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ATTORNEY GENERAL MADIGAN: NEW YEAR BRINGS NEW LAWS

Nursing home cameras; protections for sexual assault survivors, crime victims and workers effective Jan. 1

Chicago — Attorney General Lisa Madigan today highlighted new laws initiated by her office that will go into effect Jan. 1. In 2016 Illinois will become the fourth state to explicitly allow electronic monitoring devices to be installed in resident rooms in nursing home facilities.

House Bill 2462 sponsored by Rep. Greg Harris, D-Chicago, and Sen. Terry Link, D-Waukegan stemmed from complaints Madigan's office received from nursing home residents and families who were concerned for their relatives' care and safety. The new law allows residents of nursing homes and rehabilitation facilities or their family members to purchase and install video or audio monitoring devices in their rooms.

"The new year will bring new peace of mind for nursing home residents and their families, because for the first time, they will have the option of installing recording devices to ensure their loved ones are receiving appropriate care," Madigan said.

Madigan noted that video and audio monitoring can be used as an added tool to help resolve disputes about suspected abuse or negligence. In addition, the video and audio monitoring allowed by this law can be helpful to nursing homes by alerting them to employees who may be involved in abusive or unacceptable behavior, and allowing them to take disciplinary measures.

After the General Assembly passed House Bill 2462 with overwhelming support, it was signed in August. The new law, which is Public Act 99-0430, will:

- Allow for audio and video electronic monitoring devices in resident rooms;
- Require resident and roommate consent;
- Make nursing home residents or their representatives responsible for the purchase, installation and maintenance expenses of the devices;
- Prohibit facility retaliation against residents for the use of the devices;
- Provide for recordings to be admissible into evidence in administrative, civil and criminal proceedings; and
- Provide misdemeanor and felony penalties for any person or entity that intentionally hampers, obstructs, tampers with, or destroys a recording or an electronic monitoring device.

Attorney General Madigan highlighted additional laws that go into effect on Jan. 1:

Cracking Down on Unlicensed Employment Agencies

Senate Bill 1859 (Public Act 99-0422), sponsored by Sen. Linda Holmes, D-Aurora, and Rep. Cynthia Soto, D-Chicago, enables the state to take stronger action against employment agencies that operate without a license or violate the state's Private Employment Agency Act. In November, Madigan filed lawsuits against three unlicensed Chicago employment agencies that targeted Latino workers for employment at Chinese buffet-style restaurants. Workers interviewed by Madigan's office described long workdays, poor wages, high-pressure work environments, crowded and substandard housing conditions, verbal abuse, discrimination and threats of violence. The new law will enable the state to better track licensed employment agencies, impose stronger penalties for those that operate outside the law, penalize businesses that knowingly use unlicensed employment agencies, and offer greater protection for workplace whistleblowers.

Protecting Victims of Crime

Senate Bill 1866 (Public Act 99-0444), sponsored by Sen. Kimberly A. Lightford, D-Maywood, and Rep. Christian Mitchell, D-

Chicago, requires vendors who provide hospital, medical, dental and counseling services to victims of violent crime to wait until the Court of Claims issues a final decision on a victim's crime victims compensation claim before demanding payment or referring unpaid bills to a debt collection agency. The need for this new law stemmed from frequent instances in which vendors would take action to collect on a crime victim's bill while payment from the state was still pending, which can be emotionally traumatizing for the victims, as well as harmful to his or her credit rating.

The Office of the Attorney General, the Court of Claims and the Office of the Secretary of State jointly administer the Crime Victims Compensation Program (CVCP), which provides eligible victims of violent crime with financial assistance for certain expenses connected to the crime that are incurred after insurance, Medicaid or other benefits have paid. After receiving an application, the Attorney General's Office will provide written confirmation that a compensation claim has been filed, which the victim can provide to vendors.

Protecting Survivors of Sexual Assault

House Bill 3848 (Public Act 99-0454) brings Illinois into compliance with the federal Violence Against Women Act (VAWA), which requires the state to certify that sexual assault survivors are not being billed for medical forensic examinations as a condition of receiving federal grant funds.

Sponsored by Rep. Michelle Mussman, D-Schaumburg, and Sen. Melinda Bush, D-Grayslake, the law prevents survivors of sexual assaults from being re-traumatized by expressly prohibiting hospitals, emergency room physicians and other providers of sexual assault services from charging the survivor or sending the survivor a bill. Hospitals must also provide a written notice to survivors when they are discharged, explaining that they may not be billed and providing information regarding who survivors should contact if they receive a bill. Under the new law, fines may be imposed on providers who bill or refer a survivor to a collection agency.

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