



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4580

Introduced 2/3/2026, by Rep. Robert "Bob" Rita

SYNOPSIS AS INTRODUCED:

210 ILCS 85/6.09

from Ch. 111 1/2, par. 147.09

Amends the Hospital Licensing Act. Removes provisions requiring the Department on Aging to adopt rules to address instances when a case coordination unit is unable to complete an assessment in a hospital prior to the discharge of a patient 60 years or older to a nursing home to ensure that the patient is able to access nursing home care, the nursing home is not penalized for accepting the admission, and the patient's timely discharge from the hospital is not delayed, to the extent permitted under federal law or regulation.

LRB104 17693 BAB 31124 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 Hospital Licensing Act is amended by
5 changing Section 6.09 as follows:

6 (210 ILCS 85/6.09) (from Ch. 111 1/2, par. 147.09)

7 Sec. 6.09. (a) In order to facilitate the orderly
8 transition of aged patients and patients with disabilities
9 from hospitals to post-hospital care, whenever a patient who
10 qualifies for the federal Medicare program is hospitalized,
11 the patient shall be notified of discharge at least 24 hours
12 prior to discharge from the hospital. With regard to pending
13 discharges to a skilled nursing facility, the hospital must
14 notify the case coordination unit, as defined in 89 Ill. Adm.
15 Code 240.260, at least 24 hours prior to discharge. When the
16 assessment is completed in the hospital, the case coordination
17 unit shall provide a copy of the required assessment
18 documentation directly to the nursing home to which the
19 patient is being discharged prior to discharge. The Department
20 on Aging shall provide notice of this requirement to case
21 coordination units. When a case coordination unit is unable to
22 complete an assessment in a hospital prior to the discharge of
23 a patient, 60 years of age or older, to a nursing home, the

1 case coordination unit shall notify the Department on Aging
2 which shall notify the Department of Healthcare and Family
3 Services. ~~The Department on Aging shall adopt rules to address~~
4 ~~these instances to ensure that the patient is able to access~~
5 ~~nursing home care, the nursing home is not penalized for~~
6 ~~accepting the admission, and the patient's timely discharge~~
7 ~~from the hospital is not delayed, to the extent permitted~~
8 ~~under federal law or regulation.~~ Nothing in this subsection
9 shall preclude federal requirements for a pre-admission
10 screening/mental health (PAS/MH) as required under Section
11 2-201.5 of the Nursing Home Care Act or State or federal law or
12 regulation. If home health services are ordered, the hospital
13 must inform its designated case coordination unit, as defined
14 in 89 Ill. Adm. Code 240.260, of the pending discharge and must
15 provide the patient with the case coordination unit's
16 telephone number and other contact information.

17 (b) Every hospital shall develop procedures for a
18 physician with medical staff privileges at the hospital or any
19 appropriate medical staff member to provide the discharge
20 notice prescribed in subsection (a) of this Section. The
21 procedures must include prohibitions against discharging or
22 referring a patient to any of the following if unlicensed,
23 uncertified, or unregistered: (i) a board and care facility,
24 as defined in the Board and Care Home Act; (ii) an assisted
25 living and shared housing establishment, as defined in the
26 Assisted Living and Shared Housing Act; (iii) a facility

1 licensed under the Nursing Home Care Act, the Specialized
2 Mental Health Rehabilitation Act of 2013, the ID/DD Community
3 Care Act, or the MC/DD Act; (iv) a supportive living facility,
4 as defined in Section 5-5.01a of the Illinois Public Aid Code;
5 or (v) a free-standing hospice facility licensed under the
6 Hospice Program Licensing Act if licensure, certification, or
7 registration is required. The Department of Public Health
8 shall annually provide hospitals with a list of licensed,
9 certified, or registered board and care facilities, assisted
10 living and shared housing establishments, nursing homes,
11 supportive living facilities, facilities licensed under the
12 ID/DD Community Care Act, the MC/DD Act, or the Specialized
13 Mental Health Rehabilitation Act of 2013, and hospice
14 facilities. Reliance upon this list by a hospital shall
15 satisfy compliance with this requirement. The procedure may
16 also include a waiver for any case in which a discharge notice
17 is not feasible due to a short length of stay in the hospital
18 by the patient, or for any case in which the patient
19 voluntarily desires to leave the hospital before the
20 expiration of the 24 hour period.

21 (c) At least 24 hours prior to discharge from the
22 hospital, the patient shall receive written information on the
23 patient's right to appeal the discharge pursuant to the
24 federal Medicare program, including the steps to follow to
25 appeal the discharge and the appropriate telephone number to
26 call in case the patient intends to appeal the discharge.

1 (d) Before transfer of a patient to a long term care
2 facility licensed under the Nursing Home Care Act where
3 elderly persons reside, a hospital shall as soon as
4 practicable initiate a name-based criminal history background
5 check by electronic submission to the Illinois State Police
6 for all persons between the ages of 18 and 70 years; provided,
7 however, that a hospital shall be required to initiate such a
8 background check only with respect to patients who:

9 (1) are transferring to a long term care facility for
10 the first time;

11 (2) have been in the hospital more than 5 days;

12 (3) are reasonably expected to remain at the long term
13 care facility for more than 30 days;

14 (4) have a known history of serious mental illness or
15 substance abuse; and

16 (5) are independently ambulatory or mobile for more
17 than a temporary period of time.

18 A hospital may also request a criminal history background
19 check for a patient who does not meet any of the criteria set
20 forth in items (1) through (5).

21 A hospital shall notify a long term care facility if the
22 hospital has initiated a criminal history background check on
23 a patient being discharged to that facility. In all
24 circumstances in which the hospital is required by this
25 subsection to initiate the criminal history background check,
26 the transfer to the long term care facility may proceed

1 regardless of the availability of criminal history results.
2 Upon receipt of the results, the hospital shall promptly
3 forward the results to the appropriate long term care
4 facility. If the results of the background check are
5 inconclusive, the hospital shall have no additional duty or
6 obligation to seek additional information from, or about, the
7 patient.

8 (Source: P.A. 102-538, eff. 8-20-21; 103-102, eff. 1-1-24.)