

1 AMENDMENT TO SENATE BILL 61

2 AMENDMENT NO. _____. Amend Senate Bill 61 on page 1, line
3 6, by replacing "and 18" with "18, and 19"; and

4 on page 4, by replacing line 5, with the following:

5 "may receive complaints related to violations of this Act.
6 The Department shall establish a complaint system or utilize
7 an existing Department complaint system. The complaint system
8 shall include (i) a complaint verification process by which
9 the Department determines the validity of a complaint and
10 (ii) an opportunity for a health facility to resolve the
11 complaint through an informal dispute resolution process.

12 If the complaint is not resolved informally, then the
13 Department shall serve a notice of violation of this Act upon
14 the health facility. The notice of violation shall be in
15 writing and shall specify the nature of the violation and the
16 statutory provision alleged to have been violated. The notice
17 shall inform the health facility of the action the Department
18 may take under the Act, the amount of any financial penalty
19 to be imposed and the opportunity for the health facility to
20 enter into a plan of correction. The notice shall also inform
21 the health facility of its rights to a hearing to contest the
22 alleged violation under the Administrative Procedure Act.";

23 and

1 on page 4, by replacing lines 7 through 10 with the
2 following:

3 "Sec. 17. Plan of correction; penalty. If the Department
4 finds that a health facility is in violation of this Act, the
5 health facility may submit to the Department, for its
6 approval, a plan of correction. If a health facility violates
7 an approved plan of correction within 6 months of its
8 submission, the Department may impose a penalty on the health
9 facility. For the first violation of an approved plan of
10 correction, the Department may impose a penalty of up to
11 \$100. For a second or subsequent violation of an approved
12 plan of correction the Department may impose a penalty of up
13 to \$250. The total fines imposed under this Act against a
14 health facility in a twelve month period shall not exceed
15 \$5,000.

16 Penalties imposed under this Act shall be paid to the
17 Department and deposited in the Nursing Dedicated and
18 Professional Fund."; and

19 on page 4, line 13, after the period, by inserting "The
20 Illinois Administrative Procedure Act shall apply to all
21 administrative rules and procedures of the Department under
22 this Act."; and

23 on page 4, immediately below line 13, by inserting the
24 following:

25 "(210 ILCS 87/19 new)

26 Sec. 19. Administrative Review Law. The Administrative
27 Review Law shall apply to and govern all proceedings for
28 judicial review of final administrative decisions of the
29 Department under this Act."