

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 MR/DD Community Care Act is amended by
5 changing Sections 2-112, 2-203, 2-204, and 3-303.1 as follows:

6 (210 ILCS 47/2-112)

7 (This Section may contain text from a Public Act with a
8 delayed effective date)

9 Sec. 2-112. Grievances. A resident shall be permitted to
10 present grievances on behalf of himself or herself or others to
11 the administrator, the DD ~~Long Term Care~~ Facility Advisory
12 Board established under Section 2-204 of this Act ~~the Nursing~~
13 ~~Home Care Act~~, the residents' advisory council, State
14 governmental agencies or other persons without threat of
15 discharge or reprisal in any form or manner whatsoever. The
16 administrator shall provide all residents or their
17 representatives with the name, address, and telephone number of
18 the appropriate State governmental office where complaints may
19 be lodged.

20 (Source: P.A. 96-339, eff. 7-1-10.)

21 (210 ILCS 47/2-203)

22 (This Section may contain text from a Public Act with a

1 delayed effective date)

2 Sec. 2-203. Residents' advisory council. Each facility
3 shall establish a residents' advisory council. The
4 administrator shall designate a member of the facility staff to
5 coordinate the establishment of, and render assistance to, the
6 council.

7 (a) The composition of the residents' advisory council
8 shall be specified by Department regulation, but no employee or
9 affiliate of a facility shall be a member of any council.

10 (b) The council shall meet at least once each month with
11 the staff coordinator who shall provide assistance to the
12 council in preparing and disseminating a report of each meeting
13 to all residents, the administrator, and the staff.

14 (c) Records of the council meetings will be maintained in
15 the office of the administrator.

16 (d) The residents' advisory council may communicate to the
17 administrator the opinions and concerns of the residents. The
18 council shall review procedures for implementing resident
19 rights, facility responsibilities and make recommendations for
20 changes or additions which will strengthen the facility's
21 policies and procedures as they affect residents' rights and
22 facility responsibilities.

23 (e) The council shall be a forum for:

24 (1) Obtaining and disseminating information;

25 (2) Soliciting and adopting recommendations for
26 facility programing and improvements;

1 (3) Early identification and for recommending orderly
2 resolution of problems.

3 (f) The council may present complaints as provided in
4 Section 3-702 on behalf of a resident to the Department, the DD
5 ~~Long Term Care~~ Facility Advisory Board established under
6 Section 2-204 of this Act ~~the Nursing Home Care Act~~ or to any
7 other person it considers appropriate.

8 (Source: P.A. 96-339, eff. 7-1-10.)

9 (210 ILCS 47/2-204)

10 (This Section may contain text from a Public Act with a
11 delayed effective date)

12 Sec. 2-204. DD ~~Long Term Care~~ Facility Advisory Board. The
13 Director shall appoint a DD Facility Advisory Board to consult
14 with the Department and the residents' advisory councils
15 created under Section 2-203.

16 (a) The Advisory Board shall be composed of the following
17 persons:

18 (1) the Director who shall serve as chairperson, ex
19 officio, and nonvoting;

20 (2) one representative each of the Department of
21 Healthcare and Family Services, the Department of Human
22 Services, and the Office of the State Fire Marshal, all
23 nonvoting members;

24 (3) one member who shall be a physician licensed to
25 practice medicine in all its branches;

1 (4) one member who shall be a behavioral specialist
2 selected from the recommendations of the Department of
3 Human Services;

4 (5) three members who shall be selected from the
5 recommendations by organizations whose membership consists
6 of facilities;

7 (6) two members who shall represent the general public
8 who are not members of a residents' advisory council
9 established under Section 2-203 and who have no
10 responsibility for management or formation of policy or
11 financial interest in a facility;

12 (7) one member who is a member of a residents' advisory
13 council established under Section 2-203 and is capable of
14 actively participating on the Advisory Board; and

15 (8) one member who shall be selected from the
16 recommendations of consumer organizations that engage
17 solely in advocacy or legal representation on behalf of
18 residents and their immediate families.

19 (b) The Advisory Board shall meet as frequently as the
20 chairperson deems necessary, but not less than 4 times each
21 year. Upon request by 4 or more members, the chairperson shall
22 call a meeting of the Advisory Board. The affirmative vote of 6
23 members of the Advisory Board shall be necessary for Advisory
24 Board action. A member of the Advisory Board may designate a
25 replacement to serve at the Advisory Board meeting and vote in
26 place of the member by submitting a letter of designation to

1 the chairperson prior to or at the Advisory Board meeting. The
2 Advisory Board members shall be reimbursed for their actual
3 expenses incurred in the performance of their duties.

4 (c) The Advisory Board shall advise the Department of
5 Public Health on all aspects of its responsibilities under this
6 Act, including the format and content of any rules promulgated
7 by the Department of Public Health. Any such rules, except
8 emergency rules promulgated pursuant to Section 5-45 of the
9 Illinois Administrative Procedure Act, promulgated without
10 obtaining the advice of the Advisory Board are null and void.

11 If the Department fails to follow the advice of the Advisory
12 Board, the Department shall, prior to the promulgation of such
13 rules, transmit a written explanation of the reason therefor to
14 the Advisory Board. During its review of rules, the Advisory
15 Board shall analyze the economic and regulatory impact of those
16 rules. If the Advisory Board, having been asked for its advice,
17 fails to advise the Department within 90 days, the rules shall
18 be considered acted upon.

19 ~~Board established under Section 2-204 of the Nursing Home Care~~
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1 ~~event that the Department fails to follow the advice of the~~
2 ~~Board, the Department shall, prior to the promulgation of such~~
3 ~~rules, transmit a written explanation of the reason thereof to~~
4 ~~the Board. During its review of rules, the Board shall analyze~~
5 ~~the economic and regulatory impact of those rules. If the~~
6 ~~Advisory Board, having been asked for its advice, fails to~~
7 ~~advise the Department within 90 days, the rules shall be~~
8 ~~considered acted upon.~~

9 (Source: P.A. 96-339, eff. 7-1-10.)

10 (210 ILCS 47/3-303.1)

11 (This Section may contain text from a Public Act with a
12 delayed effective date)

13 Sec. 3-303.1. Waiver of facility's compliance with rule or
14 standard. Upon application by a facility, the Director may
15 grant or renew the waiver of the facility's compliance with a
16 rule or standard for a period not to exceed the duration of the
17 current license or, in the case of an application for license
18 renewal, the duration of the renewal period. The waiver may be
19 conditioned upon the facility taking action prescribed by the
20 Director as a measure equivalent to compliance. In determining
21 whether to grant or renew a waiver, the Director shall consider
22 the duration and basis for any current waiver with respect to
23 the same rule or standard and the validity and effect upon
24 patient health and safety of extending it on the same basis,
25 the effect upon the health and safety of residents, the quality

1 of resident care, the facility's history of compliance with the
2 rules and standards of this Act and the facility's attempts to
3 comply with the particular rule or standard in question. The
4 Department may provide, by rule, for the automatic renewal of
5 waivers concerning physical plant requirements upon the
6 renewal of a license. The Department shall renew waivers
7 relating to physical plant standards issued pursuant to this
8 Section at the time of the indicated reviews, unless it can
9 show why such waivers should not be extended for the following
10 reasons:

11 (a) the condition of the physical plant has deteriorated or
12 its use substantially changed so that the basis upon which the
13 waiver was issued is materially different; or

14 (b) the facility is renovated or substantially remodeled in
15 such a way as to permit compliance with the applicable rules
16 and standards without substantial increase in cost. A copy of
17 each waiver application and each waiver granted or renewed
18 shall be on file with the Department and available for public
19 inspection. The Director shall annually review such file and
20 recommend to the DD Long Term Care Facility Advisory Board
21 established under Section 2-204 of this Act ~~Section 2-204 of~~
22 ~~the Nursing Home Care Act~~ any modification in rules or
23 standards suggested by the number and nature of waivers
24 requested and granted and the difficulties faced in compliance
25 by similarly situated facilities.

26 (Source: P.A. 96-339, eff. 7-1-10.)

1 Section 99. Effective date. This Act takes effect July 1,
2 2010.