



Rep. Kent Gaffney

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09700HB5633ham001

LRB097 17001 CEL 67080 a

1 AMENDMENT TO HOUSE BILL 5633

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5633 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Nursing Home Care Act is amended by  
5 changing Section 2-110 as follows:

6 (210 ILCS 45/2-110) (from Ch. 111 1/2, par. 4152-110)

7 Sec. 2-110. (a) Any employee or agent of a public agency,  
8 any representative of a community legal services program or any  
9 other member of the general public shall be permitted access at  
10 reasonable hours to any individual resident of any facility,  
11 with the resident's consent, but only if there is neither a  
12 commercial purpose nor effect to such access and if the purpose  
13 is to do any of the following:

14 (1) Visit, talk with and make personal, social and  
15 legal services available to all residents;

16 (2) Inform residents of their rights and entitlements

1 and their corresponding obligations, under federal and  
2 State laws, by means of educational materials and  
3 discussions in groups and with individual residents;

4 (3) Assist residents in asserting their legal rights  
5 regarding claims for public assistance, medical assistance  
6 and social security benefits, as well as in all other  
7 matters in which residents are aggrieved. Assistance may  
8 include counseling and litigation; or

9 (4) Engage in other methods of asserting, advising and  
10 representing residents so as to extend to them full  
11 enjoyment of their rights.

12 Every individual, regardless of whether he or she is an  
13 employee or agent of a public agency, a representative of a  
14 community legal services program, or a member of the general  
15 public, entering a facility as authorized under this Section  
16 shall promptly notify the administrator or his or her designee  
17 of their presence and request access to those residents who  
18 have given consent to such access. Every visitor to whom this  
19 Section applies shall, upon request, produce identification to  
20 establish his or her identity and the identity of the agency,  
21 program, or organization he or she represents and the purpose  
22 of his or her visit.

23 For the purpose of ensuring that the nature of the visit is  
24 not for a commercial purpose or effect and to protect the  
25 residents of the facility from unwanted solicitations,  
26 potential financial exploitation, and abuse, including

1 identity theft scams, all individuals, upon request, shall  
2 provide copies of all informational materials, including, but  
3 not limited to, applications for services for which interested  
4 residents may be asked to provide personal, legal, financial,  
5 or medical information. Employees or agents of a public agency,  
6 an attorney with an existing relationship with a resident or  
7 who is acting at the behest of the courts, or an invited guest  
8 of a resident shall be exempted from providing copies of  
9 informational material to the administrator or his or her  
10 designee.

11 No individual shall enter the immediate living area of any  
12 resident without first identifying himself or herself and then  
13 shall receive permission to enter. The rights of other  
14 residents present in the room must be respected. This includes  
15 the requirement that a resident who has consented to an  
16 interview must be interviewed in another location if the other  
17 residents present in the room have denied consent to the  
18 interview taking place in that room.

19 A resident may terminate a visit under this Section at any  
20 time. Upon a resident's termination of a visit under this  
21 Section, the visitor must immediately leave the living area or  
22 alternative meeting area and notify the front desk that the  
23 visit has been terminated at the resident's request.

24 If a legal guardian has been appointed for a resident by a  
25 probate court, any individual, whether an employee or agent of  
26 a public agency, a representative of a community legal services

1 program, or a member of the general public, requesting  
2 personal, legal, financial, or medical information from the  
3 resident must have sought and received prior written approval  
4 from the guardian before seeking access to the resident and  
5 must present evidence of that approval to the administrator or  
6 the administrator's designee upon entering the facility.

7 Nothing in this subsection shall be interpreted to impede  
8 access to a resident with the express purpose of assisting the  
9 resident in transitioning to another care setting.

10 (a-5) If a resident of a licensed facility is an identified  
11 offender, any federal, State, or local law enforcement officer  
12 or county probation officer shall be permitted reasonable  
13 access to the individual resident to verify compliance with the  
14 requirements of the Sex Offender Registration Act, to verify  
15 compliance with the requirements of Public Act 94-163 and this  
16 amendatory Act of the 94th General Assembly, or to verify  
17 compliance with applicable terms of probation, parole, or  
18 mandatory supervised release.

19 (b) All persons entering a facility under this Section  
20 shall promptly notify appropriate facility personnel of their  
21 presence. They shall, upon request, produce identification to  
22 establish their identity. No such person shall enter the  
23 immediate living area of any resident without first identifying  
24 himself and then receiving permission from the resident to  
25 enter. The rights of other residents present in the room shall  
26 be respected. A resident may terminate at any time a visit by a

1 person having access to the resident's living area under this  
2 Section.

3 (c) This Section shall not limit the power of the  
4 Department or other public agency otherwise permitted or  
5 required by law to enter and inspect a facility.

6 (d) Notwithstanding paragraph (a) of this Section, the  
7 administrator of a facility may refuse access to the facility  
8 to any person if the presence of that person in the facility  
9 would be injurious to the health and safety of a resident or  
10 would threaten the security of the property of a resident or  
11 the facility, or if the person seeks access to the facility for  
12 commercial purposes. Any person refused access to a facility  
13 may within 10 days request a hearing under Section 3-703. In  
14 that proceeding, the burden of proof as to the right of the  
15 facility to refuse access under this Section shall be on the  
16 facility.

17 (Source: P.A. 94-163, eff. 7-11-05; 94-752, eff. 5-10-06.)

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