



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5132

Introduced 2/8/2012, by Rep. Michael Unes - David R. Leitch -
Jehan A. Gordon

SYNOPSIS AS INTRODUCED:

210 ILCS 45/3-713.5 new

Amends the Nursing Home Care Act. Provides that if (i) a facility requests informal dispute resolution with respect to a complaint of a violation of the Act or a rule adopted under the Act and (ii) the Department of Public Health determines that a violation in fact occurred, then the Department must give written notice of its determination to the facility. Provides that the notice must include citations of the specific law, rule, regulation, evidence, and reasoning underlying the Department's determination. Provides that the notice must also include a detailed explanation, with the citation of specific evidence or arguments presented by the facility, of the reason or reasons why the Department determined that the evidence or arguments were insufficient to refute the complaint.

LRB097 18777 DRJ 64013 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 Nursing Home Care Act is amended by adding
5 Section 3-713.5 as follows:

6 (210 ILCS 45/3-713.5 new)

7 Sec. 3-713.5. Informal dispute resolution. If (i) a
8 facility requests informal dispute resolution with respect to a
9 complaint of a violation of this Act or a rule adopted under
10 this Act, as authorized by rules adopted by the federal Centers
11 for Medicare and Medicaid Services, and (ii) the Department
12 determines that a violation in fact occurred, then the
13 Department must give written notice of its determination to the
14 facility. The notice must include citations of the specific
15 law, rule, regulation, evidence, and reasoning underlying the
16 Department's determination. The notice must also include a
17 detailed explanation, with the citation of specific evidence or
18 arguments presented by the facility, of the reason or reasons
19 why the Department determined that the evidence or arguments
20 were insufficient to refute the complaint.