

1 AN ACT concerning regulation.

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

4 Section 5. The Nursing Home Care Act is amended by changing  
5 Sections 3-405, 3-410, 3-421, and 3-423 as follows:

6 (210 ILCS 45/3-405) (from Ch. 111 1/2, par. 4153-405)

7 Sec. 3-405. A copy of the notice required by Section 3-402  
8 shall be placed in the resident's clinical record and a copy  
9 shall be transmitted to the Department, the resident, the  
10 resident's representative, the State Long Term Care Ombudsman,  
11 and, if the resident's care is paid for in whole or part  
12 through Title XIX, ~~to~~ the Department of Public Aid.

13 (Source: P.A. 81-223.)

14 (210 ILCS 45/3-410) (from Ch. 111 1/2, par. 4153-410)

15 Sec. 3-410. A resident subject to involuntary transfer or  
16 discharge from a facility, the resident's guardian or if the  
17 resident is a minor, his parent, or the State Long Term Care  
18 Ombudsman shall have the opportunity to file a request for a  
19 hearing with the Department within 10 days following receipt of  
20 the written notice of the involuntary transfer or discharge by  
21 the facility.

22 (Source: P.A. 81-223.)

23 (210 ILCS 45/3-421) (from Ch. 111 1/2, par. 4153-421)

24 Sec. 3-421. In any transfer or discharge conducted under  
25 subsection (e) of Section 3-415, the Department shall notify  
26 the facility and any resident to be removed that an emergency  
27 has been found to exist and removal has been ordered, and shall  
28 involve the residents in removal planning if possible.  
29 Following emergency removal, the Department shall provide  
30 written notice to the facility, to the resident, to the

1 resident's representative, if any, ~~and~~ to a member of the  
2 resident's family, where practicable, and to the State Long  
3 Term Care Ombudsman of the basis for the finding that an  
4 emergency existed and of the right to challenge removal under  
5 Section 3-422. Pending approval from the resident, the facility  
6 must inform the resident's designated case coordination unit,  
7 as defined in 89 Ill. Adm. Code 240.260, of the pending  
8 discharge and must provide the resident or his or her  
9 representative with the case coordination unit's telephone  
10 number and other contact information.

11 (Source: P.A. 81-223.)

12 (210 ILCS 45/3-423) (from Ch. 111 1/2, par. 4153-423)

13 Sec. 3-423. Any owner of a facility licensed under this Act  
14 shall give 90 days notice prior to voluntarily closing a  
15 facility or closing any part of a facility, or prior to closing  
16 any part of a facility if closing such part will require the  
17 transfer or discharge of more than 10% of the residents. Such  
18 notice shall be given to the Department, to any resident who  
19 must be transferred or discharged, to the resident's  
20 representative, ~~and~~ to a member of the resident's family, where  
21 practicable, and to the State Long Term Care Ombudsman. Pending  
22 approval from the resident, the facility must inform the  
23 resident's designated case coordination unit, as defined in 89  
24 Ill. Adm. Code 240.260, of the pending discharge and must  
25 provide the resident or his or her representative with the case  
26 coordination unit's telephone number and other contact  
27 information. Notice shall state the proposed date of closing  
28 and the reason for closing. The facility shall offer to assist  
29 the resident in securing an alternative placement and shall  
30 advise the resident on available alternatives. Where the  
31 resident is unable to choose an alternate placement and is not  
32 under guardianship, the Department shall be notified of the  
33 need for relocation assistance. The facility shall comply with  
34 all applicable laws and regulations until the date of closing,  
35 including those related to transfer or discharge of residents.

1 The Department may place a relocation team in the facility as  
2 provided under Section 3-419.

3 (Source: P.A. 81-223.)

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