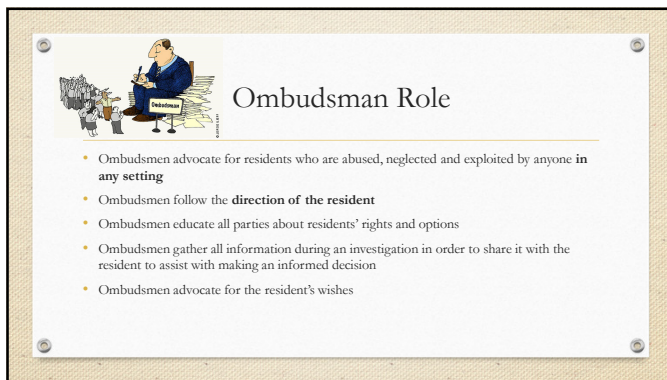
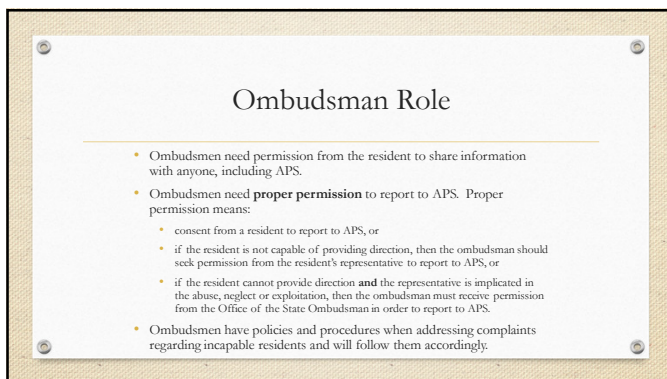


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Complaint Calls



- When an ombudsman receives a complainant calls about abuse or neglect that occurred outside of the facility or about financial exploitation of a resident, they do the follow:
- If the abuse, neglect or exploitation fits the qualifiers for an APS investigation (meets the criteria of an "eligible adult"), then the ombudsman will:
 - explain the roles and responsibilities of each program and
 - offer to give the APS hotline or local APS number as a resource to contact whether the complainant is a facility staff member, family member, or someone else.
- If the complainant is a mandated reporter and the resident is unable to contact APS themselves, then the ombudsman shall refer the caller to APS.

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Public Act 100-0641

Amendment to the Adult Protective Services Act
Effective January 1, 2019



"Eligible adult" also includes an adult who resides in any of the facilities that are excluded from the definition of "domestic living situation" under paragraphs (1) through (9) of subsection (d), if either: (i) the alleged abuse or neglect occurs outside of the facility and not under facility supervision and the alleged abuser is a family member, caregiver, or another person who has a continuing relationship with the adult; or (ii) the alleged financial exploitation is perpetrated by a family member, caregiver, or another person who has a continuing relationship with the adult, but who is not an employee of the facility where the adult resides.

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Key Points

Expanded APS Jurisdiction

- the alleged abuse or neglect occurs **outside** of the facility **and**
- not** under facility supervision **and**
- the alleged abuser is a family member, caregiver, or another person who has a continuing relationship with the adult; **OR**
- the alleged financial exploitation is perpetrated by a family member, caregiver, or another person who has a continuing relationship with the adult, but who is **not an employee of the facility** where the adult resides.

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What does this mean for the Ombudsman?

- This law does not change ombudsman jurisdiction, actions, protocol, policies or procedures.
- Ombudsmen follow the direction of the resident.
- If the resident wishes for the ombudsman to refer to APS, we will do so.
- Ombudsmen have the authority to access records and assist the resident with gathering information to make an informed choice

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Abuse inside of the facility

- Any abuse or neglect that occurs in the facility, regardless of the source (abuser) should be referred to IDPH and the ombudsman and **not** APS.



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Illinois Department Of Public Health (IDPH)

- Regulatory agency for nursing homes, assisted living, sheltered care, ICF-DDs, and SMHRF's
- Investigates abuse, neglect and exploitation **if the abuse is occurring in the facility or by a staff member of the facility** or under the responsibility of a staff member (i.e. facility-planned outings)
- Investigates what the **facility failed to do** to protect the resident from the alleged abuse
- Does not investigate to determine whether illegal actions were committed, that is the role of law enforcement

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Healthcare and Family Services (HFS)

- The regulatory agency for Supportive Living Facilities
- Investigates abuse, neglect and exploitation if **the abuse is occurring in the facility or by a staff member of the facility**
- Investigates what the **facility failed to do** to protect the resident from the alleged abuse
- Does not investigate to determine whether illegal actions were committed, that is the role of law enforcement

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Community Integrated Living Arrangements (CILAs) & Unlicensed Homes

- Abuse, neglect and exploitation reports go to either OIG or APS, depending on where the ANE occurred
- Ombudsmen have no jurisdiction

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Facility Staff Reporting Requirements

- Reporting to IDPH
- **The Abused and Neglected Long Term Care Facility Residents Reporting Act**, states the administrator and any facility employee **must** report or cause a report to be made to IDPH that involves any form of suspected abuse or neglect to IDPH. A report is required regardless of the cognitive level of the resident or who the alleged perpetrator may be.

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Facility Staff Reporting Requirements

- Reporting to APS
- Under the **Adult Protective Services Act**, facility administrators and staff listed in the Act are limited mandated reporters. This means that staff **must** report abuse, neglect and exploitation as defined in the Adult Protective Services Act to APS **if the resident is unable to do so.**



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When in Doubt

- Contact Dana Wilkerson and/or the Office of the State Ombudsman
 - Dana.Wilkerson@Illinois.gov
 - AgingSLTCOPProgram@Illinois.gov



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