withholding evidence, or (vii) otherwise
13 obstructing an Office of the Inspector General
14 investigation. Additionally, any employee who, during an
15 unannounced site visit or written response compliance
16 check, fails to cooperate with requests from the Office of
17 the Inspector General is in violation of this Act.

18 (j) Subpoena powers. The Inspector General shall have the
19 power to subpoena witnesses and compel the production of all
20 documents and physical evidence relating to his or her
21 investigations and any hearings authorized by this Act. This
22 subpoena power shall not extend to persons or documents of a
23 labor organization or its representatives insofar as the
24 persons are acting in a representative capacity to an employee
25 whose conduct is the subject of an investigation or the
26 documents relate to that representation. Any person who

1 otherwise fails to respond to a subpoena or who knowingly
2 provides false information to the Office of the Inspector
3 General by subpoena during an investigation is guilty of a
4 Class A misdemeanor.

5 (k) Reporting allegations and deaths.

6 (1) Allegations. If an employee witnesses, is told of,
7 or has reason to believe an incident of mental abuse,
8 physical abuse, sexual abuse, neglect, or financial
9 exploitation has occurred, the employee, agency, or
10 facility shall report the allegation by phone to the Office
11 of the Inspector General hotline according to the agency's
12 or facility's procedures, but in no event later than 4
13 hours after the initial discovery of the incident,
14 allegation, or suspicion of any one or more of the
15 following: mental abuse, physical abuse, sexual abuse,
16 neglect, or financial exploitation. A required reporter as
17 defined in subsection (b) of this Section who knowingly or
18 intentionally fails to comply with these reporting
19 requirements is guilty of a Class A misdemeanor.

20 (2) Deaths. Absent an allegation, a required reporter
21 shall, within 24 hours after initial discovery, report by
22 phone to the Office of the Inspector General hotline each
23 of the following:

24 (i) Any death of an individual occurring within 14
25 calendar days after discharge or transfer of the
26 individual from a residential program or facility.

1 (ii) Any death of an individual occurring within 24
2 hours after deflection from a residential program or
3 facility.

4 (iii) Any other death of an individual occurring at
5 an agency or facility or at any Department-funded site.

6 (3) Retaliation. It is a violation of this Act for any
7 employee or administrator of an agency or facility to take
8 retaliatory action against an employee who acts in good
9 faith in conformance with his or her duties as a required
10 reporter.

11 (1) Reporting to law enforcement.

12 (1) Reporting criminal acts. Within 24 hours after
13 determining that there is credible evidence indicating
14 that a criminal act may have been committed or that special
15 expertise may be required in an investigation, the
16 Inspector General shall notify the Department of State
17 Police or other appropriate law enforcement authority, or
18 ensure that such notification is made. The Department of
19 State Police shall investigate any report from a
20 State-operated facility indicating a possible murder,
21 sexual assault, or other felony by an employee. All
22 investigations conducted by the Inspector General shall be
23 conducted in a manner designed to ensure the preservation
24 of evidence for possible use in a criminal prosecution.

25 (2) Reporting allegations of adult students with
26 disabilities. Upon receipt of a reportable allegation

1 regarding an adult student with a disability, the
2 Department's Office of the Inspector General shall
3 determine whether the allegation meets the criteria for the
4 Domestic Abuse Program under the Abuse of Adults with
5 Disabilities Intervention Act. If the allegation is
6 reportable to that program, the Office of the Inspector
7 General shall initiate an investigation. If the allegation
8 is not reportable to the Domestic Abuse Program, the Office
9 of the Inspector General shall make an expeditious referral
10 to the respective law enforcement entity. If the alleged
11 victim is already receiving services from the Department,
12 the Office of the Inspector General shall also make a
13 referral to the respective Department of Human Services'
14 Division or Bureau.

15 (m) Investigative reports. Upon completion of an
16 investigation, the Office of Inspector General shall issue an
17 investigative report identifying whether the allegations are
18 substantiated, unsubstantiated, or unfounded. Within 10
19 business days after the transmittal of a completed
20 investigative report substantiating an allegation, or if a
21 recommendation is made, the Inspector General shall provide the
22 investigative report on the case to the Secretary and to the
23 director of the facility or agency where any one or more of the
24 following occurred: mental abuse, physical abuse, sexual
25 abuse, neglect, egregious neglect, or financial exploitation.
26 In a substantiated case, the investigative report shall include

1 any mitigating or aggravating circumstances that were
2 identified during the investigation. If the case involves
3 substantiated neglect, the investigative report shall also
4 state whether egregious neglect was found. An investigative
5 report may also set forth recommendations. All investigative
6 reports prepared by the Office of the Inspector General shall
7 be considered confidential and shall not be released except as
8 provided by the law of this State or as required under
9 applicable federal law. Unsubstantiated and unfounded reports
10 shall not be disclosed except as allowed under Section 6 of the
11 Abused and Neglected Long Term Care Facility Residents
12 Reporting Act. Raw data used to compile the investigative
13 report shall not be subject to release unless required by law
14 or a court order. "Raw data used to compile the investigative
15 report" includes, but is not limited to, any one or more of the
16 following: the initial complaint, witness statements,
17 photographs, investigator's notes, police reports, or incident
18 reports. If the allegations are substantiated, the accused
19 shall be provided with a redacted copy of the investigative
20 report. Death reports where there was no allegation of abuse or
21 neglect shall only be released pursuant to applicable State or
22 federal law or a valid court order.

23 (n) Written responses and reconsideration requests.

24 (1) Written responses. Within 30 calendar days from
25 receipt of a substantiated investigative report or an
26 investigative report which contains recommendations,

1 absent a reconsideration request, the facility or agency
2 shall file a written response that addresses, in a concise
3 and reasoned manner, the actions taken to: (i) protect the
4 individual; (ii) prevent recurrences; and (iii) eliminate
5 the problems identified. The response shall include the
6 implementation and completion dates of such actions. If the
7 written response is not filed within the allotted 30
8 calendar day period, the Secretary shall determine the
9 appropriate corrective action to be taken.

10 (2) Reconsideration requests. The facility, agency,
11 victim or guardian, or the subject employee may request
12 that the Office of Inspector General reconsider or clarify
13 its finding based upon additional information.

14 (o) Disclosure of the finding by the Inspector General. The
15 Inspector General shall disclose the finding of an
16 investigation to the following persons: (i) the Governor, (ii)
17 the Secretary, (iii) the director of the facility or agency,
18 (iv) the alleged victims and their guardians, (v) the
19 complainant, and (vi) the accused. This information shall
20 include whether the allegations were deemed substantiated,
21 unsubstantiated, or unfounded.

22 (p) Secretary review. Upon review of the Inspector
23 General's investigative report and any agency's or facility's
24 written response, the Secretary shall accept or reject the
25 written response and notify the Inspector General of that
26 determination. The Secretary may further direct that other

1 administrative action be taken, including, but not limited to,
2 any one or more of the following: (i) additional site visits,
3 (ii) training, (iii) provision of technical assistance
4 relative to administrative needs, licensure or certification,
5 or (iv) the imposition of appropriate sanctions.

6 (q) Action by facility or agency. Within 30 days of the
7 date the Secretary approves the written response or directs
8 that further administrative action be taken, the facility or
9 agency shall provide an implementation report to the Inspector
10 General that provides the status of the action taken. The
11 facility or agency shall be allowed an additional 30 days to
12 send notice of completion of the action or to send an updated
13 implementation report. If the action has not been completed
14 within the additional 30 day period, the facility or agency
15 shall send updated implementation reports every 60 days until
16 completion. The Inspector General shall conduct a review of any
17 implementation plan that takes more than 120 days after
18 approval to complete, and shall monitor compliance through a
19 random review of approved written responses, which may include,
20 but are not limited to: (i) site visits, (ii) telephone
21 contact, and (iii) requests for additional documentation
22 evidencing compliance.

23 (r) Sanctions. Sanctions, if imposed by the Secretary under
24 Subdivision (p)(iv) of this Section, shall be designed to
25 prevent further acts of mental abuse, physical abuse, sexual
26 abuse, neglect, egregious neglect, or financial exploitation

1 or some combination of one or more of those acts at a facility
2 or agency, and may include any one or more of the following:

3 (1) Appointment of on-site monitors.

4 (2) Transfer or relocation of an individual or
5 individuals.

6 (3) Closure of units.

7 (4) Termination of any one or more of the following:

8 (i) Department licensing, (ii) funding, or (iii)
9 certification.

10 The Inspector General may seek the assistance of the
11 Illinois Attorney General or the office of any State's Attorney
12 in implementing sanctions.

13 (s) Health care worker registry.

14 (1) Reporting to the registry. The Inspector General
15 shall report to the Department of Public Health's health
16 care worker registry, a public registry, the identity and
17 finding of each employee of a facility or agency against
18 whom there is a final investigative report containing a
19 substantiated allegation of physical or sexual abuse or
20 egregious neglect of an individual.

21 (2) Notice to employee. Prior to reporting the name of
22 an employee, the employee shall be notified of the
23 Department's obligation to report and shall be granted an
24 opportunity to request an administrative hearing, the sole
25 purpose of which is to determine if the substantiated
26 finding warrants reporting to the registry. Notice to the

1 employee shall contain a clear and concise statement of the
2 grounds on which the report to the registry is based, offer
3 the employee an opportunity for a hearing, and identify the
4 process for requesting such a hearing. Notice is sufficient
5 if provided by certified mail to the employee's last known
6 address. If the employee fails to request a hearing within
7 30 days from the date of the notice, the Inspector General
8 shall report the name of the employee to the registry.
9 Nothing in this subdivision (s) (2) shall diminish or impair
10 the rights of a person who is a member of a collective
11 bargaining unit under the Illinois Public Labor Relations
12 Act or under any other federal labor statute.

13 (3) Registry hearings. If the employee requests an
14 administrative hearing, the employee shall be granted an
15 opportunity to appear before an administrative law judge to
16 present reasons why the employee's name should not be
17 reported to the registry. The Department shall bear the
18 burden of presenting evidence that establishes, by a
19 preponderance of the evidence, that the substantiated
20 finding warrants reporting to the registry. After
21 considering all the evidence presented, the administrative
22 law judge shall make a recommendation to the Secretary as
23 to whether the substantiated finding warrants reporting
24 the name of the employee to the registry. The Secretary
25 shall render the final decision. The Department and the
26 employee shall have the right to request that the

1 administrative law judge consider a stipulated disposition
2 of these proceedings.

3 (4) Testimony at registry hearings. A person who makes
4 a report or who investigates a report under this Act shall
5 testify fully in any judicial proceeding resulting from
6 such a report, as to any evidence of abuse or neglect, or
7 the cause thereof. No evidence shall be excluded by reason
8 of any common law or statutory privilege relating to
9 communications between the alleged perpetrator of abuse or
10 neglect, or the individual alleged as the victim in the
11 report, and the person making or investigating the report.
12 Testimony at hearings is exempt from the confidentiality
13 requirements of subsection (f) of Section 10 of the Mental
14 Health and Developmental Disabilities Confidentiality Act.

15 (5) Employee's rights to collateral action. No
16 reporting to the registry shall occur and no hearing shall
17 be set or proceed if an employee notifies the Inspector
18 General in writing, including any supporting
19 documentation, that he or she is formally contesting an
20 adverse employment action resulting from a substantiated
21 finding by complaint filed with the Illinois Civil Service
22 Commission, or which otherwise seeks to enforce the
23 employee's rights pursuant to any applicable collective
24 bargaining agreement. If an action taken by an employer
25 against an employee as a result of a finding of physical
26 abuse, sexual abuse, or egregious neglect is overturned

1 through an action filed with the Illinois Civil Service
2 Commission or under any applicable collective bargaining
3 agreement and if that employee's name has already been sent
4 to the registry, the employee's name shall be removed from
5 the registry.

6 (6) Removal from registry. At any time after the report
7 to the registry, but no more than once in any 12-month
8 period, an employee may petition the Department in writing
9 to remove his or her name from the registry. Upon receiving
10 notice of such request, the Inspector General shall conduct
11 an investigation into the petition. Upon receipt of such
12 request, an administrative hearing will be set by the
13 Department. At the hearing, the employee shall bear the
14 burden of presenting evidence that establishes, by a
15 preponderance of the evidence, that removal of the name
16 from the registry is in the public interest. The parties
17 may jointly request that the administrative law judge
18 consider a stipulated disposition of these proceedings.

19 (t) Review of Administrative Decisions. The Department
20 shall preserve a record of all proceedings at any formal
21 hearing conducted by the Department involving health care
22 worker registry hearings. Final administrative decisions of
23 the Department are subject to judicial review pursuant to
24 provisions of the Administrative Review Law.

25 (u) Quality Care Board. There is created, within the Office
26 of the Inspector General, a Quality Care Board to be composed

1 of 7 members appointed by the Governor with the advice and
2 consent of the Senate. One of the members shall be designated
3 as chairman by the Governor. Of the initial appointments made
4 by the Governor, 4 Board members shall each be appointed for a
5 term of 4 years and 3 members shall each be appointed for a
6 term of 2 years. Upon the expiration of each member's term, a
7 successor shall be appointed for a term of 4 years. In the case
8 of a vacancy in the office of any member, the Governor shall
9 appoint a successor for the remainder of the unexpired term.

10 Members appointed by the Governor shall be qualified by
11 professional knowledge or experience in the area of law,
12 investigatory techniques, or in the area of care of the
13 mentally ill or developmentally disabled. Two members
14 appointed by the Governor shall be persons with a disability or
15 a parent of a person with a disability. Members shall serve
16 without compensation, but shall be reimbursed for expenses
17 incurred in connection with the performance of their duties as
18 members.

19 The Board shall meet quarterly, and may hold other meetings
20 on the call of the chairman. Four members shall constitute a
21 quorum allowing the Board to conduct its business. The Board
22 may adopt rules and regulations it deems necessary to govern
23 its own procedures.

24 The Board shall monitor and oversee the operations,
25 policies, and procedures of the Inspector General to ensure the
26 prompt and thorough investigation of allegations of neglect and

1 abuse. In fulfilling these responsibilities, the Board may do
2 the following:

3 (1) Provide independent, expert consultation to the
4 Inspector General on policies and protocols for
5 investigations of alleged abuse, neglect, or both abuse and
6 neglect.

7 (2) Review existing regulations relating to the
8 operation of facilities.

9 (3) Advise the Inspector General as to the content of
10 training activities authorized under this Section.

11 (4) Recommend policies concerning methods for
12 improving the intergovernmental relationships between the
13 Office of the Inspector General and other State or federal
14 offices.

15 (v) Annual report. The Inspector General shall provide to
16 the General Assembly and the Governor, no later than January 1
17 of each year, a summary of reports and investigations made
18 under this Act for the prior fiscal year with respect to
19 individuals receiving mental health or developmental
20 disabilities services. The report shall detail the imposition
21 of sanctions, if any, and the final disposition of any
22 corrective or administrative action directed by the Secretary.
23 The summaries shall not contain any confidential or identifying
24 information of any individual, but shall include objective data
25 identifying any trends in the number of reported allegations,
26 the timeliness of the Office of the Inspector General's

1 investigations, and their disposition, for each facility and
2 Department-wide, for the most recent 3-year time period. The
3 report shall also identify, by facility, the staff-to-patient
4 ratios taking account of direct care staff only. The report
5 shall also include detailed recommended administrative actions
6 and matters for consideration by the General Assembly.

7 (w) Program audit. The Auditor General shall conduct a
8 program audit of the Office of the Inspector General on an
9 as-needed basis, as determined by the Auditor General. The
10 audit shall specifically include the Inspector General's
11 compliance with the Act and effectiveness in investigating
12 reports of allegations occurring in any facility or agency. The
13 Auditor General shall conduct the program audit according to
14 the provisions of the Illinois State Auditing Act and shall
15 report its findings to the General Assembly no later than
16 January 1 following the audit period.

17 (x) Nothing in this Section shall be construed to mean that
18 a patient is a victim of abuse or neglect because of health
19 care services appropriately provided or not provided by health
20 care professionals.

21 (y) Nothing in this Section shall require a facility,
22 including its employees, agents, medical staff members, and
23 health care professionals, to provide a service to a patient in
24 contravention of that patient's stated or implied objection to
25 the provision of that service on the ground that that service
26 conflicts with the patient's religious beliefs or practices,

1 nor shall the failure to provide a service to a patient be
2 considered abuse under this Section if the patient has objected
3 to the provision of that service based on his or her religious
4 beliefs or practices.

5 (Source: P.A. 95-545, eff. 8-28-07; 96-339, eff. 7-1-10;
6 96-407, eff. 8-13-09; 96-555, eff. 8-18-09; 96-1000, eff.
7 7-2-10; 96-1446, eff. 8-20-10.)

8 Section 25. The School Code is amended by changing Sections
9 1B-22 and 34-13.1 as follows:

10 (105 ILCS 5/1B-22)

11 Sec. 1B-22. Additional Powers of the Panel. For Panels
12 established under Section 1B-4 for a district which had its
13 financial plan rescinded by the State Board for violating that
14 plan as provided in Section 1A-8, the Panel shall have the
15 following additional powers:

16 (a) As necessary to carry out its purposes when district
17 resources are not readily available or appropriate for use by
18 the Panel, the Panel may make and execute contracts, leases,
19 subleases and all other instruments or agreements necessary or
20 convenient for the exercise of the powers and functions granted
21 by this Article.

22 (b) As necessary to carry out its purposes when district
23 resources are not readily available or appropriate for use by
24 the Panel, the Panel may purchase personal property necessary

1 or convenient for its purposes; mortgage, pledge or otherwise
2 grant security interests in such properties; and convey to the
3 district such of its property as, in the judgment of the Panel,
4 is no longer necessary for its purposes.

5 (c) As necessary to carry out its purposes when district
6 resources are not readily available or appropriate for use by
7 the Panel, the Panel may appoint officers, agents, and
8 employees of the Panel, define their duties and qualifications,
9 and fix their compensation and employee benefits.

10 (d) In order to investigate allegations of or incidents of
11 waste, fraud, or financial mismanagement which the Board is
12 unable or unwilling to properly investigate as requested by the
13 Panel, the Panel may appoint an Inspector General who shall
14 have the authority to conduct investigations into such
15 allegations or incidents. The Inspector General shall make
16 recommendations to the Panel about its investigations. The
17 Inspector General shall be independent of the operations of the
18 Panel and the Board and perform other duties requested by the
19 Panel. The Inspector General shall have access to all
20 information and personnel necessary to perform the duties of
21 the office. If the Inspector General determines that a possible
22 criminal act has been committed or that special expertise is
23 required in the investigation, he shall immediately notify the
24 State's Attorney in the county in which the district is
25 located. All investigations conducted by the Inspector General
26 shall be conducted in a manner that ensures the preservation of

1 evidence for use in criminal prosecutions. At all times the
2 Inspector General shall be granted access to any building or
3 facility that is owned, operated, or leased by the Panel or the
4 Board. The Inspector General shall have the power to subpoena
5 witnesses and compel the production of books and papers
6 pertinent to an investigation authorized by this Code. Any
7 person who (1) fails to appear in response to a subpoena; (2)
8 fails to answer any question; (3) fails to produce any books or
9 papers pertinent to an investigation under this Code; or (4)
10 knowingly gives false testimony during an investigation under
11 this Code is guilty of a Class A misdemeanor. The Inspector
12 General shall provide to the Panel and the State Board of
13 Education a summary of reports and investigations made under
14 this Section for the previous fiscal year no later than January
15 1 of each year. The summaries shall detail the final
16 disposition of those recommendations. The summaries shall not
17 contain any confidential or identifying information concerning
18 the subjects of the reports and investigations. The summaries
19 shall also include detailed recommended administrative actions
20 and matters for consideration by the State Board of Education
21 or the General Assembly.

22 (d-5) The Inspector General appointed by the Panel under
23 subsection (d) shall have the following qualifications:

24 (1) has not been convicted of any felony under the laws
25 of this State, another State, or the United States;

26 (2) has earned a baccalaureate degree from an

1 institution of higher education;

2 (3) has not been employed by the district other than as
3 an Inspector General during the 5 years immediately
4 preceding his or her appointment; and

5 (4) has (A) 5 or more years of service with a federal,
6 State, or local law enforcement agency, at least 2 years of
7 which have been in a progressive investigatory capacity;

8 (B) 5 or more years of service as a federal, State, or
9 local prosecutor; or (C) 5 or more years of service as a
10 senior manager or executive of a federal, State, or local
11 agency.

12 (e) No hiring or appointment of any person in any position
13 by the Board, the superintendent, or any other officer or
14 employee of the Board shall be made or entered into unless it
15 is consistent with the Financial Plan and Budget in effect and
16 the staffing plan approved by the Panel under this Section. The
17 hiring or appointment of any person shall not be binding on the
18 Board unless and until it is in compliance with this Section.
19 The Board shall submit to the Panel for approval by the Panel a
20 staffing plan for the upcoming school year at the same time as
21 the submission of the Budget, except that the staffing plan for
22 the fiscal year ending in 1997 shall be submitted to the Panel
23 within 90 days after the effective date of this amendatory Act
24 of 1996. The staffing plan shall be accompanied by a cost
25 analysis and such other information as the Panel may require.
26 The Panel may prescribe standards, procedures, and forms for

1 submission of the staffing plan. The Panel shall approve the
2 staffing plan if the information required to be submitted is
3 complete and the staffing plan is consistent with the Budget
4 and Financial Plan in effect. Otherwise, the Panel shall reject
5 the staffing plan. In the event of rejection, the Panel shall
6 prescribe a procedure and standards for revision of the
7 staffing plan. The Panel shall act on the staffing plan at the
8 same time as the approval of the Budget, except that the
9 staffing plan for the fiscal year ending in 1997 shall be acted
10 upon within 60 days of the submission of the staffing plan by
11 the Board. The Board shall report to the Panel, at such times
12 and in such manner as the Panel may direct, concerning the
13 Board's compliance with each staffing plan. The Panel may
14 review the Board's operations, obtaining budgetary data and
15 financial statements, may require the Board to produce reports,
16 and shall have access to any other information in the
17 possession of the Board that it deems relevant. The Panel may
18 issue directives to the Board to assure compliance with the
19 staffing plan, including the issuance of reduction in force
20 notices, non-renewal of employment contracts, or any other
21 notices or actions required by contract or law. The Board shall
22 produce such budgetary data, financial statements, reports,
23 and other information and shall comply with such directives.
24 After approval of each staffing plan, the Board shall regularly
25 reexamine the estimates on which it was based and revise them
26 as necessary. The Board shall promptly notify the Panel of any

1 material change in the estimates in the staffing plan. The
2 Board may submit to the Panel, or the Panel may require the
3 Board to submit, modifications to the staffing plan based upon
4 revised revenue or expenditure estimates or for any other good
5 reason. The Panel shall approve or reject each modified
6 staffing plan within 60 days of its submission in a manner
7 similar to the provisions of this subsection for the approval
8 or rejection of the initial staffing plan.

9 (f) The Panel shall examine the business records and audit
10 the accounts of the Board or require that the Board examine its
11 business records and audit its accounts at such time and in
12 such manner as the Panel may prescribe. The Board shall appoint
13 a certified public accountant annually, approved by the Panel,
14 to audit its financial statements. The audit conducted pursuant
15 to this paragraph shall be in lieu of the audit that the Board
16 is required to undertake pursuant to Section 3-7.

17 (g) The Panel shall initiate and direct financial
18 management assessments and similar analyses of the operations
19 of the Board as may, in the judgment of the Panel, assure sound
20 and efficient financial management of the Board. Upon the
21 completion of these assessments, the Panel shall give
22 directives to the Board regarding improvements and changes that
23 derive from these assessments, which the Board shall implement.
24 In conjunction with its budgetary submission to the Panel for
25 each fiscal year, the Board shall demonstrate to the
26 satisfaction of the Panel that the directives of the Panel have

1 been implemented in whole or in part or, in the alternative,
2 are not capable of being implemented. In consideration of
3 whether to approve or reject the budget for a fiscal year, the
4 Panel shall adjudge whether the Board has fully considered and
5 responsibly proposed implementation of the Panel's directives.

6 (h) The Panel shall initiate and direct a management audit
7 of the Board at least once every 2 years. The audit shall
8 review the personnel, organization, contracts, leases, and
9 physical properties of the Board to determine whether the Board
10 is managing and utilizing its resources in an economical and
11 efficient manner. The audit shall determine the causes of any
12 inefficiencies or uneconomical practices, including
13 inadequacies in internal and administrative procedures,
14 organizational structure, uses of resources, utilization of
15 real property, allocation of personnel, purchasing policies,
16 and equipment.

17 (i) In the event that the Board refuses or fails to follow
18 a directive of the Panel to issue notices of non-renewal of
19 contracts, to issue notices of reduction in force to employees,
20 to issue requests for bids or proposals, or to obtain financial
21 or other information that the Panel finds necessary for the
22 implementation of its responsibilities under this Article, the
23 Panel may take such action in the name of the district, and
24 such action shall be binding the same as if the action had been
25 taken by the Board. The powers established by this paragraph do
26 not authorize the Panel to enter into contracts in the name of

1 the Board.

2 (j) The Panel shall meet with the Board or its designees in
3 closed session prior to the Board commencing any collective
4 bargaining negotiations to discuss the financial issues
5 relevant to the bargaining and for the purpose of the Panel
6 approving the budget limitations for the potential collective
7 bargaining agreement. The Board shall not make or consider any
8 proposal which does not comply with the collective bargaining
9 budget approved by the Panel. The Board shall keep the Panel
10 apprised as to the status of the bargaining. The Board shall
11 present any proposed change in the approved collective
12 bargaining budget to the Panel in closed session for approval.
13 Prior to the Board taking a final vote on any tentative
14 agreement approved by the employee organization, the Board
15 shall discuss the tentative agreement with the Panel in closed
16 session. Upon final approval of a collective bargaining
17 agreement by both the Board and the employee organization, the
18 Board shall submit the final collective bargaining agreement to
19 the Panel for approval. At the same time that the Board submits
20 the final agreement to the Panel, the Board shall notify the
21 employee organization that the final agreement has been
22 submitted and the date of the Panel meeting at which the final
23 agreement will be considered. The employee organization shall
24 be provided an opportunity to discuss the final agreement with
25 the Panel prior to the Panel taking action on the agreement. No
26 collective bargaining agreement shall be binding upon the

1 district unless the Board has followed the requirements of this
2 paragraph and the final agreement has been approved by the
3 Panel.

4 (k) The budget of the Panel or any revisions to the budget,
5 including any costs to the Panel associated with the
6 appointment of an Inspector General, shall be approved by the
7 State Superintendent upon request of the Panel and after
8 opportunity for response by the Board.

9 (Source: P.A. 89-572, eff. 7-30-96.)

10 (105 ILCS 5/34-13.1)

11 Sec. 34-13.1. Inspector General.

12 (a) The Inspector General and his office in existence on
13 the effective date of this amendatory Act of 1995 shall be
14 transferred to the jurisdiction of the board upon appointment
15 of the Chicago School Reform Board of Trustees. The Inspector
16 General shall have the authority to conduct investigations into
17 allegations of or incidents of waste, fraud, and financial
18 mismanagement in public education within the jurisdiction of
19 the board by a local school council member or an employee,
20 contractor, or member of the board or involving school projects
21 managed or handled by the Public Building Commission. The
22 Inspector General shall make recommendations to the board about
23 the investigations. The Inspector General in office on the
24 effective date of this amendatory Act of 1996 shall serve for a
25 term expiring on June 30, 1998. His or her successors in office

1 shall each be appointed by the Mayor, without the consent or
2 approval of the City Council, for 4 year terms expiring on June
3 30th of an even numbered year. If the Inspector General leaves
4 office or if a vacancy in that office otherwise occurs, the
5 Mayor shall appoint, without the consent or approval of the
6 City Council, a successor to serve under this Section for the
7 remainder of the unexpired term. The Inspector General shall be
8 independent of the operations of the board and the School
9 Finance Authority, and shall perform other duties requested by
10 the board.

11 (a-5) The Inspector General appointed by the Mayor under
12 subsection (a) shall have the following qualifications:

13 (1) has not been convicted of any felony under the laws
14 of this State, another State, or the United States;

15 (2) has earned a baccalaureate degree from an
16 institution of higher education;

17 (3) has not been employed by the Chicago Public Schools
18 other than as an Inspector General during the 5 years
19 immediately preceding his or her appointment; and

20 (4) has (A) 5 or more years of service with a federal,
21 State, or local law enforcement agency, at least 2 years of
22 which have been in a progressive investigatory capacity;

23 (B) 5 or more years of service as a federal, State, or
24 local prosecutor; or (C) 5 or more years of service as a
25 senior manager or executive of a federal, State, or local
26 agency.

1 (b) The Inspector General shall have access to all
2 information and personnel necessary to perform the duties of
3 the office. If the Inspector General determines that a possible
4 criminal act has been committed or that special expertise is
5 required in the investigation, he or she shall immediately
6 notify the Chicago Police Department and the Cook County
7 State's Attorney. All investigations conducted by the
8 Inspector General shall be conducted in a manner that ensures
9 the preservation of evidence for use in criminal prosecutions.

10 (c) At all times the Inspector General shall be granted
11 access to any building or facility that is owned, operated, or
12 leased by the board, the Public Building Commission, or the
13 city in trust and for the use and benefit of the schools of the
14 district.

15 (d) The Inspector General shall have the power to subpoena
16 witnesses and compel the production of books and papers
17 pertinent to an investigation authorized by this Code. Any
18 person who (1) fails to appear in response to a subpoena; (2)
19 fails to answer any question; (3) fails to produce any books or
20 papers pertinent to an investigation under this Code; or (4)
21 knowingly gives false testimony during an investigation under
22 this Code, is guilty of a Class A misdemeanor.

23 (e) The Inspector General shall provide to the board and
24 the Illinois General Assembly a summary of reports and
25 investigations made under this Section for the previous fiscal
26 year no later than January 1 of each year, except that the

1 Inspector General shall provide the summary of reports and
2 investigations made under this Section for the period
3 commencing July 1, 1998 and ending April 30, 1999 no later than
4 May 1, 1999. The summaries shall detail the final disposition
5 of those recommendations. The summaries shall not contain any
6 confidential or identifying information concerning the
7 subjects of the reports and investigations. The summaries shall
8 also include detailed recommended administrative actions and
9 matters for consideration by the General Assembly.

10 (f) (Blank).

11 (g) (Blank).

12 (Source: P.A. 89-15, eff. 5-30-95; 89-698, eff. 1-14-97.)

13 Section 30. The Illinois Public Aid Code is amended by
14 changing Section 12-13.1 as follows:

15 (305 ILCS 5/12-13.1)

16 Sec. 12-13.1. Inspector General.

17 (a) The Governor shall appoint, and the Senate shall
18 confirm, an Inspector General who shall function within the
19 Illinois Department of Public Aid (now Healthcare and Family
20 Services) and report to the Governor. The term of the Inspector
21 General shall expire on the third Monday of January, 1997 and
22 every 4 years thereafter.

23 (a-5) The Inspector General appointed by the Governor under
24 subsection (a) shall have the following qualifications:

1 (1) has not been convicted of any felony under the laws
2 of this State, another State, or the United States;

3 (2) has earned a baccalaureate degree from an
4 institution of higher education;

5 (3) has not been employed by the Department of
6 Healthcare and Family Services other than as an Inspector
7 General during the 5 years immediately preceding his or her
8 appointment; and

9 (4) has (A) 5 or more years of service with a federal,
10 State, or local law enforcement agency, at least 2 years of
11 which have been in a progressive investigatory capacity;
12 (B) 5 or more years of service as a federal, State, or
13 local prosecutor; or (C) 5 or more years of service as a
14 senior manager or executive of a federal, State, or local
15 agency.

16 (b) In order to prevent, detect, and eliminate fraud,
17 waste, abuse, mismanagement, and misconduct, the Inspector
18 General shall oversee the Department of Healthcare and Family
19 Services' integrity functions, which include, but are not
20 limited to, the following:

21 (1) Investigation of misconduct by employees, vendors,
22 contractors and medical providers, except for allegations
23 of violations of the State Officials and Employees Ethics
24 Act which shall be referred to the Office of the Governor's
25 Executive Inspector General for investigation.

26 (2) Audits of medical providers related to ensuring

1 that appropriate payments are made for services rendered
2 and to the recovery of overpayments.

3 (3) Monitoring of quality assurance programs generally
4 related to the medical assistance program and specifically
5 related to any managed care program.

6 (4) Quality control measurements of the programs
7 administered by the Department of Healthcare and Family
8 Services.

9 (5) Investigations of fraud or intentional program
10 violations committed by clients of the Department of
11 Healthcare and Family Services.

12 (6) Actions initiated against contractors or medical
13 providers for any of the following reasons:

14 (A) Violations of the medical assistance program.

15 (B) Sanctions against providers brought in
16 conjunction with the Department of Public Health or the
17 Department of Human Services (as successor to the
18 Department of Mental Health and Developmental
19 Disabilities).

20 (C) Recoveries of assessments against hospitals
21 and long-term care facilities.

22 (D) Sanctions mandated by the United States
23 Department of Health and Human Services against
24 medical providers.

25 (E) Violations of contracts related to any managed
26 care programs.

1 (7) Representation of the Department of Healthcare and
2 Family Services at hearings with the Illinois Department of
3 Professional Regulation in actions taken against
4 professional licenses held by persons who are in violation
5 of orders for child support payments.

6 (b-5) At the request of the Secretary of Human Services,
7 the Inspector General shall, in relation to any function
8 performed by the Department of Human Services as successor to
9 the Department of Public Aid, exercise one or more of the
10 powers provided under this Section as if those powers related
11 to the Department of Human Services; in such matters, the
12 Inspector General shall report his or her findings to the
13 Secretary of Human Services.

14 (c) The Inspector General shall have access to all
15 information, personnel and facilities of the Department of
16 Healthcare and Family Services and the Department of Human
17 Services (as successor to the Department of Public Aid), their
18 employees, vendors, contractors and medical providers and any
19 federal, State or local governmental agency that are necessary
20 to perform the duties of the Office as directly related to
21 public assistance programs administered by those departments.
22 No medical provider shall be compelled, however, to provide
23 individual medical records of patients who are not clients of
24 the Medical Assistance Program. State and local governmental
25 agencies are authorized and directed to provide the requested
26 information, assistance or cooperation.

1 (d) The Inspector General shall serve as the Department of
2 Healthcare and Family Services' primary liaison with law
3 enforcement, investigatory and prosecutorial agencies,
4 including but not limited to the following:

5 (1) The Department of State Police.

6 (2) The Federal Bureau of Investigation and other
7 federal law enforcement agencies.

8 (3) The various Inspectors General of federal agencies
9 overseeing the programs administered by the Department of
10 Healthcare and Family Services.

11 (4) The various Inspectors General of any other State
12 agencies with responsibilities for portions of programs
13 primarily administered by the Department of Healthcare and
14 Family Services.

15 (5) The Offices of the several United States Attorneys
16 in Illinois.

17 (6) The several State's Attorneys.

18 The Inspector General shall meet on a regular basis with
19 these entities to share information regarding possible
20 misconduct by any persons or entities involved with the public
21 aid programs administered by the Department of Healthcare and
22 Family Services.

23 (e) All investigations conducted by the Inspector General
24 shall be conducted in a manner that ensures the preservation of
25 evidence for use in criminal prosecutions. If the Inspector
26 General determines that a possible criminal act relating to

1 fraud in the provision or administration of the medical
2 assistance program has been committed, the Inspector General
3 shall immediately notify the Medicaid Fraud Control Unit. If
4 the Inspector General determines that a possible criminal act
5 has been committed within the jurisdiction of the Office, the
6 Inspector General may request the special expertise of the
7 Department of State Police. The Inspector General may present
8 for prosecution the findings of any criminal investigation to
9 the Office of the Attorney General, the Offices of the several
10 United States Attorneys in Illinois or the several State's
11 Attorneys.

12 (f) To carry out his or her duties as described in this
13 Section, the Inspector General and his or her designees shall
14 have the power to compel by subpoena the attendance and
15 testimony of witnesses and the production of books, electronic
16 records and papers as directly related to public assistance
17 programs administered by the Department of Healthcare and
18 Family Services or the Department of Human Services (as
19 successor to the Department of Public Aid). No medical provider
20 shall be compelled, however, to provide individual medical
21 records of patients who are not clients of the Medical
22 Assistance Program.

23 (g) The Inspector General shall report all convictions,
24 terminations, and suspensions taken against vendors,
25 contractors and medical providers to the Department of
26 Healthcare and Family Services and to any agency responsible

1 for licensing or regulating those persons or entities.

2 (h) The Inspector General shall make annual reports,
3 findings, and recommendations regarding the Office's
4 investigations into reports of fraud, waste, abuse,
5 mismanagement, or misconduct relating to any public aid
6 programs administered by the Department of Healthcare and
7 Family Services or the Department of Human Services (as
8 successor to the Department of Public Aid) to the General
9 Assembly and the Governor. These reports shall include, but not
10 be limited to, the following information:

11 (1) Aggregate provider billing and payment
12 information, including the number of providers at various
13 Medicaid earning levels.

14 (2) The number of audits of the medical assistance
15 program and the dollar savings resulting from those audits.

16 (3) The number of prescriptions rejected annually
17 under the Department of Healthcare and Family Services'
18 Refill Too Soon program and the dollar savings resulting
19 from that program.

20 (4) Provider sanctions, in the aggregate, including
21 terminations and suspensions.

22 (5) A detailed summary of the investigations
23 undertaken in the previous fiscal year. These summaries
24 shall comply with all laws and rules regarding maintaining
25 confidentiality in the public aid programs.

26 (i) Nothing in this Section shall limit investigations by

1 the Department of Healthcare and Family Services or the
2 Department of Human Services that may otherwise be required by
3 law or that may be necessary in their capacity as the central
4 administrative authorities responsible for administration of
5 public aid programs in this State.

6 (j) The Inspector General may issue shields or other
7 distinctive identification to his or her employees not
8 exercising the powers of a peace officer if the Inspector
9 General determines that a shield or distinctive identification
10 is needed by an employee to carry out his or her
11 responsibilities.

12 (Source: P.A. 95-331, eff. 8-21-07; 96-555, eff. 8-18-09;
13 96-1316, eff. 1-1-11.)

14 Section 35. The Toll Highway Act is amended by changing
15 Section 8.5 as follows:

16 (605 ILCS 10/8.5)

17 Sec. 8.5. Toll Highway Inspector General.

18 (a) The Governor shall, with the advice and consent of the
19 Senate by three-fifths of the elected members concurring by
20 record vote, appoint a Toll Highway Inspector General for the
21 purpose of detection, deterrence, and prevention of fraud,
22 corruption, and mismanagement in the Authority. The Toll
23 Highway Inspector General shall serve a 5-year term. If, during
24 a recess of the Senate, there is a vacancy in the office of the

1 Toll Highway Inspector General, the Governor shall make a
2 temporary appointment until the next meeting of the Senate when
3 the Governor shall make a nomination to fill that office. No
4 person rejected for the office of the Toll Highway Inspector
5 General shall, except by the Senate's request, be nominated
6 again for that office at the same session of the Senate or be
7 appointed to that office during a recess of that Senate. The
8 Governor may not appoint a relative, as defined by item (6) of
9 Section 10-15 of the State Officials and Employees Ethics Act,
10 as the Toll Highway Inspector General. The Toll Highway
11 Inspector General may be removed only for cause and may be
12 removed only by the Governor.

13 (b) The Toll Highway Inspector General shall have the
14 following qualifications:

15 (1) has not been convicted of any felony under the laws
16 of this State, another state, or the United States;

17 (2) has earned a baccalaureate degree from an
18 institution of higher education; ~~and~~

19 (2.5) has not been employed by the Authority other than
20 as an Inspector General during the 5 years immediately
21 preceding his or her appointment; and

22 (3) has 5 or more years of cumulative service (i) with
23 a federal, state, or local law enforcement agency, at least
24 2 years of which have been in a progressive investigatory
25 capacity; (ii) as a federal, state, or local prosecutor;
26 (iii) as a federal or state judge with a criminal docket;

1 (iv) as a senior manager or executive of a federal, state,
2 or local agency; or (v) representing any combination of (i)
3 through (iv).

4 (c) The term of the initial Toll Highway Inspector General
5 shall commence upon qualification and shall run through June
6 30, 2015. The initial appointments shall be made within 60 days
7 after the effective date of this amendatory Act of the 96th
8 General Assembly. After the initial term, each Toll Highway
9 Inspector General shall serve for 5-year terms commencing on
10 July 1 of the year of appointment and running through June 30
11 of the fifth following year. A Toll Highway Inspector General
12 may be reappointed to one or more subsequent terms. A vacancy
13 occurring other than at the end of a term shall be filled by
14 the Governor only for the balance of the term of the Toll
15 Highway Inspector General whose office is vacant. Terms shall
16 run regardless of whether the position is filled.

17 (d) The Toll Highway Inspector General shall have
18 jurisdiction over the Authority and all board members,
19 officers, and employees of, and vendors, subcontractors, and
20 others doing business with the Authority. The jurisdiction of
21 the Toll Highway Inspector General is to investigate
22 allegations of fraud, waste, abuse, mismanagement, misconduct,
23 nonfeasance, misfeasance, or malfeasance. Investigations may
24 be based on complaints from any source, including anonymous
25 sources, and may be self-initiated, without a complaint. An
26 investigation may not be initiated more than five years after

1 the most recent act of the alleged violation or of a series of
2 alleged violations except where there is reasonable cause to
3 believe that fraudulent concealment has occurred. To
4 constitute fraudulent concealment sufficient to toll this
5 limitations period, there must be an affirmative act or
6 representation calculated to prevent discovery of the fact that
7 a violation has occurred. The authority to investigate alleged
8 violations of the State Officials and Employees Ethics Act by
9 officers, employees, vendors, subcontractors, and others doing
10 business with the Authority shall remain with the Office of the
11 Governor's Executive Inspector General. The Toll Highway
12 Inspector General shall refer allegations of misconduct under
13 the State Officials and Employees Ethics Act to the Office of
14 the Governor's Executive Inspector General for investigation.
15 Upon completion of its investigation into such allegations, the
16 Office of the Governor's Executive Inspector General shall
17 report the results to the Toll Highway Inspector General, and
18 the results of the investigation shall remain subject to any
19 applicable confidentiality provisions in the State Officials
20 and Employees Ethics Act. Where an investigation into a target
21 or targets is split between allegations of misconduct under the
22 State Officials and Employees Ethics Act, investigated by the
23 Office of the Governor's Executive Inspector General, and
24 allegations that are not of misconduct under the State
25 Officials and Employees Ethics Act, investigated by the Toll
26 Highway Inspector General, the Toll Highway Inspector General

1 shall take reasonable steps, including continued consultation
2 with the Office of the Governor's Executive Inspector General,
3 to ensure that its investigation will not interfere with or
4 disrupt any investigation by the Office of the Governor's
5 Executive Inspector General or law enforcement authorities. In
6 instances in which the Toll Highway Inspector General continues
7 to investigate other allegations associated with allegations
8 that have been referred to the Office of the Governor's
9 Executive Inspector General pursuant to this subsection, the
10 Toll Highway Inspector General shall report the results of its
11 investigation to the Office of the Governor's Executive
12 Inspector General.

13 (e)(1) If the Toll Highway Inspector General, upon the
14 conclusion of an investigation, determines that reasonable
15 cause exists to believe that fraud, waste, abuse,
16 mismanagement, misconduct, nonfeasance, misfeasance, or
17 malfeasance has occurred, then the Toll Highway Inspector
18 General shall issue a summary report of the investigation. The
19 report shall be delivered to the appropriate authority pursuant
20 to paragraph (3) of subsection (f) of this Section, which shall
21 have 20 days to respond to the report.

22 (2) The summary report of the investigation shall
23 include the following:

24 (A) a description of any allegations or other
25 information received by the Toll Highway Inspector
26 General pertinent to the investigation.

1 (B) a description of any alleged misconduct
2 discovered in the course of the investigation.

3 (C) recommendations for any corrective or
4 disciplinary action to be taken in response to any
5 alleged misconduct described in the report, including
6 but not limited to discharge.

7 (D) other information the Toll Highway Inspector
8 General deems relevant to the investigation or
9 resulting recommendations.

10 (3) Within 60 days after issuance of a final summary
11 report that resulted in a suspension of at least 3 days or
12 termination of employment, the Toll Highway Inspector
13 General shall make the report available to the public by
14 presenting the report to the Board of the Authority and by
15 posting to the Authority's public website. The Toll Highway
16 Inspector General shall redact information in the summary
17 report that may reveal the identity of witnesses,
18 complainants, or informants or if the Toll Highway
19 Inspector General determines it is appropriate to protect
20 the identity of a person before the report is made public.
21 The Toll Highway Inspector General may also redact any
22 information that he or she believes should not be made
23 public, taking into consideration the factors set forth in
24 this subsection and paragraph (1) of subsection (k) of this
25 Section and other factors deemed relevant by the Toll
26 Highway Inspector General to protect the Authority and any

1 investigations by the Toll Highway Inspector General,
2 other inspector general offices or law enforcement
3 agencies. Prior to publication, the Toll Highway Inspector
4 General shall permit the respondents and the appropriate
5 authority pursuant to paragraph (3) of subsection (f) of
6 this Section to review the report and the documents to be
7 made public and offer suggestions for redaction or provide
8 a response that shall be made public with the summary
9 report, provided, however, that the Toll Highway Inspector
10 General shall have the sole and final authority to decide
11 what redactions should be made. The Toll Highway Inspector
12 General may make available to the public any other summary
13 report and any such responses or a redacted version of the
14 report and responses.

15 (4) When the Toll Highway Inspector General concludes
16 that there is insufficient evidence that a violation has
17 occurred, the Toll Highway Inspector General shall close
18 the investigation. The Toll Highway Inspector General
19 shall provide the appropriate authority pursuant to
20 paragraph (3) of subsection (f) of this Section with a
21 written statement of the Toll Highway Inspector General's
22 decision to close the investigation. At the request of the
23 subject of the investigation, the Toll Highway Inspector
24 General shall provide a written statement to the subject of
25 the investigation of the Toll Highway Inspector General's
26 decision to close the investigation. Closure by the Toll

1 Highway Inspector General does not bar the Toll Highway
2 Inspector General from resuming the investigation if
3 circumstances warrant.

4 (f) The Toll Highway Inspector General shall:

5 (1) have access to all information and personnel
6 necessary to perform the duties of the office.

7 (2) have the power to subpoena witnesses and compel the
8 production of books and papers pertinent to an
9 investigation authorized by this Section. A subpoena may be
10 issued under this subparagraph (2) only by the Toll Highway
11 Inspector General and not by members of the Toll Highway
12 Inspector General's staff. Any person subpoenaed by the
13 Toll Highway Inspector General has the same rights, under
14 Illinois law, as a person subpoenaed by a grand jury. The
15 power to subpoena or to compel the production of books and
16 papers, however, shall not extend to the person or
17 documents of a labor organization or its representatives
18 insofar as the person or documents of a labor organization
19 relate to the function of representing an employee subject
20 to investigation under this Section. Subject to a person's
21 privilege against self-incrimination, any person who fails
22 to appear in response to a subpoena, answer any question,
23 or produce any books or papers pertinent to an
24 investigation under this Section, except as otherwise
25 provided in this Section, or who knowingly gives false
26 testimony in relation to an investigation under this

1 Section is guilty of a Class A misdemeanor.

2 (3) submit reports as required by this Section and
3 applicable administrative rules. Final reports and
4 recommendations shall be submitted to the Authority's
5 Executive Director and the Board of Directors for
6 investigations not involving the Board. Final reports and
7 recommendations shall be submitted to the Chair of the
8 Board and to the Governor for investigations of any Board
9 member other than the Chair of the Board. Final reports and
10 recommendations for investigations of the Chair of the
11 Board shall be submitted to the Governor.

12 (4) assist and coordinate with the ethics officer for
13 the Authority.

14 (5) participate in or conduct, when appropriate,
15 multi-jurisdictional investigations provided the
16 investigation involves the Authority in some way,
17 including, but not limited to, joint investigations with
18 the Office of the Governor's Executive Inspector General,
19 or with State, local, or federal law enforcement
20 authorities.

21 (6) serve as the Authority's primary liaison with law
22 enforcement, investigatory, and prosecutorial agencies
23 and, in that capacity, the Toll Highway Inspector General
24 may request any information or assistance that may be
25 necessary for carrying out the duties and responsibilities
26 provided by this Section from any local, state, or federal

1 governmental agency or unit thereof.

2 (7) review hiring and employment files of the Authority
3 to ensure compliance with *Rutan v. Republican Party of*
4 *Illinois*, 497 U.S. 62 (1990), and with all applicable
5 employment laws.

6 (8) establish a policy that ensures the appropriate
7 handling and correct recording of all investigations
8 conducted by the Office, and ensures that the policy is
9 accessible via the Internet in order that those seeking to
10 report suspected wrongdoing are familiar with the process
11 and that the subjects of those allegations are treated
12 fairly.

13 (9) receive and investigate complaints or information
14 from an employee of the Authority concerning the possible
15 existence of an activity constituting a violation of law,
16 rules or regulations, mismanagement, abuse of authority,
17 or substantial and specific danger to the public health and
18 safety. Any employee of the Authority who knowingly files a
19 false complaint or files a complaint with reckless
20 disregard for the truth or falsity of the facts underlying
21 the complaint may be subject to discipline.

22 (10) review, coordinate, and recommend methods and
23 procedures to increase the integrity of the Authority.

24 (g) Within six months of appointment, the initial Toll
25 Highway Inspector General shall propose rules, in accordance
26 with the provisions of the Illinois Administrative Procedure

1 Act, establishing minimum requirements for initiating,
2 conducting, and completing investigations. The rules must
3 establish criteria for determining, based upon the nature of
4 the allegation, the appropriate method of investigation, which
5 may include, but is not limited to, site visits, telephone
6 contacts, personal interviews, or requests for written
7 responses. The rules must establish the process, contents, and
8 timing for final reports and recommendations by the Toll
9 Highway Inspector General and for a response and any remedial,
10 disciplinary, or both action by an individual or individuals
11 receiving the final reports and recommendations. The rules must
12 also clarify how the Office of the Toll Highway Inspector
13 General shall interact with other local, state, and federal law
14 enforcement authorities and investigations. Such rules shall
15 provide that investigations and inquiries by the Office of the
16 Toll Highway Inspector General must be conducted in compliance
17 with the provisions of any collective bargaining agreement that
18 applies to the affected employees of the Authority and that any
19 recommendation for discipline or other action against any
20 employee by the Office of the Toll Highway Inspector General
21 must comply with the provisions of any applicable collective
22 bargaining agreement.

23 (h) The Office of the Toll Highway Inspector General shall
24 be an independent office of the Authority. Within its annual
25 budget, the Authority shall provide a clearly delineated budget
26 for the Office of the Toll Highway Inspector General. The

1 budget of the Office of the Toll Highway Inspector General
2 shall be adequate to support an independent and effective
3 office. Except with the consent of the Toll Highway Inspector
4 General, the Authority shall not reduce the budget of the
5 Office of the Toll Highway Inspector General by more than 10
6 percent (i) within any fiscal year or (ii) over the five-year
7 term of each Toll Highway Inspector General. To the extent
8 allowed by law and the Authority's policies, the Toll Highway
9 Inspector General shall have sole responsibility for
10 organizing the Office of the Toll Highway Inspector General
11 within the budget established by the Toll Highway Board,
12 including the recruitment, supervision, and discipline of the
13 employees of that office. The Toll Highway Inspector General
14 shall report directly to the Board of Directors of the
15 Authority with respect to the prompt and efficient operation of
16 the Office of the Tollway Highway Inspector General.

17 (i) (1) No Toll Highway Inspector General or employee of the
18 Office of the Toll Highway Inspector General may, during his or
19 her term of appointment or employment:

20 (A) become a candidate for any elective office;

21 (B) hold any other elected or appointed public office
22 except for appointments on governmental advisory boards or
23 study commissions or as otherwise expressly authorized by
24 law;

25 (C) be actively involved in the affairs of any
26 political party or political organization; or

1 (D) advocate for the appointment of another person to
2 an appointed public office or elected office or position or
3 actively participate in any campaign for any elective
4 office. As used in this paragraph (1), "appointed public
5 office" means a position authorized by law that is filled
6 by an appointing authority as provided by law and does not
7 include employment by hiring in the ordinary course of
8 business.

9 (2) No Toll Inspector General or employee of the Office of
10 the Toll Highway Inspector General may, for one year after the
11 termination of his or her appointment or employment:

12 (A) become a candidate for any elective office;

13 (B) hold any elected public office; or

14 (C) hold any appointed State, county, or local judicial
15 office.

16 (3) The requirements of subparagraph (C) of paragraph (2)
17 of this subsection may be waived by the Executive Ethics
18 Commission.

19 (j) All Board members, officers and employees of the
20 Authority have a duty to cooperate with the Toll Highway
21 Inspector General and employees of the Office of the Toll
22 Highway Inspector General in any investigation undertaken
23 pursuant to this Section. Failure to cooperate includes, but is
24 not limited to, intentional omissions and knowing false
25 statements. Failure to cooperate with an investigation
26 pursuant to this Section is grounds for disciplinary action,

1 including termination of employment. Nothing in this Section
2 limits or alters a person's existing rights or protections
3 under State or federal law.

4 (k)(1) The identity of any individual providing
5 information or reporting any possible or alleged misconduct to
6 the Toll Highway Inspector General shall be kept confidential
7 and may not be disclosed without the consent of that
8 individual, unless the individual consents to disclosure of his
9 or her name or disclosure of the individual's identity is
10 otherwise required by law. The confidentiality granted by this
11 subsection does not preclude the disclosure of the identity of
12 a person in any capacity other than as the source of an
13 allegation.

14 (2) Subject to the provisions of subsection (e) of this
15 Section, the Toll Highway Inspector General, and employees and
16 agents of the Office of the Toll Highway Inspector General,
17 shall keep confidential and shall not disclose information
18 exempted from disclosure under the Freedom of Information Act
19 or by this Act.

20 (1) If the Toll Highway Inspector General determines that
21 any alleged misconduct involves any person not subject to the
22 jurisdiction of the Toll Highway Inspector General, the Toll
23 Highway Inspector General shall refer the reported allegations
24 to the appropriate Inspector General, appropriate ethics
25 commission or other appropriate body. If the Toll Highway
26 Inspector General determines that any alleged misconduct may

1 give rise to criminal penalties, the Toll Highway Inspector
2 General may refer the allegations regarding that misconduct to
3 the appropriate law enforcement authority. If a Toll Highway
4 Inspector General determines that any alleged misconduct
5 resulted in the loss of public funds in an amount of \$5,000 or
6 greater, the Toll Highway Inspector General shall refer the
7 allegations regarding that misconduct to the Attorney General
8 and any other appropriate law enforcement authority.

9 (m) The Toll Highway Inspector General shall provide to the
10 Governor, the Board of the Authority, and the General Assembly
11 a summary of reports and investigations made under this Section
12 no later than March 31 and September 30 of each year. The
13 summaries shall detail the final disposition of the Inspector
14 General's recommendations. The summaries shall not contain any
15 confidential or identifying information concerning the
16 subjects of the reports and investigations. The summaries shall
17 also include detailed, recommended administrative actions and
18 matters for consideration by the Governor, the Board of the
19 Authority, and the General Assembly.

20 (n) Any employee of the Authority subject to investigation
21 or inquiry by the Toll Highway Inspector General or any agent
22 or representative of the Toll Highway Inspector General
23 concerning misconduct that is criminal in nature shall have the
24 right to be notified of the right to remain silent during the
25 investigation or inquiry and the right to be represented in the
26 investigation or inquiry by an attorney or a representative of

1 a labor organization that is the exclusive collective
2 bargaining representative of employees of the Authority. Any
3 investigation or inquiry by the Toll Highway Inspector General
4 or any agent or representative of the Toll Highway Inspector
5 General must be conducted in accordance with the rights of the
6 employees as set forth in State and federal law and applicable
7 judicial decisions. Any recommendations for discipline or any
8 action taken against any employee by the Toll Highway Inspector
9 General or any representative or agent of the Toll Highway
10 Inspector General must comply with the provisions of the
11 collective bargaining agreement that applies to the employee.

12 (o) Nothing in this Section shall diminish the rights,
13 privileges, or remedies of a State employee under any other
14 federal or State law, rule, or regulation or under any
15 collective bargaining agreement.

16 (Source: P.A. 96-1347, eff. 1-1-11.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.