



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

**HB4534**

Introduced 1/11/2006, by Rep. Patrick J Verschoore

#### SYNOPSIS AS INTRODUCED:

210 ILCS 45/2-108

from Ch. 111 1/2, par. 4152-108

Amends the Nursing Home Care Act. Provides that a nursing home resident has the right to immediate access by the resident's immediate family or other relatives. Provides that the facility in which a resident resides must permit immediate access to the resident by the resident's immediate family or other relatives, subject to the resident's right to deny or withdraw his or her consent to such access. Provides that, in particular, a resident's immediate family members are not subject to visiting hour limitations. Effective immediately.

LRB094 15830 DRJ 52365 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 2-108 as follows:

6 (210 ILCS 45/2-108) (from Ch. 111 1/2, par. 4152-108)

7 Sec. 2-108. Communications; visits; married residents.

8 Every resident shall be permitted unimpeded, private and  
9 uncensored communication of his choice by mail, public  
10 telephone or visitation.

11 (a) The administrator shall ensure that correspondence is  
12 conveniently received and mailed, and that telephones are  
13 reasonably accessible.

14 (b) The administrator shall ensure that residents may have  
15 private visits at any reasonable hour unless such visits are  
16 not medically advisable for the resident as documented in the  
17 resident's clinical record by the resident's physician.

18 A resident has the right to immediate access by his or her  
19 immediate family or other relatives. The facility in which a  
20 resident resides must permit immediate access to the resident  
21 by the resident's immediate family or other relatives, subject  
22 to the resident's right to deny or withdraw his or her consent  
23 to such access. In particular, a resident's immediate family  
24 members are not subject to visiting hour limitations.

25 (c) The administrator shall ensure that space for visits is  
26 available and that facility personnel knock, except in an  
27 emergency, before entering any resident's room.

28 (d) Unimpeded, private and uncensored communication by  
29 mail, public telephone and visitation may be reasonably  
30 restricted by a physician only in order to protect the resident  
31 or others from harm, harassment or intimidation, provided that  
32 the reason for any such restriction is placed in the resident's

1 clinical record by the physician and that notice of such  
2 restriction shall be given to all residents upon admission.  
3 However, all letters addressed by a resident to the Governor,  
4 members of the General Assembly, Attorney General, judges,  
5 state's attorneys, officers of the Department, or licensed  
6 attorneys at law shall be forwarded at once to the persons to  
7 whom they are addressed without examination by facility  
8 personnel. Letters in reply from the officials and attorneys  
9 mentioned above shall be delivered to the recipient without  
10 examination by facility personnel.

11 (e) The administrator shall ensure that married residents  
12 residing in the same facility be allowed to reside in the same  
13 room within the facility unless there is no room available in  
14 the facility or it is deemed medically inadvisable by the  
15 residents' attending physician and so documented in the  
16 residents' medical records.

17 (Source: P.A. 81-223.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.