

SB1309



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1309

Introduced 2/18/2015, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

320 ILCS 20/8

from Ch. 23, par. 6608

Amends the Adult Protective Services Act. In provisions concerning reports of abuse, neglect, financial exploitation, or self-neglect of an eligible adult as defined under the Act, adds a representative of the public guardian acting in the course of investigating the appropriateness of guardianship for the eligible adult or while pursuing a petition for guardianship of the eligible adult to the list of persons granted access, upon request, to all records concerning reports of abuse, neglect, financial exploitation, or self-neglect and all records generated as a result of such reports.

LRB099 10475 KTG 30702 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 Adult Protective Services Act is amended by
5 changing Section 8 as follows:

6 (320 ILCS 20/8) (from Ch. 23, par. 6608)

7 Sec. 8. Access to records. All records concerning reports
8 of abuse, neglect, financial exploitation, or self-neglect and
9 all records generated as a result of such reports shall be
10 confidential and shall not be disclosed except as specifically
11 authorized by this Act or other applicable law. In accord with
12 established law and Department protocols, procedures, and
13 policies, access to such records, but not access to the
14 identity of the person or persons making a report of alleged
15 abuse, neglect, financial exploitation, or self-neglect as
16 contained in such records, shall be provided, upon request, to
17 the following persons and for the following persons:

18 (1) Department staff, provider agency staff, other
19 aging network staff, and regional administrative agency
20 staff, including staff of the Chicago Department on Aging
21 while that agency is designated as a regional
22 administrative agency, in the furtherance of their
23 responsibilities under this Act;

1 (1.5) A representative of the public guardian acting in
2 the course of investigating the appropriateness of
3 guardianship for the eligible adult or while pursuing a
4 petition for guardianship of the eligible adult pursuant to
5 the Probate Act of 1975;

6 (2) A law enforcement agency investigating known or
7 suspected abuse, neglect, financial exploitation, or
8 self-neglect. Where a provider agency has reason to believe
9 that the death of an eligible adult may be the result of
10 abuse or neglect, including any reports made after death,
11 the agency shall immediately provide the appropriate law
12 enforcement agency with all records pertaining to the
13 eligible adult;

14 (2.5) A law enforcement agency, fire department
15 agency, or fire protection district having proper
16 jurisdiction pursuant to a written agreement between a
17 provider agency and the law enforcement agency, fire
18 department agency, or fire protection district under which
19 the provider agency may furnish to the law enforcement
20 agency, fire department agency, or fire protection
21 district a list of all eligible adults who may be at
22 imminent risk of abuse, neglect, financial exploitation,
23 or self-neglect;

24 (3) A physician who has before him or her or who is
25 involved in the treatment of an eligible adult whom he or
26 she reasonably suspects may be abused, neglected,

1 financially exploited, or self-neglected or who has been
2 referred to the Adult Protective Services Program;

3 (4) An eligible adult reported to be abused, neglected,
4 financially exploited, or self-neglected, or such adult's
5 authorized guardian or agent, unless such guardian or agent
6 is the abuser or the alleged abuser;

7 (4.5) An executor or administrator of the estate of an
8 eligible adult who is deceased;

9 (5) In cases regarding abuse, neglect, or financial
10 exploitation, a court or a guardian ad litem, upon its or
11 his or her finding that access to such records may be
12 necessary for the determination of an issue before the
13 court. However, such access shall be limited to an in
14 camera inspection of the records, unless the court
15 determines that disclosure of the information contained
16 therein is necessary for the resolution of an issue then
17 pending before it;

18 (5.5) In cases regarding self-neglect, a guardian ad
19 litem;

20 (6) A grand jury, upon its determination that access to
21 such records is necessary in the conduct of its official
22 business;

23 (7) Any person authorized by the Director, in writing,
24 for audit or bona fide research purposes;

25 (8) A coroner or medical examiner who has reason to
26 believe that an eligible adult has died as the result of

1 abuse, neglect, financial exploitation, or self-neglect.
2 The provider agency shall immediately provide the coroner
3 or medical examiner with all records pertaining to the
4 eligible adult;

5 (8.5) A coroner or medical examiner having proper
6 jurisdiction, pursuant to a written agreement between a
7 provider agency and the coroner or medical examiner, under
8 which the provider agency may furnish to the office of the
9 coroner or medical examiner a list of all eligible adults
10 who may be at imminent risk of death as a result of abuse,
11 neglect, financial exploitation, or self-neglect;

12 (9) Department of Financial and Professional
13 Regulation staff and members of the Illinois Medical
14 Disciplinary Board or the Social Work Examining and
15 Disciplinary Board in the course of investigating alleged
16 violations of the Clinical Social Work and Social Work
17 Practice Act by provider agency staff or other licensing
18 bodies at the discretion of the Director of the Department
19 on Aging;

20 (9-a) Department of Healthcare and Family Services
21 staff when that Department is funding services to the
22 eligible adult, including access to the identity of the
23 eligible adult;

24 (9-b) Department of Human Services staff when that
25 Department is funding services to the eligible adult or is
26 providing reimbursement for services provided by the

1 abuser or alleged abuser, including access to the identity
2 of the eligible adult;

3 (10) Hearing officers in the course of conducting an
4 administrative hearing under this Act; parties to such
5 hearing shall be entitled to discovery as established by
6 rule;

7 (11) A caregiver who challenges placement on the
8 Registry shall be given the statement of allegations in the
9 abuse report and the substantiation decision in the final
10 investigative report; and

11 (12) The Illinois Guardianship and Advocacy Commission
12 and the agency designated by the Governor under Section 1
13 of the Protection and Advocacy for Developmentally
14 Disabled Persons Act shall have access, through the
15 Department, to records, including the findings, pertaining
16 to a completed or closed investigation of a report of
17 suspected abuse, neglect, financial exploitation, or
18 self-neglect of an eligible adult.

19 (Source: P.A. 97-864, eff. 1-1-13; 98-49, eff. 7-1-13; 98-1039,
20 eff. 8-25-14.)