

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
5 changing Section 2-104.3 as follows:

6 (210 ILCS 45/2-104.3)

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

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

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

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

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