



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5450

by Rep. Greg Harris

SYNOPSIS AS INTRODUCED:

210 ILCS 45/3-601	from Ch. 111 1/2, par. 4153-601
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Amends the Nursing Home Care Act. Provides that the owner and licensee of a facility are liable to a resident or the representative of the resident's estate appointed under the Probate Act of 1975, a special administrator appointed under the Code of Civil Procedure, or a special administrator appointed under the Wrongful Death Act (rather than only the resident) for any intentional or negligent act or omission of their agents or employees which injures or causes the death of the resident (rather than which injures the resident). Provides that the licensee shall pay the actual damages or damages accruing under the Wrongful Death Act or both, costs, and attorney's fees to a facility resident whose rights are violated or to the representative of the resident's estate appointed under the Probate Act of 1975, a special administrator appointed under the Code of Civil Procedure, or a special administrator appointed under the Wrongful Death Act (rather than the licensee shall pay the actual damages and costs and attorney's fees to a facility resident whose rights are violated). Provides that a resident or the representative of the resident's estate appointed under the Probate Act of 1975, a special administrator appointed under the Code of Civil Procedure, or a special administrator appointed under the Wrongful Death Act (rather than only the resident) may maintain an action under the Act; makes a corresponding change concerning remedies.

LRB098 15916 RPM 51110 b

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 3-601, 3-602, 3-603, and 3-604 as follows:

6 (210 ILCS 45/3-601) (from Ch. 111 1/2, par. 4153-601)

7 Sec. 3-601. The owner and licensee are liable to a resident
8 or the representative of the resident's estate appointed under
9 the Probate Act of 1975, a special administrator appointed
10 under the Code of Civil Procedure, or a special administrator
11 appointed under the Wrongful Death Act for any intentional or
12 negligent act or omission of their agents or employees which
13 injures or causes the death of the resident.

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

15 (210 ILCS 45/3-602) (from Ch. 111 1/2, par. 4153-602)

16 Sec. 3-602. The licensee shall pay the actual damages or
17 damages accruing under the Wrongful Death Act or both, and
18 costs, and attorney's fees to a facility resident whose rights,
19 as specified in Part 1 of Article II of this Act, are violated
20 or to the representative of the resident's estate appointed
21 under the Probate Act of 1975, a special administrator
22 appointed under the Code of Civil Procedure, or a special

1 administrator appointed under the Wrongful Death Act.

2 (Source: P.A. 89-197, eff. 7-21-95.)

3 (210 ILCS 45/3-603) (from Ch. 111 1/2, par. 4153-603)

4 Sec. 3-603. A resident or the representative of the
5 resident's estate appointed under the Probate Act of 1975, a
6 special administrator appointed under the Code of Civil
7 Procedure, or a special administrator appointed under the
8 Wrongful Death Act may maintain an action under this Act for
9 any other type of relief, including injunctive and declaratory
10 relief, permitted by law.

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

12 (210 ILCS 45/3-604) (from Ch. 111 1/2, par. 4153-604)

13 Sec. 3-604. Any damages recoverable under Sections 3-601
14 through 3-607, including minimum damages as provided by these
15 Sections, may be recovered in any action which a court may
16 authorize to be brought as a class action pursuant to the Civil
17 Practice Law. The remedies provided in Sections 3-601 through
18 3-607, are in addition to and cumulative with any other legal
19 remedies available to a resident or the representative of the
20 resident's estate appointed under the Probate Act of 1975, a
21 special administrator appointed under the Code of Civil
22 Procedure, or a special administrator appointed under the
23 Wrongful Death Act. Exhaustion of any available administrative
24 remedies shall not be required prior to commencement of suit

1 hereunder.

2 (Source: P.A. 82-783.)