



Rep. Sara Feigenholtz

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LRB100 07027 RPS 43052 a

1 AMENDMENT TO SENATE BILL 938

2 AMENDMENT NO. _____. Amend Senate Bill 938 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Specialized Mental Health Rehabilitation
5 Act of 2013 is amended by changing Sections 2-101 and 4-102 as
6 follows:

7 (210 ILCS 49/2-101)

8 Sec. 2-101. Standards for facilities.

9 (a) The Department shall, by rule, prescribe minimum
10 standards for each level of care for facilities to be in place
11 during the provisional licensure period and thereafter. These
12 standards shall include, but are not limited to, the following:

13 (1) life safety standards that will ensure the health,
14 safety and welfare of residents and their protection from
15 hazards;

16 (2) number and qualifications of all personnel,

1 including management and clinical personnel, having
2 responsibility for any part of the care given to consumers;
3 specifically, the Department shall establish staffing
4 ratios for facilities which shall specify the number of
5 staff hours per consumer of care that are needed for each
6 level of care offered within the facility;

7 (3) all sanitary conditions within the facility and its
8 surroundings, including water supply, sewage disposal,
9 food handling, and general hygiene which shall ensure the
10 health and comfort of consumers;

11 (4) a program for adequate maintenance of physical
12 plant and equipment;

13 (5) adequate accommodations, staff, and services for
14 the number and types of services being offered to consumers
15 for whom the facility is licensed to care;

16 (6) development of evacuation and other appropriate
17 safety plans for use during weather, health, fire, physical
18 plant, environmental, and national defense emergencies;

19 (7) maintenance of minimum financial or other
20 resources necessary to meet the standards established
21 under this Section, and to operate and conduct the facility
22 in accordance with this Act; and

23 (8) standards for coercive free environment,
24 restraint, and therapeutic separation.

25 (b) Any requirement contained in administrative rule
26 concerning a percentage of single occupancy rooms shall be

1 calculated based on the total number of licensed or
2 provisionally licensed beds under this Act on January 1, 2019
3 and shall not be calculated on a per-facility basis.

4 (Source: P.A. 98-104, eff. 7-22-13.)

5 (210 ILCS 49/4-102)

6 Sec. 4-102. Necessity of license. No person may establish,
7 operate, maintain, offer, or advertise a facility within this
8 State unless and until he or she obtains a valid license
9 therefor as hereinafter provided, which license remains
10 unsuspended, unrevoked, and unexpired. No public official or
11 employee may place any person in, or recommend that any person
12 be in, or directly or indirectly cause any person to be placed
13 in any facility that is being operated without a valid license.
14 All licenses and licensing procedures established under
15 Article III of the Nursing Home Care Act, except those
16 contained in Section 3-202, shall be deemed valid under this
17 Act until the Department establishes licensure. The Department
18 is granted the authority under this Act to establish
19 provisional licensure and licensing procedures under this Act
20 by emergency rule and shall do so within 120 days of the
21 effective date of this Act. The Department shall not grant a
22 provisional license to any facility that does not possess a
23 provisional license on November 30, 2018 and is licensed under
24 the Nursing Home Care Act on or before November 30, 2018. The
25 Department shall not grant a license to any facility that has

1 not first received a provisional license. The changes made by
2 this amendatory Act of the 100th General Assembly do not apply
3 to the provisions of subsection (c) of Section 1-101.5
4 concerning facility closure and relocation.

5 (Source: P.A. 98-104, eff. 7-22-13.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law."