



Rep. Angelo Saviano

Filed: 4/19/2007

09500HB0123ham001

LRB095 03941 RAS 35013 a

1 AMENDMENT TO HOUSE BILL 123

2 AMENDMENT NO. _____. Amend House Bill 123 on page 2,
3 immediately below line 6, by inserting the following:

4 "Section 10. The Nursing Home Administrators Licensing and
5 Disciplinary Act is amended by changing Sections 4, 5, 5.1, 6,
6 10.5, 11, 13, 15, 17, 18, 20, 20.1, 21, 22, 24, 24.1, 26, and 28
7 as follows:

8 (225 ILCS 70/4) (from Ch. 111, par. 3654)

9 (Section scheduled to be repealed on January 1, 2008)

10 Sec. 4. Definitions. For purposes of this Act, the
11 following definitions shall have the following meanings,
12 except where the context requires otherwise:

13 (1) "Act" means the Nursing Home Administrators
14 Licensing and Disciplinary Act.

15 (2) "Department" means the Department of Financial and
16 Professional Regulation.

1 (3) "Secretary" "~~Director~~" means the Secretary
2 ~~Director~~ of Financial and Professional Regulation.

3 (4) "Board" means the Nursing Home Administrators
4 Licensing and Disciplinary Board appointed by the
5 Governor.

6 (5) "Nursing home administrator" means the individual
7 licensed under this Act and directly responsible for
8 planning, organizing, directing and supervising the
9 operation of a nursing home, or who in fact performs such
10 functions, whether or not such functions are delegated to
11 one or more other persons.

12 (6) "Nursing home" or "facility" means any entity that
13 is required to be licensed by the Department of Public
14 Health under the Nursing Home Care Act, as amended, other
15 than a sheltered care home as defined thereunder, and
16 includes private homes, institutions, buildings,
17 residences, or other places, whether operated for profit or
18 not, irrespective of the names attributed to them, county
19 homes for the infirm and chronically ill operated pursuant
20 to the County Nursing Home Act, as amended, and any similar
21 institutions operated by a political subdivision of the
22 State of Illinois that provide, though their ownership or
23 management, maintenance, personal care, and nursing for 3
24 or more persons, not related to the owner by blood or
25 marriage, or any similar facilities in which maintenance is
26 provided to 3 or more persons who by reason of illness of

1 physical infirmity require personal care and nursing.

2 (7) "Maintenance" means food, shelter and laundry.

3 (8) "Personal care" means assistance with meals,
4 dressing, movement, bathing, or other personal needs, or
5 general supervision of the physical and mental well-being
6 of an individual who because of age, physical, or mental
7 disability, emotion or behavior disorder, or mental
8 retardation is incapable of managing his or her person,
9 whether or not a guardian has been appointed for such
10 individual. For the purposes of this Act, this definition
11 does not include the professional services of a nurse.

12 (9) "Nursing" means professional nursing or practical
13 nursing, as those terms are defined in the Nursing and
14 Advanced Practice Nursing Act, for sick or infirm persons
15 who are under the care and supervision of licensed
16 physicians or dentists.

17 (10) "Disciplinary action" means revocation,
18 suspension, probation, supervision, reprimand, required
19 education, fines or any other action taken by the
20 Department against a person holding a license.

21 (11) "Impaired" means the inability to practice with
22 reasonable skill and safety due to physical or mental
23 disabilities as evidenced by a written determination or
24 written consent based on clinical evidence including
25 deterioration through the aging process or loss of motor
26 skill, or abuse of drugs or alcohol, of sufficient degree

1 to diminish a person's ability to administer a nursing
2 home.

3 (Source: P.A. 90-61, eff. 12-30-97; 90-742, eff. 8-13-98.)

4 (225 ILCS 70/5) (from Ch. 111, par. 3655)

5 (Section scheduled to be repealed on January 1, 2008)

6 Sec. 5. Board.

7 (a) There is hereby created the Nursing Home Administrators
8 Licensing and Disciplinary Board. The Board shall consist of 7
9 ~~9~~ members appointed by the Governor. All shall be residents of
10 the State of Illinois. Two ~~Three~~ members shall be
11 representatives of the general public. Five ~~Six~~ members shall
12 be nursing home administrators who for at least 5 years prior
13 to their appointments were licensed under this Act. The public
14 members shall have no responsibility for management or
15 formation of policy of, nor any financial interest in, nursing
16 homes as defined in this Act, nor any other connection with the
17 profession. In appointing licensed nursing home
18 administrators, the Governor shall take into consideration the
19 recommendations of the nursing home professional associations.

20 (b) Members shall be appointed for a term of 4 years by the
21 Governor. The Governor shall fill any vacancy for the remainder
22 of the unexpired term. Any member of the Board may be removed
23 by the Governor for cause. Each member shall serve on the Board
24 until his or her successor is appointed and qualified. No
25 member of the Board shall serve more than 2 consecutive 4 year

1 terms.

2 In making appointments the Governor shall attempt to insure
3 that the various geographic regions of the State of Illinois
4 are properly represented.

5 (c) The Board shall annually elect one of its members as
6 chairperson and one as vice chairperson. No officer shall be
7 elected more than twice in succession to the same office. Each
8 officer shall serve until his or her successor has been elected
9 and qualified.

10 (d) A majority of the Board members currently appointed
11 shall constitute a quorum. A vacancy in the membership of the
12 Board shall not impair the right of a quorum to exercise all
13 the rights and perform all the duties of the Board.

14 (e) Each member and member-officer of the Board may ~~shall~~
15 receive a per diem stipend as the Secretary ~~Director~~ shall
16 determine. Each member shall be paid their necessary expenses
17 while engaged in the performance of his or her duties.

18 (f) (Blank).

19 (g) (Blank).

20 (h) Members of the Board shall be immune from suit in any
21 action based upon any disciplinary proceedings or other acts
22 performed in good faith as members of the Board.

23 (i) (Blank).

24 (j) The Secretary ~~Director~~ shall give due consideration to
25 all recommendations of the Board. If the Secretary ~~Director~~
26 disagrees with or takes action contrary to the recommendation

1 of the Board, he or she shall provide the Board with a written
2 and specific explanation of his or her action.

3 (Source: P.A. 89-507, eff. 7-1-97; 90-61, eff. 12-30-97.)

4 (225 ILCS 70/5.1)

5 (Section scheduled to be repealed on January 1, 2008)

6 Sec. 5.1. Powers and duties; rules. The Department shall
7 exercise the powers and duties prescribed by the Civil
8 Administrative Code of Illinois for administration of
9 licensing acts and shall exercise such other powers and duties
10 necessary for effectuating the purposes of this Act. The
11 Department shall adopt rules to implement, interpret, or make
12 specific the provisions and purposes of this Act and may
13 prescribe forms that shall be issued in connection with
14 rulemaking. The Department shall transmit the proposed
15 rulemaking to the Board.

16 The Department may solicit the advice of the Board on any
17 matter relating to the administration and enforcement of this
18 Act.

19 ~~The Director shall employ, in conformity with the Personnel~~
20 ~~Code, professional, technical, investigative, and clerical~~
21 ~~help on a full-time or part-time basis as necessary for the~~
22 ~~proper performance of its duties.~~

23 Upon the written request of the Department, the Department
24 of Public Health, the Department of Human Services or the
25 Department of State Police may cooperate and assist in any

1 investigation undertaken by the Board.

2 (Source: P.A. 90-61, eff. 12-30-97.)

3 (225 ILCS 70/6) (from Ch. 111, par. 3656)

4 (Section scheduled to be repealed on January 1, 2008)

5 Sec. 6. Application procedure. Applications for original
6 licenses shall be made to the Department in writing on forms
7 prescribed by the Department and shall be accompanied by the
8 required fee, which shall not be refundable. The application
9 shall require information as in the judgment of the Department
10 will enable the Department to pass on the qualifications of the
11 applicant for a license.

12 Applicants have 3 years after the date of application to
13 complete the application process. If the process has not been
14 completed in 3 years, the application shall be denied, the fee
15 forfeited, and the applicant must reapply and meet the
16 requirements in effect at the time of reapplication.

17 (Source: P.A. 90-61, eff. 12-30-97.)

18 (225 ILCS 70/10.5)

19 (Section scheduled to be repealed on January 1, 2008)

20 Sec. 10.5. Unlicensed practice; violation; civil penalty.

21 (a) Any person who practices, offers to practice, attempts
22 to practice, or holds oneself out to practice as a nursing home
23 administrator without being licensed under this Act shall, in
24 addition to any other penalty provided by law, pay a civil

1 penalty to the Department in an amount not to exceed \$10,000
2 ~~\$5,000~~ for each offense as determined by the Department. The
3 civil penalty shall be assessed by the Department after a
4 hearing is held in accordance with the provisions set forth in
5 this Act regarding the provision of a hearing for the
6 discipline of a licensee.

7 (b) The Department has the authority and power to
8 investigate any and all unlicensed activity.

9 (c) The civil penalty shall be paid within 60 days after
10 the effective date of the order imposing the civil penalty. The
11 order shall constitute a judgment and may be filed and
12 execution had thereon in the same manner as any judgment from
13 any court of record.

14 (Source: P.A. 89-474, eff. 6-18-96.)

15 (225 ILCS 70/11) (from Ch. 111, par. 3661)

16 (Section scheduled to be repealed on January 1, 2008)

17 Sec. 11. Expiration; renewal; continuing education. The
18 expiration date and renewal period for each license issued
19 under this Act shall be set by rule.

20 Each licensee shall provide proof of having obtained 36
21 hours of continuing education in the 2 year period preceding
22 the renewal date of the license as a condition of license
23 renewal. The continuing education requirement may be waived in
24 part or in whole for such good cause as may be determined by
25 rule.

1 Any continuing education course for nursing home
2 administrators approved by the National Continuing Education
3 Review Service of the National Association of Boards of
4 Examiners of Nursing Home Administrators will be accepted
5 toward satisfaction of these requirements.

6 Any continuing education course for nursing home
7 administrators sponsored by the Life Services Network of
8 Illinois, Illinois Council on Long Term Care, County Nursing
9 Home Association of Illinois, Illinois Health Care
10 Association, Illinois Chapter of American College of Health
11 Care Administrators, and the Illinois Nursing Home
12 Administrators Association will be accepted toward
13 satisfaction of these requirements.

14 Any school, college or university, State agency, or other
15 entity may apply to the Department for approval as a continuing
16 education sponsor. Criteria for qualification as a continuing
17 education sponsor shall be established by rule.

18 It shall be the responsibility of each continuing education
19 sponsor to maintain records, as prescribed by rule, to verify
20 attendance.

21 The Department shall establish by rule a means for the
22 verification of completion of the continuing education
23 required by this Section. This verification may be accomplished
24 through audits of records maintained by registrants; by
25 requiring the filing of continuing education certificates with
26 the Department; or by other means established by the

1 Department.

2 Any nursing home administrator who has permitted his or her
3 license to expire or who has had his or her license on inactive
4 status may have his or her license restored by making
5 application to the Department and filing proof acceptable to
6 the Department, as defined by rule, of his or her fitness to
7 have his or her license restored and by paying the required
8 fee. Proof of fitness may include evidence certifying to active
9 lawful practice in another jurisdiction satisfactory to the
10 Department and by paying the required restoration fee.

11 However, any nursing home administrator whose license
12 expired while he or she was (1) in federal service on active
13 duty with the Armed Forces of the United States, or the State
14 Militia called into service or training, or (2) in training or
15 education under the supervision of the United States
16 preliminary to induction into the military services, may have
17 his or her license renewed or restored without paying any
18 lapsed renewal fees if within 2 years after honorable
19 termination of such service, training or education, he or she
20 furnishes the Department with satisfactory evidence to the
21 effect that he or she has been so engaged and that his or her
22 service, training or education has been so terminated.

23 (Source: P.A. 90-61, eff. 12-30-97.)

24 (225 ILCS 70/13) (from Ch. 111, par. 3663)

25 (Section scheduled to be repealed on January 1, 2008)

1 Sec. 13. Endorsement. The Department may, in its
2 discretion, license as a nursing home administrator, without
3 examination, on payment of the required fee, an applicant who
4 is so licensed under the laws of another U.S. jurisdiction, if
5 the requirements for licensure in the other jurisdiction in
6 which the applicant was licensed were, at the date of his or
7 her licensure, substantially equivalent to the requirements
8 then in force in this State; or if the applicant's
9 qualifications were, at the date of his or her licensure in the
10 other jurisdiction, substantially equivalent to the
11 requirements then in force in this State.

12 Notwithstanding the provisions of this Section, all
13 applicants seeking licensure under this Section shall be
14 required to take and pass an examination testing the
15 applicant's knowledge of Illinois law relating to the practice
16 of nursing home administration.

17 ~~Applicants have 3 years from the date of application to~~
18 ~~complete the application process. If the process has not been~~
19 ~~completed in 3 years, the application shall be denied, the fee~~
20 ~~shall be forfeited, and the applicant must reapply and meet the~~
21 ~~requirements in effect at the time of reapplication.~~

22 (Source: P.A. 90-61, eff. 12-30-97.)

23 (225 ILCS 70/15) (from Ch. 111, par. 3665)

24 (Section scheduled to be repealed on January 1, 2008)

25 Sec. 15. Returned checks; fines. Any person who delivers a

1 check or other payment to the Department that is returned to
2 the Department unpaid by the financial institution upon which
3 it is drawn shall pay to the Department, in addition to the
4 amount already owed to the Department, a fine of \$50. The fines
5 imposed by this Section are in addition to any other discipline
6 provided under this Act for unlicensed practice or practice on
7 a nonrenewed license. The Department shall notify the person
8 that payment of fees and fines shall be paid to the Department
9 by certified check or money order within 30 calendar days of
10 the notification. If, after the expiration of 30 days from the
11 date of the notification, the person has failed to submit the
12 necessary remittance, the Department shall automatically
13 terminate the license or deny the application, without hearing.
14 If, after termination or denial, the person seeks a license, he
15 or she shall apply to the Department for restoration or
16 issuance of the license and pay all fees and fines due to the
17 Department. The Department may establish a fee for the
18 processing of an application for restoration of a license to
19 pay all expenses of processing this application. The Secretary
20 ~~Director~~ may waive the fines due under this Section in
21 individual cases where the Secretary ~~Director~~ finds that the
22 fines would be unreasonable or unnecessarily burdensome.

23 (Source: P.A. 92-146, eff. 1-1-02.)

24 (225 ILCS 70/17) (from Ch. 111, par. 3667)

25 (Section scheduled to be repealed on January 1, 2008)

1 Sec. 17. Grounds for disciplinary action.

2 (a) The Department may impose fines not to exceed \$10,000
3 ~~\$1,000~~, or may refuse to issue or to renew, or may revoke,
4 suspend, place on probation, censure, reprimand or take other
5 disciplinary or non-disciplinary action with regard to the
6 license of any person, for any one or combination of the
7 following causes:

8 (1) Intentional material misstatement in furnishing
9 information to the Department.

10 (2) Conviction of or entry of a plea of guilty or nolo
11 contendere to any crime that is a felony under the laws of
12 the United States or any state or territory thereof ~~that is~~
13 ~~a felony~~ or a misdemeanor of which an essential element is
14 dishonesty, ~~or of any crime~~ that is directly related to the
15 practice of the profession of nursing home administration.

16 (3) Making any misrepresentation for the purpose of
17 obtaining a license, or violating any provision of this
18 Act.

19 (4) Immoral conduct in the commission of any act, such
20 as sexual abuse or sexual misconduct, related to the
21 licensee's practice.

22 (5) Failing to respond within 30 ~~60~~ days, to a written
23 request made by the Department for information.

24 (6) Engaging in dishonorable, unethical or
25 unprofessional conduct of a character likely to deceive,
26 defraud or harm the public.

1 (7) Habitual use or addiction to alcohol, narcotics,
2 stimulants, or any other chemical agent or drug which
3 results in the inability to practice with reasonable
4 judgment, skill or safety.

5 (8) Discipline by another U.S. jurisdiction if at least
6 one of the grounds for the discipline is the same or
7 substantially equivalent to those set forth herein.

8 (9) A finding by the Department that the licensee,
9 after having his or her license placed on probationary
10 status has violated the terms of probation.

11 (10) Willfully making or filing false records or
12 reports in his or her practice, including but not limited
13 to false records filed with State agencies or departments.

14 (11) Physical illness, mental illness, or other
15 impairment or disability, including, but not limited to,
16 deterioration through the aging process, or loss of motor
17 skill that results in the inability to practice the
18 profession with reasonable judgment, skill or safety.

19 (12) Disregard or violation of this Act or of any rule
20 issued pursuant to this Act.

21 (13) Aiding or abetting another in the violation of
22 this Act or any rule or regulation issued pursuant to this
23 Act.

24 (14) Allowing one's license to be used by an unlicensed
25 person.

26 (15) (Blank). ~~Conviction of any crime an essential~~

1 ~~element of which is misstatement, fraud or dishonesty, or~~
2 ~~conviction in this State or another state of any crime that~~
3 ~~is a felony under the laws of this State or conviction of a~~
4 ~~felony in a federal court.~~

5 (16) Professional incompetence in the practice of
6 nursing home administration.

7 (17) Conviction of a violation of Section 12-19 of the
8 Criminal Code of 1961 for the abuse and gross neglect of a
9 long term care facility resident.

10 (18) Violation of the Nursing Home Care Act or of any
11 rule issued under the Nursing Home Care Act.

12 All proceedings to suspend, revoke, place on probationary
13 status, or take any other disciplinary action as the Department
14 may deem proper, with regard to a license on any of the
15 foregoing grounds, must be commenced within 3 years next after
16 receipt by the Department of (i) a complaint alleging the
17 commission of or notice of the conviction order for any of the
18 acts described herein or (ii) a referral for investigation
19 under Section 3-108 of the Nursing Home Care Act.

20 The entry of an order or judgment by any circuit court
21 establishing that any person holding a license under this Act
22 is a person in need of mental treatment operates as a
23 suspension of that license. That person may resume their
24 practice only upon the entry of a Department order based upon a
25 finding by the Board that they have been determined to be
26 recovered from mental illness by the court and upon the Board's

1 recommendation that they be permitted to resume their practice.

2 The Department, upon the recommendation of the Board, may
3 ~~shall~~ adopt rules which set forth standards to be used in
4 determining what constitutes:

5 (i) ~~(a)~~ when a person will be deemed sufficiently
6 rehabilitated to warrant the public trust;

7 (ii) ~~(b)~~ dishonorable, unethical or unprofessional
8 conduct of a character likely to deceive, defraud, or harm
9 the public;

10 (iii) ~~(c)~~ immoral conduct in the commission of any act
11 related to the licensee's practice; and

12 (iv) ~~(d)~~ professional incompetence in the practice of
13 nursing home administration.

14 However, no such rule shall be admissible into evidence in
15 any civil action except for review of a licensing or other
16 disciplinary action under this Act.

17 In enforcing this Section, the Department or Board, upon a
18 showing of a possible violation, may compel any individual
19 licensed to practice under this Act, or who has applied for
20 licensure pursuant to this Act, to submit to a mental or
21 physical examination, or both, as required by and at the
22 expense of the Department. The examining physician or
23 physicians shall be those specifically designated by the
24 Department or Board. The Department or Board may order the
25 examining physician to present testimony concerning this
26 mental or physical examination of the licensee or applicant. No

1 information shall be excluded by reason of any common law or
2 statutory privilege relating to communications between the
3 licensee or applicant and the examining physician. The
4 individual to be examined may have, at his or her own expense,
5 another physician of his or her choice present during all
6 aspects of the examination. Failure of any individual to submit
7 to mental or physical examination, when directed, shall be
8 grounds for suspension of his or her license until such time as
9 the individual submits to the examination if the Department
10 finds, after notice and hearing, that the refusal to submit to
11 the examination was without reasonable cause.

12 If the Department or Board finds an individual unable to
13 practice because of the reasons set forth in this Section, the
14 Department or Board shall require such individual to submit to
15 care, counseling, or treatment by physicians approved or
16 designated by the Department or Board, as a condition, term, or
17 restriction for continued, reinstated, or renewed licensure to
18 practice; or in lieu of care, counseling, or treatment, the
19 Department may file, or the Board may recommend to the
20 Department to file, a complaint to immediately suspend, revoke,
21 or otherwise discipline the license of the individual. Any
22 individual whose license was granted pursuant to this Act or
23 continued, reinstated, renewed, disciplined or supervised,
24 subject to such terms, conditions or restrictions who shall
25 fail to comply with such terms, conditions or restrictions
26 shall be referred to the Secretary ~~Director~~ for a determination

1 as to whether the licensee shall have his or her license
2 suspended immediately, pending a hearing by the Department. In
3 instances in which the Secretary ~~Director~~ immediately suspends
4 a license under this Section, a hearing upon such person's
5 license must be convened by the Board within 30 ~~15~~ days after
6 such suspension and completed without appreciable delay. The
7 Department and Board shall have the authority to review the
8 subject administrator's record of treatment and counseling
9 regarding the impairment, to the extent permitted by applicable
10 federal statutes and regulations safeguarding the
11 confidentiality of medical records.

12 An individual licensed under this Act, affected under this
13 Section, shall be afforded an opportunity to demonstrate to the
14 Department or Board that he or she can resume practice in
15 compliance with acceptable and prevailing standards under the
16 provisions of his or her license.

17 (b) Any individual or organization acting in good faith,
18 and not in a wilful and wanton manner, in complying with this
19 Act by providing any report or other information to the
20 Department, or assisting in the investigation or preparation of
21 such information, or by participating in proceedings of the
22 Department, or by serving as a member of the Board, shall not,
23 as a result of such actions, be subject to criminal prosecution
24 or civil damages.

25 (c) Members of the Board, and persons retained under
26 contract to assist and advise in an investigation, shall be

1 indemnified by the State for any actions occurring within the
2 scope of services on or for the Board, done in good faith and
3 not wilful and wanton in nature. The Attorney General shall
4 defend all such actions unless he or she determines either that
5 there would be a conflict of interest in such representation or
6 that the actions complained of were not in good faith or were
7 wilful and wanton.

8 Should the Attorney General decline representation, a
9 person entitled to indemnification under this Section shall
10 have the right to employ counsel of his or her choice, whose
11 fees shall be provided by the State, after approval by the
12 Attorney General, unless there is a determination by a court
13 that the member's actions were not in good faith or were wilful
14 and wanton.

15 A person entitled to indemnification under this Section
16 must notify the Attorney General within 7 days of receipt of
17 notice of the initiation of any action involving services of
18 the Board. Failure to so notify the Attorney General shall
19 constitute an absolute waiver of the right to a defense and
20 indemnification.

21 The Attorney General shall determine within 7 days after
22 receiving such notice, whether he or she will undertake to
23 represent a person entitled to indemnification under this
24 Section.

25 (d) The determination by a circuit court that a licensee is
26 subject to involuntary admission or judicial admission as

1 provided in the Mental Health and Developmental Disabilities
2 Code, as amended, operates as an automatic suspension. Such
3 suspension will end only upon a finding by a court that the
4 patient is no longer subject to involuntary admission or
5 judicial admission and issues an order so finding and
6 discharging the patient; and upon the recommendation of the
7 Board to the Secretary ~~Director~~ that the licensee be allowed to
8 resume his or her practice.

9 (e) The Department may refuse to issue or may suspend the
10 license of any person who fails to file a return, or to pay the
11 tax, penalty or interest shown in a filed return, or to pay any
12 final assessment of tax, penalty or interest, as required by
13 any tax Act administered by the Department of Revenue, until
14 such time as the requirements of any such tax Act are
15 satisfied.

16 (f) The Department of Public Health shall transmit to the
17 Department a list of those facilities which receive an "A"
18 violation as defined in Section 1-129 of the Nursing Home Care
19 Act.

20 (Source: P.A. 89-197, eff. 7-21-95; 90-61, eff. 12-30-97.)

21 (225 ILCS 70/18) (from Ch. 111, par. 3668)

22 (Section scheduled to be repealed on January 1, 2008)

23 Sec. 18. Cease and desist order.

24 (a) If any person who is not a licensed nursing home
25 administrator violates a provision of this Act, the Secretary

1 ~~Director~~ may, in the name of the People of the State of
2 Illinois, through the Attorney General of the State of Illinois
3 or the State's Attorney of any county in which the action is
4 brought, petition for an order enjoining such violation or for
5 an order enforcing compliance with this Act. Upon the filing of
6 a verified petition in court, the court may issue a temporary
7 restraining order, without notice or bond, and may
8 preliminarily and permanently enjoin such violation. If it is
9 established that such person has violated or is violating the
10 injunction, the Court may punish the offender for contempt of
11 court. Proceedings under this Section shall be in addition to,
12 and not in lieu of, all other remedies and penalties provided
13 by this Act.

14 (b) If any person shall practice as a nursing home
15 administrator or hold himself or herself out as a nursing home
16 administrator without being licensed under the provisions of
17 this Act, then any licensed nursing home administrator, any
18 interested party, or any person injured thereby may, in
19 addition to the Secretary ~~Director~~, petition for relief as
20 provided in subsection (a) of this Section.

21 Whoever knowingly practices or offers to practice nursing
22 home administration in this State without being licensed for
23 that purpose shall be guilty of a Class A misdemeanor and for
24 each subsequent conviction shall be guilty of a Class 4 felony.

25 (c) Whenever in the opinion of the Department any person
26 not licensed in good standing violates any provision of this

1 Act, the Department may issue a rule to show cause why an order
2 to cease and desist should not be entered against him or her.
3 The rule shall clearly set forth the grounds relied upon by the
4 Department and shall provide a period of 7 working days from
5 the date of the rule to file an answer to the satisfaction of
6 the Department. Failure to answer to the satisfaction of the
7 Department shall cause an order to cease and desist to be
8 issued immediately.

9 (Source: P.A. 90-61, eff. 12-30-97.)

10 (225 ILCS 70/20) (from Ch. 111, par. 3670)

11 (Section scheduled to be repealed on January 1, 2008)

12 Sec. 20. Board hearing; recommendation. At the time and
13 place fixed in the notice, the Board shall proceed to hear the
14 charges and the parties ~~both the accused person and the~~
15 ~~complainant~~ shall be accorded ample opportunity to present in
16 person, or by counsel, such statements, testimony, evidence and
17 argument as may be pertinent to the charges or to any defense
18 thereto. The Board may continue such hearing from time to time.
19 If the Board is not sitting at the time and place fixed in the
20 notice or at the time and place to which the hearing has been
21 continued, the Department shall continue such hearing for a
22 period not to exceed 30 days.

23 In case the accused person, after receiving notice, fails
24 to file an answer, the Board may recommend that his or her
25 license be suspended, revoked or placed on probationary status,

1 or the Board may recommend whatever disciplinary action as it
2 may deem proper, without a hearing, if the act or acts charged
3 constitute sufficient grounds for such action under this Act.

4 The Board has the authority to recommend to the Secretary
5 ~~Director~~ that probation be granted or that other disciplinary
6 action be taken as it deems proper. If disciplinary action,
7 other than suspension or revocation, is taken the Board may
8 recommend that the Secretary ~~Director~~ impose reasonable
9 limitations and requirements upon the accused to insure
10 compliance with the terms of the probation or other
11 disciplinary action, including but not limited to regular
12 reporting by the accused to the Department of their actions,
13 placing themselves under the care of a qualified physician for
14 treatment, or limiting their practice in such manner as the
15 Secretary ~~Director~~ may require.

16 (Source: P.A. 90-61, eff. 12-30-97.)

17 (225 ILCS 70/20.1)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 20.1. Summary suspension. The Secretary ~~Director~~ may
20 summarily suspend the license of a nursing home administrator
21 without a hearing, simultaneously with the institution of
22 proceedings for a hearing provided under this Act ~~Section~~ if
23 the Secretary ~~Director~~ finds that evidence in his or her
24 possession indicates that an administrator's continuation in
25 practice would constitute an immediate danger to the public. If

1 the Secretary ~~Director~~ summarily suspends the license of an
2 administrator without a hearing, a hearing shall be held within
3 30 days after the suspension has occurred.

4 (Source: P.A. 90-61, eff. 12-30-97.)

5 (225 ILCS 70/21) (from Ch. 111, par. 3671)

6 (Section scheduled to be repealed on January 1, 2008)

7 Sec. 21. Appointment of hearing officer. The Secretary
8 ~~Director~~ shall have the authority to appoint an attorney duly
9 licensed to practice law in the State of Illinois to serve as
10 the hearing officer in any action for refusal to issue, renew,
11 or discipline a license. The hearing officer shall have full
12 authority to conduct the hearing. ~~There shall be present at~~
13 ~~least one member of the Board at any such hearing.~~ The hearing
14 officer shall report his or her findings of fact, conclusions
15 of law, and recommendations to the Board. The Board shall ~~have~~
16 ~~60 days after receipt of the report to~~ review the report of the
17 hearing officer and present its findings of fact, conclusions
18 of law, and recommendations to the Secretary ~~Director~~. If the
19 Board fails to present its report to the Secretary ~~within the~~
20 ~~60 day period,~~ the Secretary ~~Director~~ may issue an order based
21 on the report of the hearing officer. ~~However, if the Board~~
22 ~~does present its report within the specified 60 days, the~~
23 ~~Director's order shall be based upon the report of the Board.~~
24 If the Secretary ~~Director~~ disagrees with the recommendation of
25 the Board or the hearing officer, the Secretary ~~Director~~ may

1 issue an order in contravention of the Board's report. The
2 Secretary ~~Director~~ shall promptly provide a written
3 explanation to the Board on any such disagreement.

4 (Source: P.A. 90-61, eff. 12-30-97.)

5 (225 ILCS 70/22) (from Ch. 111, par. 3672)

6 (Section scheduled to be repealed on January 1, 2008)

7 Sec. 22. Subpoena power. The Board or Department has power
8 to subpoena and bring before it any person in this State and to
9 take testimony either orally or by deposition, or both, with
10 the same fees and mileage and in the same manner as is
11 prescribed by law for judicial proceedings in civil cases.

12 The Department, upon a determination that probable cause
13 exists that a violation of one or more of the grounds for
14 discipline listed in Section 17 has occurred or is occurring,
15 may subpoena the records of an individual licensed under this
16 Act provided that prior to the submission of such records to
17 the Board, all information indicating the identity of any
18 resident shall be removed and deleted. The use of such records
19 shall be restricted to members of the Board and appropriate
20 staff of the Department for the purpose of determining the
21 existence of one or more grounds for discipline of the nursing
22 home administrator as provided for by Section 17 of this Act.
23 Any such review of individual residents' records shall be
24 conducted by the Board in strict confidentiality, provided that
25 such resident records shall be admissible in a disciplinary

1 hearing, before the Department, when necessary to substantiate
2 the grounds for discipline alleged against the administrator
3 licensed under this Act, and provided further that nothing
4 herein shall be deemed to supersede the provisions of Part 21
5 of Article VIII of the Code of Civil Procedure, as now or
6 hereafter amended, to the extent applicable.

7 The Secretary ~~Director~~, the designated hearing officer,
8 and any member of the Board have the power to administer oaths
9 at any hearing that the Department is authorized to conduct and
10 any other oaths authorized in an Act administered by the
11 Department.

12 (Source: P.A. 90-61, eff. 12-30-97.)

13 (225 ILCS 70/24) (from Ch. 111, par. 3674)

14 (Section scheduled to be repealed on January 1, 2008)

15 Sec. 24. Motion for rehearing. The Board shall present to
16 the Secretary ~~Director~~ a written report of its findings and
17 recommendations. A copy of such report shall be served upon the
18 accused person, either personally or by certified mail. Within
19 20 days after such service, the accused person may present to
20 the Department a motion, in writing, for a rehearing, which
21 shall specify the particular grounds for rehearing. If the
22 accused person orders and pays for a transcript of the record
23 as provided in Section 23, the time elapsing thereafter and
24 before such transcript is ready for delivery to them shall not
25 be counted as part of such 30 days.

1 (Source: P.A. 90-61, eff. 12-30-97.)

2 (225 ILCS 70/24.1)

3 (Section scheduled to be repealed on January 1, 2008)

4 Sec. 24.1. Surrender of license; record; list of
5 disciplined licensees ~~disciplinees~~. Upon the suspension,
6 revocation, placement on probationary status, or the taking of
7 any other disciplinary action deemed proper by the Board with
8 regard to a license, the accused shall surrender his or her
9 license to the Department, if ordered to do so by the
10 Department, and upon his or her failure or refusal to do so,
11 the Department may seize the license.

12 Each order of revocation, suspension, or other
13 disciplinary action shall contain a brief, concise statement of
14 the ground or grounds upon which the Department's action is
15 based, as well as the specific terms and conditions of such
16 action. This document shall be retained as a permanent record
17 by the Board and the Secretary ~~Director~~.

18 The Department shall at least annually publish a list of
19 the names of all persons disciplined under this Act in the
20 preceding 12 months. Such lists shall be mailed by the
21 Department to any person in the State upon request.

22 ~~In those instances where an order of revocation,~~
23 ~~suspension, or other disciplinary action has been rendered by~~
24 ~~virtue of a nursing home administrator's physical illness,~~
25 ~~including but not limited to deterioration through the aging~~

1 ~~process, or loss of motor skill that results in an inability to~~
2 ~~practice with reasonable judgment, skill, or safety, the~~
3 ~~Department shall only permit this document, and the record of~~
4 ~~the hearing incident thereto, to be observed, inspected,~~
5 ~~viewed, or copied pursuant to court order.~~

6 (Source: P.A. 90-61, eff. 12-30-97.)

7 (225 ILCS 70/26) (from Ch. 111, par. 3676)

8 (Section scheduled to be repealed on January 1, 2008)

9 Sec. 26. An order of revocation, suspension, placing the
10 license on probationary status, or other formal disciplinary
11 action as the Department may deem proper, or a certified copy
12 thereof, over the seal of the Department and purporting to be
13 signed by the Secretary ~~Director~~, is prima facie proof that:

14 (a) Such signature is the genuine signature of the
15 Secretary ~~Director~~;

16 (b) The Secretary ~~Director~~ is duly appointed and qualified;
17 and

18 (c) The Board and the members thereof are qualified.

19 Such proof may be rebutted.

20 (Source: P.A. 85-932.)

21 (225 ILCS 70/28) (from Ch. 111, par. 3678)

22 (Section scheduled to be repealed on January 1, 2008)

23 Sec. 28. Rehearing on order of Secretary ~~Director~~. Whenever
24 the Secretary ~~Director~~ believes justice has not been done in

1 the refusal to issue or renew a license or revocation,
2 suspension, or discipline of a license, he or she may order a
3 rehearing.

4 (Source: P.A. 90-61, eff. 12-30-97.)

5 (225 ILCS 70/27 rep.)

6 (225 ILCS 70/30 rep.)

7 Section 15. The Nursing Home Administrators Licensing and
8 Disciplinary Act is amended by repealing Sections 27 and 30."