



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2823

Introduced 1/20/2006, by Sen. Antonio Munoz

SYNOPSIS AS INTRODUCED:

210 ILCS 45/2-201.5

210 ILCS 45/3-202.3

210 ILCS 45/3-402

from Ch. 111 1/2, par. 4153-402

Amends the Nursing Home Care Act. Provides that the required screening for nursing home services must include a background check. Provides that the purpose of a required risk assessment is to determine the degree of risk that an identified offender poses to the safety of facility residents and what security procedures are necessary to provide for their protection, including whether the identified offender should be segregated from other facility residents. Provides for the conditional admission of a resident pending receipt of a background check and for an identified offender's emergency discharge if the facility determines that it cannot meet the conditions set forth in the risk assessments. Makes other changes. Effective immediately.

LRB094 18080 DRJ 53798 b

FISCAL NOTE ACT
MAY APPLY

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 Sections 2-201.5, 3-202.3, and 3-402 as follows:

6 (210 ILCS 45/2-201.5)

7 Sec. 2-201.5. Screening prior to admission.

8 (a) All persons age 18 or older seeking admission to a
9 nursing facility must be screened to determine the need for
10 nursing facility services prior to being admitted, regardless
11 of income, assets, or funding source. In addition, any person
12 who seeks to become eligible for medical assistance from the
13 Medical Assistance Program under the Illinois Public Aid Code
14 to pay for long term care services while residing in a facility
15 must be screened prior to receiving those benefits. Screening
16 for nursing facility services shall be administered through
17 procedures established by administrative rule. Screening may
18 be done by agencies other than the Department as established by
19 administrative rule, which at a minimum shall require a
20 background check to be initiated on the applicant by the
21 screening entity as part of the screening process. This Section
22 applies on and after July 1, 1996.

23 (b) In addition to the screening required by subsection
24 (a), identified offenders who seek admission to a licensed
25 facility shall not be admitted unless the screening agency has
26 requested criminal history record information in accordance
27 with the Uniform Conviction Information Act and the licensed
28 facility complies with the requirements of the Department's
29 administrative rules adopted pursuant to Section 3-202.3.
30 Individuals may be admitted to the licensed facility while the
31 results of a criminal history record information request are
32 pending.

1 (Source: P.A. 94-163, eff. 7-11-05.)

2 (210 ILCS 45/3-202.3)

3 Sec. 3-202.3. Identified offenders as residents. No later
4 than 30 days after the effective date of this amendatory Act of
5 the 94th General Assembly, the Department shall file with the
6 Illinois Secretary of State's Office, pursuant to the Illinois
7 Administrative Procedure Act, emergency rules regarding the
8 provision of services to identified offenders. The ~~emergency~~
9 rules adopted pursuant to this amendatory Act of the 94th
10 General Assembly shall provide for, or include, but not be
11 limited to the following:

12 (1) A process for the identification of identified
13 offenders.

14 (2) A ~~required~~ risk assessment to determine the degree
15 of risk that an identified offender poses to the safety of
16 facility residents and what security procedures are
17 necessary to provide for their protection, including
18 whether the identified offender should be segregated from
19 other facility residents ~~of identified offenders.~~

20 (3) A requirement that a licensed facility be required,
21 within 10 days of the filing of the emergency rules, to
22 compare its residents against the Illinois Department of
23 Corrections and Illinois State Police registered sex
24 offender databases.

25 (4) A requirement that the licensed facility notify the
26 Department within 48 hours of determining that a resident
27 or residents of the licensed facility are listed on the
28 Illinois Department of Corrections or Illinois State
29 Police registered sex offender databases.

30 (5) The care planning of identified offenders, which
31 shall include, but not be limited to, a description of the
32 security measures that will be put in place ~~necessary~~ to
33 protect facility residents from the identified offender,
34 including whether the identified offender will ~~should~~ be
35 segregated from other facility residents.

1 (6) For offenders serving terms of probation for felony
2 offenses, parole, or mandatory supervised release, the
3 facility shall acknowledge the terms of release as imposed
4 by the court or Illinois Prisoner Review Board.

5 (7) The discharge planning for identified offenders.

6 (8) A procedure for the conditional admission of a
7 resident pending receipt of a background check, and a
8 procedure for an identified offender's emergency discharge
9 if the facility determines that it cannot meet the
10 conditions set forth in the risk assessment.

11 (Source: P.A. 94-163, eff. 7-11-05.)

12 (210 ILCS 45/3-402) (from Ch. 111 1/2, par. 4153-402)

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

17 (a) when an emergency transfer or discharge is ordered by
18 the resident's attending physician because of the resident's
19 health care needs; or

20 (b) when the transfer or discharge is mandated by the
21 physical safety of other residents, the facility staff, or
22 facility visitors, as documented in the clinical record, or
23 when the resident to be transferred or discharged has been
24 found to be an identified offender as defined in Section
25 1-114.01 of this Act and the facility has determined that it
26 cannot meet the conditions set forth in the risk assessments.

27 The Department shall be notified prior to any such involuntary
28 transfer or discharge. The Department shall immediately offer
29 transfer, or discharge and relocation assistance to residents
30 transferred or discharged under this subparagraph (b), and the
31 Department may place relocation teams as provided in Section
32 3-419 of this Act.

33 (Source: P.A. 84-1322.)

34 Section 99. Effective date. This Act takes effect upon

1 becoming law.