



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB1263

Introduced 1/28/2025, by Sen. Omar Aquino

#### SYNOPSIS AS INTRODUCED:

210 ILCS 45/2-101 from Ch. 111 1/2, par. 4152-101  
210 ILCS 45/2-106.5 new  
210 ILCS 49/3-101

Amends the Nursing Home Care Act and the Specialized Mental Health Rehabilitation Act of 2013. Provides that residents of nursing home facilities have the right to outdoor access. Provides that residents of nursing home facilities and consumers served by mental health rehabilitation facilities shall be free to enter and leave the facilities as they choose. Provides that a facility may suspend this right only if the resident's or consumer's physician examines the resident or consumer and determines that leaving the facility would pose a danger to other residents or consumers or an immediate and substantial danger to the resident's or consumer's safety and well-being, which shall be explained to the resident or consumer and documented in the resident's or consumer's medical chart.

LRB104 06083 BAB 16116 b

1 AN ACT concerning long-term care.

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 2-101 and by adding Section 2-106.5 as  
6 follows:

7 (210 ILCS 45/2-101) (from Ch. 111 1/2, par. 4152-101)

8 Sec. 2-101. No resident shall be deprived of any rights,  
9 benefits, or privileges guaranteed by State or federal law,  
10 the Constitution of the State of Illinois, or the Constitution  
11 of the United States solely on account of his or her status as  
12 a resident of a facility. Residents shall have the right to be  
13 treated with courtesy and respect by employees or persons  
14 providing medical services or care and shall have their human  
15 and civil rights maintained in all aspects of medical care as  
16 defined in the State Operations Manual for Long-Term Care  
17 Facilities. In accordance with 42 CFR 483.10, residents shall  
18 have their basic human needs, including, but not limited to,  
19 water, food, medication, toileting, ~~and~~ personal hygiene, and  
20 outdoor access, accommodated in a timely manner, as defined by  
21 the person and agreed upon by the interdisciplinary team.  
22 Residents have the right to maintain their autonomy as much as  
23 possible.

1 (Source: P.A. 102-1080, eff. 1-1-23.)

2 (210 ILCS 45/2-106.5 new)

3 Sec. 2-106.5. Right to enter and leave a facility. A  
4 resident shall be free to enter and leave the facility as the  
5 resident chooses. A nursing home may suspend this right only  
6 if the resident's physician examines the resident and  
7 determines that leaving the facility would pose a danger to  
8 other residents or an immediate and substantial danger to the  
9 resident's safety and well-being. The physician shall explain  
10 to the resident why the resident's right to enter and leave the  
11 facility is being suspended, and the reason shall be  
12 documented in the resident's medical chart.

13 Section 10. The Specialized Mental Health Rehabilitation  
14 Act of 2013 is amended by changing Section 3-101 as follows:

15 (210 ILCS 49/3-101)

16 Sec. 3-101. Consumers' rights. Consumers served by a  
17 facility under this Act shall have all the rights guaranteed  
18 pursuant to Chapter II, Article I of the Mental Health and  
19 Developmental Disabilities Code. Additionally, a consumer has  
20 the right to enter and leave the facility as the consumer  
21 chooses, unless the consumer's physician examines the consumer  
22 and determines that leaving the facility would pose a danger  
23 to other consumers or an immediate and substantial danger to

1 the consumer's safety and well-being. The physician shall  
2 explain to the consumer why the consumer's right to enter and  
3 leave the facility is being suspended, and the reason shall be  
4 documented in the consumer's medical chart.~~, a list of which~~

5 All consumers' rights shall be prominently posted in English  
6 and any other language representing at least 5% of the county  
7 population in which the specialized mental health  
8 rehabilitation facility is located.

9 (Source: P.A. 98-104, eff. 7-22-13.)