WHEREAS, Research has demonstrated over and over that people with disabilities are far more likely to suffer from abuse and neglect and to become victims of crime than are people without disabilities; and

WHEREAS, In Illinois, responsibility for addressing abuse, neglect and/or exploitation of people with disabilities lies primarily with: the Department of Public Health (DPH), the Department of Children and Family Services (DCFS), the Department on Aging (DOA), and the Department of Human Services' Office of Inspector General (DHS/OIG); and

WHEREAS, Each of these agencies has responsibility for investigating abuse, neglect and/or exploitation of different populations in different settings; and

WHEREAS, Not all populations and not all settings are covered by the current investigatory system to address the abuse, neglect or exploitation of people with disabilities, resulting in serious gaps in protection; and

WHEREAS, The fragmented nature of Illinois' investigatory system has resulted in wide-spread confusion among the public on where to properly report incidents of abuse, neglect and/or exploitation of people with disabilities and also confusion
among agency staff regarding the proper investigative body; and

WHEREAS, Many people with mental illness living in nursing
homes in Illinois attend off-site psychiatric day programs that
are not licensed, certified or regulated by any State or
federal agency; consequently, there is no requirement or
mechanism for reporting or investigating abuse, neglect or
exploitation of the individuals in these programs; and

WHEREAS, The General Assembly has passed P.A. 95-0651,
requiring all Illinois board and care homes to be licensed by
DHP, which will presumably provide oversight of these
facilities; however, due to the previous lack of oversight of
board and care homes, their identities and locations are
generally unknown; and

WHEREAS, Non-public therapeutic day schools serving
students (aged 6-21) with disabilities in Illinois are subject
to less stringent regulations regarding use of restraints and
isolated time-outs, are not strictly monitored, and are not
required to report allegations of abuse or neglect to the
Illinois State Board of Education (ISBE), leaving children in
these settings with fewer protections than those in other
settings; and

WHEREAS, Federal and State law require Illinois to maintain
an information registry relating to individuals who are
qualified to work in settings that serve adults or children
with disabilities and also those individuals who are prohibited
from such employment due to substantiated findings of abuse,
neglect or exploitation; and

WHEREAS, DPH maintains a Health Care Worker Registry
containing the names of certain health care staff working in
facilities serving adults that are licensed, funded or
certified by DPH or DHS, who have received required training
and are subject to a criminal background check; and

WHEREAS, DCFS maintains a separate registry, known as the State Central Register, containing the names of and information relating to individuals who have abused or neglected children; and

WHEREAS, There is no cross-checking requirement or mechanism between the two registries, making it possible for an abuser to switch from working with one age group to the other; and

WHEREAS, To be effective, investigatory systems charged with responsibility for addressing abuse and neglect of people with disabilities must provide a comprehensive and cohesive structure that ensures the safety and well-being of the people the system is mandated to protect; and

WHEREAS, Illinois' current investigatory system has been mandated to address an ever-increasing set of issues and settings without being provided increased resources needed to effectively protect people with disabilities from abuse, neglect and exploitation; and

WHEREAS, Equip for Equality (EFE) is the organization designated to implement the federal Protection and Advocacy (P&A) system for people with disabilities in Illinois; and

WHEREAS, Over the last five years, EFE has conducted hundreds of unannounced visits to public and private facilities and programs for people with disabilities, reviewed records, identified, monitored and investigated dangerous conditions and practices, issued recommendations, and distributed alerts to service providers; and

WHEREAS, As a result of those activities, EFE has identified and made recommendations regarding these and other
inadequacies in Illinois' investigatory system to address the
abuse, neglect and/or exploitation of people with
disabilities, which are detailed in a public report entitled,
"Ensuring the Safety of Children and Adults with Disabilities:

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Filling the Gaps in Illinois' System that Investigates
Allegations of Abuse and Neglect"; and

WHEREAS, The Illinois Guardianship and Advocacy Commission
(GAC) has identified further gaps in Illinois' investigatory
system with respect to reports of abuse and/or neglect of
people with mental illness in hospital settings; therefore, be
it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that
the Abuse and Neglect Investigatory System Work Group is
created within the Department of Human Services to study and
recommend how Illinois' investigatory system to address the
abuse, neglect and exploitation of people with disabilities
should be changed to provide a comprehensive, cohesive system
that provides maximum protection for the safety and well-being
of people with disabilities of all ages and in all settings;
and be it further

RESOLVED, That the Department of Human Services shall
convene the Work Group, and the Secretary of Human Services
shall designate a chairperson of the Work Group; due to its
unique position and experience, the House requests that Equip
for Equality serve in an advisory capacity to the Work Group;
and be it further

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RESOLVED, That additional members of the Work Group shall include at least one representative each from DPH, DCFS, DOA, DHS, DHS/OIG, DHFS, GAC, and ISBE; and be it further

RESOLVED, That additional members of the Work Group shall include at least one representative of each of the following: the medical community, the long-term care community, and hospitals; and be it further

RESOLVED, That the Department of Human Services shall invite other disability advocacy groups and individuals with disabilities to serve as members of the Work Group; and be it further

RESOLVED, That the designated State agencies shall cooperate and participate with the Department of Human Services in this collaborative effort and shall provide any necessary research, office or meeting space, or other assistance; and be it further

RESOLVED, That the Work Group shall, with input from all members of the Work Group, develop recommendations and a plan for closing the gaps in Illinois' current investigatory system and improving its overall effectiveness, to include the implementation of a statewide centralized hotline for reporting incidents of abuse and neglect; and be it further

RESOLVED, That the Work Group shall further consider and make recommendations regarding possible funding sources to meet the increasing demands on Illinois' investigatory system to address abuse, neglect and exploitation of people with disabilities; and be it further

RESOLVED, That the Work Group shall submit its recommendations and plan to the General Assembly no later than May 31, 2010.
Bill Status of SB2528  96th General Assembly

Short Description:  DHS-MENTAL HLTH-RESTRRAINT

Senate Sponsors
Sen. Deanna Demuzio

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Statutes Amended In Order of Appearance
20 ILCS 1705/15g new

Synopsis As Introduced
Amends the Mental Health and Developmental Disabilities Administrative Act. Prohibits providers and staff of settings licensed, certified, operated, or funded by the Department of Human Services’ Division of Developmental Disabilities from restraining individuals in a face-down, prone position. Effective immediately.

Senate Committee Amendment No. 1
Provides that the provisions concerning the prohibited use of prone restraint shall take effect January 1, 2011 (instead of, upon becoming law). Effective January 1, 2011.

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96TH GENERAL ASSEMBLY
State of Illinois
2009 and 2010
SB2528

Introduced 1/12/2010, by Sen. Deanna Demuzio

SYNOPSIS AS INTRODUCED:

20 ILCS 1705/15g new
Amends the Mental Health and Developmental Disabilities
Administrative Act. Prohibits providers and staff of settings
licensed, certified, operated, or funded by the Department of
Human Services' Division of Developmental Disabilities from
restraining individuals in a face-down, prone position. Effective
immediately.

LRB096 16090 KTG 31577 b

A BILL FOR

SB2528

LRB096 16090 KTG 31577 b

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 Mental Health and Developmental

Disabilities Administrative Act is amended by adding Section 15g as follows:

(20 ILCS 1705/15g new)

Sec. 15g. Prohibited use of prone restraint. Restraint in a face-down, prone position shall be prohibited for individuals receiving services in settings licensed, certified, operated, or funded by the Department of Human Services' Division of Developmental Disabilities.

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