

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 Specialized Mental Health Rehabilitation
5 Act of 2013 is amended by changing Sections 2-101 and 3-104 as
6 follows:

7 (210 ILCS 49/2-101)

8 Sec. 2-101. Standards for facilities.

9 (a) The Department shall, by rule, prescribe minimum
10 standards for each level of care for facilities to be in place
11 during the provisional licensure period and thereafter. These
12 standards shall include, but are not limited to, the
13 following:

14 (1) life safety standards that will ensure the health,
15 safety and welfare of residents and their protection from
16 hazards;

17 (2) number and qualifications of all personnel,
18 including management and clinical personnel, having
19 responsibility for any part of the care given to
20 consumers; specifically, the Department shall establish
21 staffing ratios for facilities which shall specify the
22 number of staff hours per consumer of care that are needed
23 for each level of care offered within the facility;

1 (3) all sanitary conditions within the facility and
2 its surroundings, including water supply, sewage disposal,
3 food handling, and general hygiene which shall ensure the
4 health and comfort of consumers;

5 (4) a program for adequate maintenance of physical
6 plant and equipment;

7 (5) adequate accommodations, staff, and services for
8 the number and types of services being offered to
9 consumers for whom the facility is licensed to care;

10 (6) development of evacuation and other appropriate
11 safety plans for use during weather, health, fire,
12 physical plant, environmental, and national defense
13 emergencies;

14 (7) maintenance of minimum financial or other
15 resources necessary to meet the standards established
16 under this Section, and to operate and conduct the
17 facility in accordance with this Act;

18 (8) standards for coercive free environment,
19 restraint, and therapeutic separation; and

20 (9) each multiple bedroom shall have at least 55
21 square feet of net floor area per consumer, not including
22 space for closets, bathrooms, and clearly defined entryway
23 areas. A minimum of 3 feet of clearance at the foot and one
24 side of each bed shall be provided.

25 (b) Any requirement contained in administrative rule
26 concerning a percentage of single occupancy rooms shall be

1 calculated based on the total number of licensed or
2 provisionally licensed beds under this Act on January 1, 2019
3 and shall not be calculated on a per-facility basis.

4 (c) A facility licensed under this Act shall not accept
5 any person experiencing a medical issue that requires
6 immediate medical intervention or treatment.

7 (Source: P.A. 101-10, eff. 6-5-19; 102-558, eff. 8-20-21.)

8 (210 ILCS 49/3-104)

9 Sec. 3-104. Care, treatment, and records. Facilities shall
10 provide, at a minimum, the following services: physician,
11 nursing, pharmaceutical, rehabilitative, and dietary services.
12 To provide these services, the facility shall adhere to the
13 following:

14 (1) Each consumer shall be encouraged and assisted to
15 achieve and maintain the highest level of self-care and
16 independence. Every effort shall be made to keep consumers
17 active and out of bed for reasonable periods of time,
18 except when contraindicated by physician orders.

19 (2) Every consumer shall be engaged in a
20 person-centered planning process regarding his or her
21 total care and treatment.

22 (3) All medical treatment and procedures shall be
23 administered as ordered by a physician. All new physician
24 orders shall be reviewed by the facility's director of
25 nursing or charge nurse designee within 24 hours after

1 such orders have been issued to ensure facility compliance
2 with such orders. According to rules adopted by the
3 Department, every woman consumer of child bearing age
4 shall receive routine obstetrical and gynecological
5 evaluations as well as necessary prenatal care.

6 (4) Each consumer shall be provided with good
7 nutrition and with necessary fluids for hydration.

8 (5) Each consumer shall be provided visual privacy
9 during treatment and personal care.

10 (6) Every consumer or consumer's guardian shall be
11 permitted to inspect and copy all his or her clinical and
12 other records concerning his or her care kept by the
13 facility or by his or her physician. The facility may
14 charge a reasonable fee for duplication of a record.

15 (7) Each consumer shall be offered at least 15 hours
16 of treatment programming per week and shall be encouraged
17 to attend the treatment domains that meet the consumer's
18 needs, as reflected in the consumer's treatment plans.
19 Each consumer's program engagement and attendance shall be
20 documented in the consumer's clinical record, and each
21 consumer shall be prompted to attend programming regularly
22 as documented in the consumer's clinical record at least
23 quarterly.

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

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.