



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4592

Introduced 2/5/2020, by Rep. C.D. Davidsmeyer

SYNOPSIS AS INTRODUCED:

210 ILCS 45/2-204

from Ch. 111 1/2, par. 4152-204

Amends the Nursing Home Care Act. Provides that a majority of appointed members of the Long-Term Care Facility Advisory Board shall constitute a quorum. Provides that when a quorum is present, a majority of votes cast (rather than the affirmative vote of 6 members of the Board) shall be necessary for Board action.

LRB101 18486 CPF 67937 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 Nursing Home Care Act is amended by changing
5 Section 2-204 as follows:

6 (210 ILCS 45/2-204) (from Ch. 111 1/2, par. 4152-204)

7 Sec. 2-204. The Director shall appoint a Long-Term Care
8 Facility Advisory Board to consult with the Department and the
9 residents' advisory councils created under Section 2-203.

10 (a) The Board shall be comprised of the following persons:

11 (1) The Director who shall serve as chairman, ex
12 officio and nonvoting; and

13 (2) One representative each of the Department of
14 Healthcare and Family Services, the Department of Human
15 Services, the Department on Aging, and the Office of the
16 State Fire Marshal, all nonvoting members;

17 (3) One member who shall be a physician licensed to
18 practice medicine in all its branches;

19 (4) One member who shall be a registered nurse selected
20 from the recommendations of professional nursing
21 associations;

22 (5) Four members who shall be selected from the
23 recommendations by organizations whose membership consists

1 of facilities;

2 (6) Two members who shall represent the general public
3 who are not members of a residents' advisory council
4 established under Section 2-203 and who have no
5 responsibility for management or formation of policy or
6 financial interest in a facility;

7 (7) One member who is a member of a residents' advisory
8 council established under Section 2-203 and is capable of
9 actively participating on the Board; and

10 (8) One member who shall be selected from the
11 recommendations of consumer organizations which engage
12 solely in advocacy or legal representation on behalf of
13 residents and their immediate families.

14 (b) The terms of those members of the Board appointed prior
15 to the effective date of this amendatory Act of 1988 shall
16 expire on December 31, 1988. Members of the Board created by
17 this amendatory Act of 1988 shall be appointed to serve for
18 terms as follows: 3 for 2 years, 3 for 3 years and 3 for 4
19 years. The member of the Board added by this amendatory Act of
20 1989 shall be appointed to serve for a term of 4 years. Each
21 successor member shall be appointed for a term of 4 years. Any
22 member appointed to fill a vacancy occurring prior to the
23 expiration of the term for which his predecessor was appointed
24 shall be appointed for the remainder of such term. The Board
25 shall meet as frequently as the chairman deems necessary, but
26 not less than 4 times each year. Upon request by 4 or more

1 members the chairman shall call a meeting of the Board. A
2 majority of appointed members shall constitute a quorum. When a
3 quorum is present, a majority of votes cast ~~The affirmative~~
4 ~~vote of 6 members of the Board~~ shall be necessary for Board
5 action. A member of the Board can designate a replacement to
6 serve at the Board meeting and vote in place of the member by
7 submitting a letter of designation to the chairman prior to or
8 at the Board meeting. The Board members shall be reimbursed for
9 their actual expenses incurred in the performance of their
10 duties.

11 (c) The Advisory Board shall advise the Department of
12 Public Health on all aspects of its responsibilities under this
13 Act and the Specialized Mental Health Rehabilitation Act of
14 2013, including the format and content of any rules promulgated
15 by the Department of Public Health. Any such rules, except
16 emergency rules promulgated pursuant to Section 5-45 of the
17 Illinois Administrative Procedure Act, promulgated without
18 obtaining the advice of the Advisory Board are null and void.
19 In the event that the Department fails to follow the advice of
20 the Board, the Department shall, prior to the promulgation of
21 such rules, transmit a written explanation of the reason
22 thereof to the Board. During its review of rules, the Board
23 shall analyze the economic and regulatory impact of those
24 rules. If the Advisory Board, having been asked for its advice,
25 fails to advise the Department within 90 days, the rules shall
26 be considered acted upon.

1 (Source: P.A. 97-38, eff. 6-28-11; 98-104, eff. 7-22-13;
2 98-463, eff. 8-16-13.)