

1 AN ACT concerning State government.

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

4 Section 5. The Department of Human Services Act is amended  
5 by changing Section 1-17 as follows:

6 (20 ILCS 1305/1-17)

7 Sec. 1-17. Inspector General.

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

21 (b) Definitions. The following definitions apply to this  
22 Section:

23 "Adult student with a disability" means an adult student,

1 age 18 through 21, inclusive, with an Individual Education  
2 Program, other than a resident of a facility licensed by the  
3 Department of Children and Family Services in accordance with  
4 the Child Care Act of 1969. For purposes of this definition,  
5 "through age 21, inclusive", means through the day before the  
6 student's 22nd birthday.

7 "Agency" or "community agency" means (i) a community agency  
8 licensed, funded, or certified by the Department, but not  
9 licensed or certified by any other human services agency of the  
10 State, to provide mental health service or developmental  
11 disabilities service, or (ii) a program licensed, funded, or  
12 certified by the Department, but not licensed or certified by  
13 any other human services agency of the State, to provide mental  
14 health service or developmental disabilities service.

15 "Aggravating circumstance" means a factor that is  
16 attendant to a finding and that tends to compound or increase  
17 the culpability of the accused.

18 "Allegation" means an assertion, complaint, suspicion, or  
19 incident involving any of the following conduct by an employee,  
20 facility, or agency against an individual or individuals:  
21 mental abuse, physical abuse, sexual abuse, neglect, or  
22 financial exploitation.

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

24 "Deflection" means a situation in which an individual is  
25 presented for admission to a facility or agency, and the  
26 facility staff or agency staff do not admit the individual.

1 "Deflection" includes triage, redirection, and denial of  
2 admission.

3 "Department" means the Department of Human Services.

4 "Developmentally disabled" means having a developmental  
5 disability.

6 "Developmental disability" means "developmental  
7 disability" as defined in the Mental Health and Developmental  
8 Disabilities Code.

9 "Egregious neglect" means a finding of neglect as  
10 determined by the Inspector General that (i) represents a gross  
11 failure to adequately provide for, or a callused indifference  
12 to, the health, safety, or medical needs of an individual and  
13 (ii) results in an individual's death or other serious  
14 deterioration of an individual's physical condition or mental  
15 condition.

16 "Employee" means any person who provides services at the  
17 facility or agency on-site or off-site. The service  
18 relationship can be with the individual or with the facility or  
19 agency. Also, "employee" includes any employee or contractual  
20 agent of the Department of Human Services or the community  
21 agency involved in providing or monitoring or administering  
22 mental health or developmental disability services. This  
23 includes but is not limited to: owners, operators, payroll  
24 personnel, contractors, subcontractors, and volunteers.

25 "Facility" or "State-operated facility" means a mental  
26 health facility or developmental disabilities facility

1 operated by the Department.

2 "Financial exploitation" means taking unjust advantage of  
3 an individual's assets, property, or financial resources  
4 through deception, intimidation, or conversion for the  
5 employee's, facility's, or agency's own advantage or benefit.

6 "Finding" means the Office of Inspector General's  
7 determination regarding whether an allegation is  
8 substantiated, unsubstantiated, or unfounded.

9 "Health care worker registry" or "registry" means the  
10 health care worker registry created by the Nursing Home Care  
11 Act.

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

15 "Mental abuse" means the use of demeaning, intimidating, or  
16 threatening words, signs, gestures, or other actions by an  
17 employee about an individual and in the presence of an  
18 individual or individuals that results in emotional distress or  
19 maladaptive behavior, or could have resulted in emotional  
20 distress or maladaptive behavior, for any individual present.

21 "Mental illness" means "mental illness" as defined in the  
22 Mental Health and Developmental Disabilities Code.

23 "Mentally ill" means having a mental illness.

24 "Mitigating circumstance" means a condition that (i) is  
25 attendant to a finding, (ii) does not excuse or justify the  
26 conduct in question, but (iii) may be considered in evaluating

1 the severity of the conduct, the culpability of the accused, or  
2 both the severity of the conduct and the culpability of the  
3 accused.

4 "Neglect" means an employee's, agency's, or facility's  
5 failure to provide adequate medical care, personal care, or  
6 maintenance and that, as a consequence, (i) causes an  
7 individual pain, injury, or emotional distress, (ii) results in  
8 either an individual's maladaptive behavior or the  
9 deterioration of an individual's physical condition or mental  
10 condition, or (iii) places the individual's health or safety at  
11 substantial risk.

12 "Physical abuse" means an employee's non-accidental and  
13 inappropriate contact with an individual that causes bodily  
14 harm. "Physical abuse" includes actions that cause bodily harm  
15 as a result of an employee directing an individual or person to  
16 physically abuse another individual.

17 "Recommendation" means an admonition, separate from a  
18 finding, that requires action by the facility, agency, or  
19 Department to correct a systemic issue, problem, or deficiency  
20 identified during an investigation.

21 "Required reporter" means any employee who suspects,  
22 witnesses, or is informed of an allegation of any one or more  
23 of the following: mental abuse, physical abuse, sexual abuse,  
24 neglect, or financial exploitation.

25 "Secretary" means the Chief Administrative Officer of the  
26 Department.

1 "Sexual abuse" means any sexual contact or intimate  
2 physical contact between an employee and an individual,  
3 including an employee's coercion or encouragement of an  
4 individual to engage in sexual behavior that results in sexual  
5 contact, intimate physical contact, sexual behavior, or  
6 intimate physical behavior.

7 "Substantiated" means there is a preponderance of the  
8 evidence to support the allegation.

9 "Unfounded" means there is no credible evidence to support  
10 the allegation.

11 "Unsubstantiated" means there is credible evidence, but  
12 less than a preponderance of evidence to support the  
13 allegation.

14 (c) Appointment. The Governor shall appoint, and the Senate  
15 shall confirm, an Inspector General. The Inspector General  
16 shall be appointed for a term of 4 years and shall function  
17 within the Department of Human Services and report to the  
18 Secretary and the Governor.

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,  
20 financial exploitation, or egregious neglect of an  
21 individual.

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

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

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

1 employee shall have the right to request that the  
2 administrative law judge consider a stipulated disposition  
3 of these proceedings.

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

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

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

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

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

26 (u) Quality Care Board. There is created, within the Office

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

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

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

25 The Board shall monitor and oversee the operations,  
26 policies, and procedures of the Inspector General to ensure the

1 prompt and thorough investigation of allegations of neglect and  
2 abuse. In fulfilling these responsibilities, the Board may do  
3 the following:

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

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

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

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

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

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

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

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

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

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

6 (Source: P.A. 98-49, eff. 7-1-13.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.