

1 AN ACT to amend the Abused and Neglected Long Term Care
2 Facility Residents Reporting Act.

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

5 Section 5. The Abused and Neglected Long Term Care
6 Facility Residents Reporting Act is amended by changing
7 Sections 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, and 6.8 as follows:

8 (210 ILCS 30/6.2) (from Ch. 111 1/2, par. 4166.2)

9 (Section scheduled to be repealed on January 1, 2002)

10 Sec. 6.2. Inspector General.

11 (a) The Governor shall appoint, and the Senate shall
12 confirm, an Inspector General who shall function within the
13 Department of Human Services and report to the Secretary of
14 Human Services and the Governor. The Inspector General shall
15 investigate reports of suspected abuse or neglect (as those
16 terms are defined in Section 3 of this Act) of patients or
17 residents in any mental health or developmental disabilities
18 facility operated by the Department of Human Services and
19 shall have authority to investigate and take immediate action
20 on reports of abuse or neglect of recipients, whether
21 patients or residents, in any mental health or developmental
22 disabilities facility or program that is licensed or
23 certified by the Department of Human Services (as successor
24 to the Department of Mental Health and Developmental
25 Disabilities) or that is funded by the Department of Human
26 Services (as successor to the Department of Mental Health and
27 Developmental Disabilities) and is not licensed or certified
28 by any agency of the State. At the specific, written request
29 of an agency of the State other than the Department of Human
30 Services (as successor to the Department of Mental Health and
31 Developmental Disabilities), the Inspector General may

1 cooperate in investigating reports of abuse and neglect of
2 persons with mental illness or persons with developmental
3 disabilities. The Inspector General shall have no
4 supervision over or involvement in routine, programmatic,
5 licensure, or certification operations of the Department of
6 Human Services or any of its funded agencies.

7 The Inspector General shall promulgate rules establishing
8 minimum requirements for reporting allegations of abuse and
9 neglect and initiating, conducting, and completing
10 investigations. The promulgated rules shall clearly set
11 forth that in instances where 2 or more State agencies could
12 investigate an allegation of abuse or neglect, the Inspector
13 General shall not conduct an investigation that is redundant
14 to an investigation conducted by another State agency. The
15 rules shall establish criteria for determining, based upon
16 the nature of the allegation, the appropriate method of
17 investigation, which may include, but need not be limited to,
18 site visits, telephone contacts, or requests for written
19 responses from agencies. The rules shall also clarify how
20 the Office of the Inspector General shall interact with the
21 licensing unit of the Department of Human Services in
22 investigations of allegations of abuse or neglect. Any
23 allegations or investigations of reports made pursuant to
24 this Act shall remain confidential until a final report is
25 completed. The resident or patient who allegedly was abused
26 or neglected and his or her legal guardian shall be informed
27 by the facility or agency of the report of alleged abuse or
28 neglect. Final reports regarding unsubstantiated or unfounded
29 allegations shall remain confidential, except that final
30 reports may be disclosed pursuant to Section 6 of this Act.

31 The Inspector General shall be appointed for a term of 4
32 years.

33 (b) The Inspector General shall within 24 hours after
34 receiving a report of suspected abuse or neglect determine

1 whether the evidence indicates that any possible criminal act
2 has been committed. If he determines that a possible criminal
3 act has been committed, or that special expertise is required
4 in the investigation, he shall immediately notify the
5 Department of State Police. The Department of State Police
6 shall investigate any report indicating a possible murder,
7 rape, or other felony. All investigations conducted by the
8 Inspector General shall be conducted in a manner designed to
9 ensure the preservation of evidence for possible use in a
10 criminal prosecution.

11 (b-5) The Inspector General shall make a determination
12 to accept or reject a preliminary report of the investigation
13 of alleged abuse or neglect based on established
14 investigative procedures. The facility or agency may request
15 clarification or reconsideration based on additional
16 information. For cases where the allegation of abuse or
17 neglect is substantiated, the Inspector General shall require
18 the facility or agency to submit a written response. The
19 written response from a facility or agency shall address in a
20 concise and reasoned manner the actions that the agency or
21 facility will take or has taken to protect the resident or
22 patient from abuse or neglect, prevent reoccurrences, and
23 eliminate problems identified and shall include
24 implementation and completion dates for all such action.

25 (c) The Inspector General shall, within 10 calendar days
26 after the transmittal date of a completed investigation where
27 abuse or neglect is substantiated or administrative action is
28 recommended, provide a complete report on the case to the
29 Secretary of Human Services and to the agency in which the
30 abuse or neglect is alleged to have happened. The complete
31 report shall include a written response from the agency or
32 facility operated by the State to the Inspector General that
33 addresses in a concise and reasoned manner the actions that
34 the agency or facility will take or has taken to protect the

1 resident or patient from abuse or neglect, prevent
2 reoccurrences, and eliminate problems identified and shall
3 include implementation and completion dates for all such
4 action. The Secretary of Human Services shall accept or
5 reject the response and establish how the Department will
6 determine whether the facility or program followed the
7 approved response. The Secretary may require Department
8 personnel to visit the facility or agency for training,
9 technical assistance, programmatic, licensure, or
10 certification purposes. Administrative action, including
11 sanctions, may be applied should the Secretary reject the
12 response or should the facility or agency fail to follow the
13 approved response. Within 30 days after the Secretary has
14 approved a response, the facility or agency making the
15 response shall provide an implementation report to the
16 Inspector General on the status of the corrective action
17 implemented. Within 60 days after receiving the
18 implementation report, the Inspector General shall conduct an
19 investigation to determine whether the facility or agency is
20 in compliance with the approved response. The facility or
21 agency shall inform the resident or patient and the legal
22 guardian whether the reported allegation was substantiated,
23 unsubstantiated, or unfounded. There shall be an appeals
24 process for any person or agency that is subject to any
25 action based on a recommendation or recommendations.

26 (d) The Inspector General may recommend to the
27 Departments of Public Health and Human Services sanctions to
28 be imposed against mental health and developmental
29 disabilities facilities under the jurisdiction of the
30 Department of Human Services for the protection of residents,
31 including appointment of on-site monitors or receivers,
32 transfer or relocation of residents, and closure of units.
33 The Inspector General may seek the assistance of the Attorney
34 General or any of the several State's attorneys in imposing

1 such sanctions.

2 (e) The Inspector General shall establish and conduct
3 periodic training programs for Department employees
4 concerning the prevention and reporting of neglect and abuse.

5 (f) The Inspector General shall at all times be granted
6 access to any mental health or developmental disabilities
7 facility operated by the Department, shall establish and
8 conduct unannounced site visits to those facilities at least
9 once annually, and shall be granted access, for the purpose
10 of investigating a report of abuse or neglect, to any
11 facility or program funded by the Department that is subject
12 under the provisions of this Section to investigation by the
13 Inspector General for a report of abuse or neglect.

14 (g) Nothing in this Section shall limit investigations
15 by the Department of Human Services that may otherwise be
16 required by law or that may be necessary in that Department's
17 capacity as the central administrative authority responsible
18 for the operation of State mental health and developmental
19 disability facilities.

20 ~~{h}--This-Section-is-repealed-on-January-17-2002.~~
21 (Source: P.A. 90-252, eff. 7-29-97; 90-512, eff. 8-22-97;
22 90-655, eff. 7-30-98; 91-169, eff. 7-16-99.)

23 (210 ILCS 30/6.3) (from Ch. 111 1/2, par. 4166.3)
24 (Section scheduled to be repealed on January 1, 2002)
25 Sec. 6.3. Quality Care Board. There is created, within
26 the Department of Human Services' Office of the Inspector
27 General, a Quality Care Board to be composed of 7 members
28 appointed by the Governor with the advice and consent of the
29 Senate. One of the members shall be designated as chairman
30 by the Governor. Of the initial appointments made by the
31 Governor, 4 Board members shall each be appointed for a term
32 of 4 years and 3 members shall each be appointed for a term
33 of 2 years. Upon the expiration of each member's term, a

1 successor shall be appointed for a term of 4 years. In the
2 case of a vacancy in the office of any member, the Governor
3 shall appoint a successor for the remainder of the unexpired
4 term.

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

14 The Board shall meet quarterly, and may hold other
15 meetings on the call of the chairman. Four members shall
16 constitute a quorum. The Board may adopt rules and
17 regulations it deems necessary to govern its own procedures.

18 ~~This Section is repealed on January 17, 2002.~~

19 (Source: P.A. 91-169, eff. 7-16-99.)

20 (210 ILCS 30/6.4) (from Ch. 111 1/2, par. 4166.4)

21 (Section scheduled to be repealed on January 1, 2002)

22 Sec. 6.4. Scope and function of the Quality Care Board.
23 The Board shall monitor and oversee the operations, policies,
24 and procedures of the Inspector General to assure the prompt
25 and thorough investigation of allegations of neglect and
26 abuse. In fulfilling these responsibilities, the Board may
27 do the following:

28 (1) Provide independent, expert consultation to the
29 Inspector General on policies and protocols for
30 investigations of alleged neglect and abuse.

31 (2) Review existing regulations relating to the
32 operation of facilities under the control of the
33 Department.

1 (3) Advise the Inspector General as to the content
2 of training activities authorized under Section 6.2.

3 (4) Recommend policies concerning methods for
4 improving the intergovernmental relationships between the
5 office of the Inspector General and other State or
6 federal agencies.

7 ~~This Section is repealed on January 17, 2002.~~

8 (Source: P.A. 91-169, eff. 7-16-99.)

9 (210 ILCS 30/6.5) (from Ch. 111 1/2, par. 4166.5)

10 (Section scheduled to be repealed on January 1, 2002)

11 Sec. 6.5. Investigators. Within 60 days after the
12 effective date of this amendatory Act of 1992, the Inspector
13 General shall establish a comprehensive program to ensure
14 that every person employed or newly hired to conduct
15 investigations shall receive training on an on-going basis
16 concerning investigative techniques, communication skills,
17 and the appropriate means of contact with persons admitted or
18 committed to the mental health or developmental disabilities
19 facilities under the jurisdiction of the Department of Human
20 Services.

21 ~~This Section is repealed on January 17, 2002.~~

22 (Source: P.A. 91-169, eff. 7-16-99.)

23 (210 ILCS 30/6.6) (from Ch. 111 1/2, par. 4166.6)

24 (Section scheduled to be repealed on January 1, 2002)

25 Sec. 6.6. Subpoenas; testimony; penalty. The Inspector
26 General shall have the power to subpoena witnesses and compel
27 the production of books and papers pertinent to an
28 investigation authorized by this Act, provided that the power
29 to subpoena or to compel the production of books and papers
30 shall not extend to the person or documents of a labor
31 organization or its representatives insofar as the person or
32 documents of a labor organization relate to the function of

1 representing an employee subject to investigation under this
2 Act. Mental health records of patients shall be confidential
3 as provided under the Mental Health and Developmental
4 Disabilities Confidentiality Act. Any person who fails to
5 appear in response to a subpoena or to answer any question or
6 produce any books or papers pertinent to an investigation
7 under this Act, except as otherwise provided in this Section,
8 or who knowingly gives false testimony in relation to an
9 investigation under this Act is guilty of a Class A
10 misdemeanor.

11 ~~This Section is repealed on January 17, 2002.~~

12 (Source: P.A. 91-169, eff. 7-16-99.)

13 (210 ILCS 30/6.7) (from Ch. 111 1/2, par. 4166.7)

14 (Section scheduled to be repealed on January 1, 2002)

15 Sec. 6.7. Annual report. The Inspector General shall
16 provide to the General Assembly and the Governor, no later
17 than January 1 of each year, a summary of reports and
18 investigations made under this Act for the prior fiscal year
19 with respect to residents of institutions under the
20 jurisdiction of the Department. The report shall detail the
21 imposition of sanctions and the final disposition of those
22 recommendations. The summaries shall not contain any
23 confidential or identifying information concerning the
24 subjects of the reports and investigations. The report shall
25 also include a trend analysis of the number of reported
26 allegations and their disposition, for each facility and
27 Department-wide, for the most recent 3-year time period and a
28 statement, for each facility, of the staffing-to-patient
29 ratios. The ratios shall include only the number of direct
30 care staff. The report shall also include detailed
31 recommended administrative actions and matters for
32 consideration by the General Assembly.

33 ~~This Section is repealed on January 17, 2002.~~

1 (Source: P.A. 91-169, eff. 7-16-99.)

2 (210 ILCS 30/6.8) (from Ch. 111 1/2, par. 4166.8)

3 (Section scheduled to be repealed on January 1, 2002)

4 Sec. 6.8. Program audit. The Auditor General shall
5 conduct a biennial program audit of the office of the
6 Inspector General in relation to the Inspector General's
7 compliance with this Act. The audit shall specifically
8 include the Inspector General's effectiveness in
9 investigating reports of alleged neglect or abuse of
10 residents in any facility operated by the Department and in
11 making recommendations for sanctions to the Departments of
12 Human Services and Public Health. The Auditor General shall
13 conduct the program audit according to the provisions of the
14 Illinois State Auditing Act and shall report its findings to
15 the General Assembly no later than January 1 of each
16 odd-numbered year.

17 ~~This Section is repealed on January 1, 2002.~~

18 (Source: P.A. 91-169, eff. 7-16-99.).

19 Section 99. Effective date. This Act takes effect on
20 December 31, 2001.