

Mandatory Reporting Requirements: The Elderly Illinois

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Question	Answer
Who is required to report?	<p>Any of the following persons, <i>while engaged in carrying out their professional duties</i>, are defined as a “Mandated reporter”:</p> <ul style="list-style-type: none"> • A professional or professional’s delegate while engaged in: <ul style="list-style-type: none"> • social services, • law enforcement, • education, • the care of an eligible adult or eligible adults, or • any of the occupations required to be licensed under: <ul style="list-style-type: none"> • The Clinical Psychologist Licensing Act; • The Clinical Social Work and Social Work Practice Act; • The Illinois Dental Practice Act; • The Dietitian Nutritionist Practice Act; • The Marriage and Family Therapy Licensing Act; • The Medical Practice Act of 1987; • The Naprapathic Practice Act; • The Nurse Practice Act; • The Nursing Home Administrators Licensing and Disciplinary Act; • The Illinois Occupational Therapy Practice Act; • The Illinois Optometric Practice Act of 1987; • The Pharmacy Practice Act; • The Illinois Physical Therapy Act; • The Physician Assistant Practice Act of 1987; • The Podiatric Medical Practice Act of 1987; • The Respiratory Care Practice Act; • The Professional Counselor and Clinical Professional Counselor Licensing Act; • The Illinois Speech-Language Pathology and Audiology Practice Act; • The Veterinary Medicine and Surgery Practice Act of 2004; and • The Illinois Public Accounting Act. • An employee of an entity providing developmental disabilities services or service coordination funded by the Department of Human Services; • An employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services; • An administrator, employee, or person providing services in or through an unlicensed community based

	<p>facility;</p> <ul style="list-style-type: none"> • Any religious practitioner who provides treatment by prayer or spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination, except as to information received in any confession or sacred communication held by the denomination to be confidential; • Field personnel of the Department of Healthcare and Family Services, Department of Public Health, and Department of Human Services, and any county or municipal health department; • Personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and provider agencies, and the Office of State Long Term Care Ombudsman; • Any employee of the State of Illinois not otherwise specified herein who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services and all other persons having direct contact with eligible adults; • A person who performs the duties of a coroner or medical examiner; and • A person who performs the duties of a paramedic or an emergency medical technician.
<p>When is a report required and where does it go?</p>	<p>When is a report required?</p> <ul style="list-style-type: none"> • If any Mandated reporter has reason to believe that an eligible adult, who because of disability or other condition is unable to seek assistance for himself or herself, has, within the previous 12 months, been subjected to abuse, abandonment, neglect, or financial exploitation. <p>Where does it go?</p> <ul style="list-style-type: none"> • Reports shall be made to the Department on Aging of the State of Illinois, which can be reached through a 24-hour Elder Abuse Hotline at 1-866-800-1409 or 1-888-206-1327 (TTY). • Law enforcement officers shall continue to report incidents of alleged abuse pursuant to the Illinois Domestic Violence Act of 1986. • For residents who live in nursing facilities, call the Illinois Department of Public Health’s Nursing Home Complaint Hotline: 1-800-252-4343. Forms are available at https://dph.illinois.gov/topics-services/health-care-regulation/complaints. • For residents who live in Supportive Living Facilities (SLFs), call the Illinois Department of Healthcare and Family Services’ SLF Complaint Hotline: 1-800-226-0768. • Reporters may also notify the person in charge of the institution, facility, or agency or his or her designated agent that the report has been made.
<p>What definitions are important to know?</p>	<ul style="list-style-type: none"> • “Abandonment” means the desertion or willful forsaking of an eligible adult by an individual responsible for the care and custody of that eligible adult under circumstances in which a reasonable person would continue to provide care and custody. Nothing in this Act shall be construed to mean that an eligible adult care services provided or not provided by licensed health care is a victim of abandonment because of health professionals. • “Abuse” means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult’s financial resources, and abandonment. <ul style="list-style-type: none"> • Nothing in this Act shall be construed to mean that an eligible adult is a victim of

	<p>abuse, abandonment, neglect, or self-neglect for the sole reason that he or she is being furnished with or relies upon treatment by spiritual means through prayer alone, in accordance with the tenets and practices of a recognized church or religious denomination.</p> <ul style="list-style-type: none"> • Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse because of health care services provided or not provided by licensed health care professionals. • “Adult with Disabilities” means a person aged 18 through 59 who resides in a domestic living situation and whose physical or mental disability impairs his or her ability to seek or obtain protection from abuse, abandonment, neglect or exploitation. • “Disability” means a physical or mental disability, including, but not limited to, a developmental disability, an intellectual disability, a mental illness as defined under the Mental Health and Developmental Disabilities Code, or dementia as defined under the Alzheimer’s Disease Assistance Act. • “Eligible adult” means either an adult with disabilities aged 18 through 59 or a person 60 years of age or older who resides in a domestic living situation and is, or is alleged to be, abused, abandoned, neglected, or financially exploited by another individual or who neglects himself or herself. Eligible adult also includes any adult who resides in certain state-licensed or operated facilities, including certain nursing homes, hospitals, and “community-integrated” or assisted living facilities. • “Financial exploitation” means the use of an eligible adult’s resources by another to the disadvantage of that adult or the profit or advantage of a person other than that adult. • “Mandated reporter” (see “Who is required to report?” section above). • “Neglect” means another individual’s failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or health care. • “Self-neglect” means a condition that is the result of an eligible adult’s inability, due to physical or mental impairments, or both, or a diminished capacity, to perform essential self-care tasks that substantially threaten his or her own health, including: providing essential food, clothing, shelter, and health care; and obtaining goods and services necessary to maintain physical health, mental health, emotional well-being, and general safety. The term includes compulsive hoarding, which is characterized by the acquisition and retention of large quantities of items and materials that produce an extensively cluttered living space, which significantly impairs the performance of essential self-care tasks or otherwise substantially threatens life or safety.
<p>What timing and procedural requirements apply to reports?</p>	<ul style="list-style-type: none"> • Report must be made by a Mandated reporter within 24 hours after developing the belief that an eligible adult has been subjected to abuse, abandonment, neglect, or financial exploitation.
<p>What information must a report include?</p>	<ul style="list-style-type: none"> • Not specified in statute, however, the Illinois Department of Aging website (https://www2.illinois.gov/aging/ProtectionAdvocacy/Pages/abuse_reporting.aspx) states that the reporter should be prepared to answer the following questions to the best of his or her ability: <ul style="list-style-type: none"> • The alleged victim's name, address, telephone number, sex, age and general condition; • The alleged abuser's name, sex, age, relationship to victim and condition;

- The circumstances which lead the reporter to believe that the older person is being abused, abandoned, neglected or financially exploited, with as much specificity as possible;
- Whether the alleged victim is in immediate danger, the best time to contact the person, if he or she knows of the report, and if there is any danger to the worker going out to investigate;
- Whether the reporter believes the client could make a report themselves;
- The name, telephone number and profession of the reporter;
- The names of others with information about the situation;
- If the reporter is willing to be contacted again; and,
- Any other relevant information.

Anything else I should know?

- Any person who suspects the abuse, abandonment, neglect, financial exploitation, or self-neglect of an eligible adult may report this suspicion to an agency designated to receive such reports or to the Department on Aging of the State of Illinois.
- The identity of a person making a voluntary report of alleged or suspected abuse, abandonment, neglect, financial exploitation or self-neglect under this Act may be disclosed by relevant Illinois agency only with such person's written consent or by court order, but is otherwise confidential.
- Whenever a Mandated reporter is required to report under this Act in his or her capacity as a member of the staff of a medical or other public or private institution, facility, or agency, he or she shall make a report to an agency designated to receive such reports under this Act or to the Department on Aging of the State of Illinois in accordance with the provisions of this Act and may also notify the person in charge of the institution, facility, or agency or his or her designated agent that the report has been made.
- Any Mandated reporter who makes a report shall testify fully in any judicial proceeding or administrative hearing resulting from such report, as to any evidence of abuse, abandonment, neglect, or financial exploitation or the cause thereof. No evidence shall be excluded due to any privilege existing between the person making the report and the alleged abuser or the eligible adult.
- The privileged quality of communication between any professional person required to report and his or her patient or client shall not apply to situations involving abused, abandoned, neglected, or financially exploited eligible adults and shall not constitute grounds for failure to report as required.
- Any physician who willfully fails to report as required shall be referred to the Illinois State Medical Disciplinary Board. Any dentist or dental hygienist who willfully fails to report as required shall be referred to the Department of Professional Regulation. Any optometrist who willfully fails to report as required shall be referred to the Department of Financial and Professional Regulation. Any other mandated reporter required to report suspected abuse, abandonment, neglect, or financial exploitation who willfully fails to report the same is guilty of a Class A misdemeanor.
- A person, institution, or agency participating in the making of a report of abuse, abandonment, neglect, or financial exploitation of an eligible adult in good faith shall have immunity from any civil, criminal, or other liability in any civil, criminal, or other proceeding brought in consequence of making such report.
- A person making a report in the belief that it is in the alleged victim's best interest shall be immune from criminal or civil liability or professional disciplinary action on account of making the report, notwithstanding any requirements concerning the confidentiality of information with respect to such eligible adult which might otherwise be applicable.
- Any person who suspects the abuse, abandonment, neglect, financial exploitation, or self-neglect of an

	<p>eligible adult may report this suspicion to an agency designated to receive such reports or to the Department of Aging.</p> <ul style="list-style-type: none">• No employer shall discharge, demote or suspend, or threaten to discharge, demote or suspend, or in any manner discriminate against any employee who makes any good faith oral or written report of suspected abuse, abandonment, neglect, or financial exploitation or who is or will be a witness or testify in any investigation or proceeding concerning a report of suspected abuse, neglect, or financial exploitation.
Statutory citation(s):	320 ILCS §§ 20/2, 20/4, 20/4.1, 20/4.2