

AN ACT concerning regulation.

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

Section 5. The Nursing Home Care Act is amended by changing Section 2-104.3 as follows:

(210 ILCS 45/2-104.3)

Sec. 2-104.3. Serious mental illness; resident review
~~rescreening~~.

(a) All persons admitted to a nursing home facility with a diagnosis of serious mental illness shall receive a follow-up visit by the Department of Human Services or its designee within 60 days after admission. After admission, any resident with a diagnosis of serious mental illness who experiences a significant change in physical or mental condition as defined in 42 CFR 483.20(b)(2)(ii) shall be referred by the nursing facility for a resident review ~~who remain in the facility for a period of 90 days shall be re-screened by the Department of Human Services or its designee within 72 hours after the significant change at the end of the 90-day period, at 6 months, and annually thereafter to assess their continuing need for nursing facility care and shall be advised of all other available care options.~~

(b) The Department of Human Services, ~~by rule,~~ shall

~~ensure there are no provide for a prohibition on~~ conflicts of interest for pre-admission screeners. ~~The rule shall provide for waiver of those conflicts by the Department of Human Services if the Department of Human Services determines that a scarcity of qualified pre admission screeners exists in a given community and that, absent a waiver of conflict, an insufficient number of pre admission screeners would be available. If a conflict is waived, the pre admission screener shall disclose the conflict of interest to the screened individual in the manner provided for by rule of the Department of Human Services. For the purposes of this subsection, a "conflict of interest" includes, but is not limited to, the existence of a professional or financial relationship between (i) a PAS-MH corporate or a PAS-MH agent performing the rescreening and (ii) a community provider or long term care facility.~~

(Source: P.A. 96-1372, eff. 7-29-10.)