

HB3644



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3644

by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

210 ILCS 47/3-401
210 ILCS 47/3-417

Amends the ID/DD Community Care Act. Requires that any transfer or discharge of a resident under the Discharge and Transfer Part of the Licensing, Enforcement, Violations, Penalties and Remedies Article of the Act must be approved in writing by the medical director of the facility initiating the transfer or discharge. Provides that the facility from which a resident is transferred or discharged shall notify the resident in writing of the availability of relocation assistance from the Department of Public Health.

LRB098 12505 RPM 47031 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 ID/DD Community Care Act is amended by
5 changing Sections 3-401 and 3-417 as follows:

6 (210 ILCS 47/3-401)

7 Sec. 3-401. Involuntary transfer or discharge of resident.

8 A facility may involuntarily transfer or discharge a resident
9 only for one or more of the following reasons:

10 (a) for medical reasons;

11 (b) for the resident's physical safety;

12 (c) for the physical safety of other residents, the
13 facility staff or facility visitors; or

14 (d) for either late payment or nonpayment for the
15 resident's stay, except as prohibited by Titles XVIII and
16 XIX of the federal Social Security Act. For purposes of
17 this Section, "late payment" means non-receipt of payment
18 after submission of a bill. If payment is not received
19 within 45 days after submission of a bill, a facility may
20 send a notice to the resident and responsible party
21 requesting payment within 30 days. If payment is not
22 received within such 30 days, the facility may thereupon
23 institute transfer or discharge proceedings by sending a

1 notice of transfer or discharge to the resident and
2 responsible party by registered or certified mail. The
3 notice shall state, in addition to the requirements of
4 Section 3-403 of this Act, that the responsible party has
5 the right to pay the amount of the bill in full up to the
6 date the transfer or discharge is to be made and then the
7 resident shall have the right to remain in the facility.
8 Such payment shall terminate the transfer or discharge
9 proceedings. This subsection does not apply to those
10 residents whose care is provided for under the Illinois
11 Public Aid Code.

12 Any transfer or discharge under this Part 4 must be
13 approved in writing by the medical director of the facility
14 initiating the transfer or discharge. The Department shall
15 adopt rules setting forth the criteria and procedures to be
16 applied in cases of involuntary transfer or discharge permitted
17 under this Section.

18 (Source: P.A. 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10.)

19 (210 ILCS 47/3-417)

20 Sec. 3-417. Relocation assistance. The Department shall
21 offer transfer or discharge and relocation assistance to
22 residents transferred or discharged under Sections 3-401
23 through 3-415, including information on available alternative
24 placements. Residents shall be involved in planning the
25 transfer or discharge and shall choose among the available

1 alternative placements, except that where an emergency makes
2 prior resident involvement impossible the Department may make a
3 temporary placement until a final placement can be arranged.
4 Residents may choose their final alternative placement and
5 shall be given assistance in transferring to such place. No
6 resident may be forced to remain in a temporary or permanent
7 placement. Where the Department makes or participates in making
8 the relocation decision, consideration shall be given to
9 proximity to the resident's relatives and friends. The resident
10 shall be allowed 3 visits to potential alternative placements
11 prior to removal, except where medically contraindicated or
12 where the need for immediate transfer or discharge requires
13 reduction in the number of visits. The facility from which the
14 resident is transferred or discharged shall notify the resident
15 in writing of the availability of relocation assistance from
16 the Department.

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