



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB3986

Introduced 1/18/2012, by Rep. Michelle Mussman

#### SYNOPSIS AS INTRODUCED:

320 ILCS 20/4

from Ch. 23, par. 6604

Amends the Elder Abuse and Neglect Act. Provides that the Department on Aging or the agency designated to receive mandated reports of elder abuse, neglect, financial exploitation, or self-neglect shall establish a manner in which a mandated reporter can make a report of elder abuse, neglect, financial exploitation, or self-neglect through a confidential Internet reporting tool. Provides that information sent and received through the confidential Internet reporting tool is subject to the same rules as other types of reporting established by the designated agency or the Department. Effective immediately.

LRB097 14016 KTG 58633 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning aging.

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

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

6 (320 ILCS 20/4) (from Ch. 23, par. 6604)

7 Sec. 4. Reports of abuse or neglect.

8 (a) Any person who suspects the abuse, neglect, financial  
9 exploitation, or self-neglect of an eligible adult may report  
10 this suspicion to an agency designated to receive such reports  
11 under this Act or to the Department.

12 (a-5) If any mandated reporter has reason to believe that  
13 an eligible adult, who because of dysfunction is unable to seek  
14 assistance for himself or herself, has, within the previous 12  
15 months, been subjected to abuse, neglect, or financial  
16 exploitation, the mandated reporter shall, within 24 hours  
17 after developing such belief, report this suspicion to an  
18 agency designated to receive such reports under this Act or to  
19 the Department. The agency designated to receive such reports  
20 under this Act or the Department shall establish a manner in  
21 which a mandated reporter can make the required report through  
22 a confidential Internet reporting tool. Information sent and  
23 received through the confidential Internet reporting tool is

1 subject to the same rules in this Act as other types of  
2 reporting established by the designated agency or the  
3 Department. Whenever a mandated reporter is required to report  
4 under this Act in his or her capacity as a member of the staff  
5 of a medical or other public or private institution, facility,  
6 board and care home, or agency, he or she shall make a report  
7 to an agency designated to receive such reports under this Act  
8 or to the Department in accordance with the provisions of this  
9 Act and may also notify the person in charge of the  
10 institution, facility, board and care home, or agency or his or  
11 her designated agent that the report has been made. Under no  
12 circumstances shall any person in charge of such institution,  
13 facility, board and care home, or agency, or his or her  
14 designated agent to whom the notification has been made,  
15 exercise any control, restraint, modification, or other change  
16 in the report or the forwarding of the report to an agency  
17 designated to receive such reports under this Act or to the  
18 Department. The privileged quality of communication between  
19 any professional person required to report and his or her  
20 patient or client shall not apply to situations involving  
21 abused, neglected, or financially exploited eligible adults  
22 and shall not constitute grounds for failure to report as  
23 required by this Act.

24 (a-7) A person making a report under this Act in the belief  
25 that it is in the alleged victim's best interest shall be  
26 immune from criminal or civil liability or professional

1 disciplinary action on account of making the report,  
2 notwithstanding any requirements concerning the  
3 confidentiality of information with respect to such eligible  
4 adult which might otherwise be applicable.

5 (a-9) Law enforcement officers shall continue to report  
6 incidents of alleged abuse pursuant to the Illinois Domestic  
7 Violence Act of 1986, notwithstanding any requirements under  
8 this Act.

9 (b) Any person, institution or agency participating in the  
10 making of a report, providing information or records related to  
11 a report, assessment, or services, or participating in the  
12 investigation of a report under this Act in good faith, or  
13 taking photographs or x-rays as a result of an authorized  
14 assessment, shall have immunity from any civil, criminal or  
15 other liability in any civil, criminal or other proceeding  
16 brought in consequence of making such report or assessment or  
17 on account of submitting or otherwise disclosing such  
18 photographs or x-rays to any agency designated to receive  
19 reports of alleged or suspected abuse or neglect. Any person,  
20 institution or agency authorized by the Department to provide  
21 assessment, intervention, or administrative services under  
22 this Act shall, in the good faith performance of those  
23 services, have immunity from any civil, criminal or other  
24 liability in any civil, criminal, or other proceeding brought  
25 as a consequence of the performance of those services. For the  
26 purposes of any civil, criminal, or other proceeding, the good

1 faith of any person required to report, permitted to report, or  
2 participating in an investigation of a report of alleged or  
3 suspected abuse, neglect, financial exploitation, or  
4 self-neglect shall be presumed.

5 (c) The identity of a person making a report of alleged or  
6 suspected abuse, neglect, financial exploitation, or  
7 self-neglect under this Act may be disclosed by the Department  
8 or other agency provided for in this Act only with such  
9 person's written consent or by court order.

10 (d) The Department shall by rule establish a system for  
11 filing and compiling reports made under this Act.

12 (e) Any physician who willfully fails to report as required  
13 by this Act shall be referred to the Illinois State Medical  
14 Disciplinary Board for action in accordance with subdivision  
15 (A) (22) of Section 22 of the Medical Practice Act of 1987. Any  
16 dentist or dental hygienist who willfully fails to report as  
17 required by this Act shall be referred to the Department of  
18 Professional Regulation for action in accordance with  
19 paragraph 19 of Section 23 of the Illinois Dental Practice Act.  
20 Any optometrist who willfully fails to report as required by  
21 this Act shall be referred to the Department of Financial and  
22 Professional Regulation for action in accordance with  
23 paragraph (15) of subsection (a) of Section 24 of the Illinois  
24 Optometric Practice Act of 1987. Any other mandated reporter  
25 required by this Act to report suspected abuse, neglect, or  
26 financial exploitation who willfully fails to report the same

1 is guilty of a Class A misdemeanor.

2 (Source: P.A. 96-378, eff. 1-1-10; 96-526, eff. 1-1-10;  
3 96-1000, eff. 7-2-10.)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.