

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 Sections 3-402, 3-403, and 3-405 as follows:

6 (210 ILCS 45/3-402) (from Ch. 111 1/2, par. 4153-402)

7 Sec. 3-402. Involuntary transfer or discharge of a
8 resident from a facility shall be preceded by the discussion
9 required under Section 3-408 and by a minimum written notice
10 of 21 days, except in one of the following instances:

11 (a) When an emergency transfer or discharge is ordered by
12 the resident's attending physician because of the resident's
13 health care needs. The State Long Term Care Ombudsman shall be
14 notified at the time of the emergency transfer or discharge.

15 (b) When the transfer or discharge is mandated by the
16 physical safety of other residents, the facility staff, or
17 facility visitors, as documented in the clinical record. The
18 Department and the State Long Term Care Ombudsman shall be
19 notified prior to any such involuntary transfer or discharge.
20 The Department shall immediately offer transfer, or discharge
21 and relocation assistance to residents transferred or
22 discharged under this subparagraph (b), and the Department may
23 place relocation teams as provided in Section 3-419 of this

1 Act.

2 (c) When an identified offender is within the provisional
3 admission period defined in Section 1-120.3. If the Identified
4 Offender Report and Recommendation prepared under Section
5 2-201.6 shows that the identified offender poses a serious
6 threat or danger to the physical safety of other residents,
7 the facility staff, or facility visitors in the admitting
8 facility and the facility determines that it is unable to
9 provide a safe environment for the other residents, the
10 facility staff, or facility visitors, the facility shall
11 transfer or discharge the identified offender within 3 days
12 after its receipt of the Identified Offender Report and
13 Recommendation.

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

15 (210 ILCS 45/3-403) (from Ch. 111 1/2, par. 4153-403)

16 Sec. 3-403. The notice required by Section 3-402 shall be
17 on a form prescribed by the Department and shall contain all of
18 the following:

19 (a) The stated reason for the proposed transfer or
20 discharge;

21 (b) The effective date of the proposed transfer or
22 discharge;

23 (c) A statement in not less than 12-point type, which
24 reads: "You have a right to appeal the facility's decision to
25 transfer or discharge you. If you think you should not have to

1 leave this facility, you may file a request for a hearing with
2 the Department of Public Health within 10 days after receiving
3 this notice. If you request a hearing, it will be held not
4 later than 10 days after your request, and you generally will
5 not be transferred or discharged during that time. If the
6 decision following the hearing is not in your favor, you
7 generally will not be transferred or discharged prior to the
8 expiration of 30 days following receipt of the original notice
9 of the transfer or discharge. A form to appeal the facility's
10 decision and to request a hearing is attached. If you have any
11 questions, call the Department of Public Health or the State
12 Long Term Care Ombudsman at the telephone numbers ~~number~~
13 listed below.";

14 (d) A hearing request form, together with a postage paid,
15 preaddressed envelope to the Department; and

16 (e) The name, address, and telephone number of the person
17 charged with the responsibility of supervising the transfer or
18 discharge.

19 (Source: P.A. 81-1349.)

20 (210 ILCS 45/3-405) (from Ch. 111 1/2, par. 4153-405)

21 Sec. 3-405. A copy of the notice required by Section 3-402
22 shall be placed in the resident's clinical record and a copy
23 shall be transmitted to the Department, the State Long Term
24 Care Ombudsman, the resident, and the resident's
25 representative.

1 (Source: P.A. 97-820, eff. 7-17-12.)