



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4751

by Rep. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

210 ILCS 45/3-402

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

Amends the Nursing Home Care Act. Provides that if an emergency transfer or discharge is ordered by a resident's attending physician because of a resident's physical or mental health needs (rather than a resident's health needs), then a facility is not required to provide a minimum written notice of 21 days and is also not required to have a discussion regarding the transfer with the resident and certain other parties. Effective immediately.

LRB098 16945 RPS 52020 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 3-402 as follows:

6 (210 ILCS 45/3-402) (from Ch. 111 1/2, par. 4153-402)

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

11 (a) When an emergency transfer or discharge is ordered by
12 the resident's attending physician because of the resident's
13 physical or mental health care needs.

14 (b) When the transfer or discharge is mandated by the
15 physical safety of other residents, the facility staff, or
16 facility visitors, as documented in the clinical record. The
17 Department shall be notified prior to any such involuntary
18 transfer or discharge. The Department shall immediately offer
19 transfer, or discharge and relocation assistance to residents
20 transferred or discharged under this subparagraph (b), and the
21 Department may place relocation teams as provided in Section
22 3-419 of this Act.

23 (c) When an identified offender is within the provisional

1 admission period defined in Section 1-120.3. If the Identified
2 Offender Report and Recommendation prepared under Section
3 2-201.6 shows that the identified offender poses a serious
4 threat or danger to the physical safety of other residents, the
5 facility staff, or facility visitors in the admitting facility
6 and the facility determines that it is unable to provide a safe
7 environment for the other residents, the facility staff, or
8 facility visitors, the facility shall transfer or discharge the
9 identified offender within 3 days after its receipt of the
10 Identified Offender Report and Recommendation.

11 (Source: P.A. 96-1372, eff. 7-29-10.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.