



Rep. Linda Chapa LaVia

Filed: 5/19/2014

09800HB3835ham001

LRB098 15394 RPM 59850 a

1 AMENDMENT TO HOUSE BILL 3835

2 AMENDMENT NO. _____. Amend House Bill 3835 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Veterans Affairs Act is
5 amended by changing Sections 1.2, 2, 2.01, 2.04, 2.07, and 3
6 and adding Section 2.12 as follows:

7 (20 ILCS 2805/1.2)

8 Sec. 1.2. Division of Women Veterans Affairs. Subject to
9 appropriations for this purpose, the Division of Women Veterans
10 Affairs is created as a Division within the Department. ~~The~~
11 ~~head of the Division shall serve as an Assistant Director of~~
12 ~~Veterans' Affairs.~~ The Division shall serve as an advocate for
13 women veterans, in recognition of the unique issues facing
14 women veterans. The Division shall assess the needs of women
15 veterans with respect to issues including, but not limited to,
16 compensation, rehabilitation, outreach, health care, and

1 issues facing women veterans in the community. The Division
2 shall review the Department's programs, activities, research
3 projects, and other initiatives designed to meet the needs of
4 women veterans and shall make recommendations to the Director
5 of Veterans' Affairs concerning ways to improve, modify, and
6 effect change in programs and services for women veterans.

7 (Source: P.A. 96-94, eff. 7-27-09; 97-297, eff. 1-1-12.)

8 (20 ILCS 2805/2) (from Ch. 126 1/2, par. 67)

9 Sec. 2. Powers and duties. The Department shall have the
10 following powers and duties:

11 To perform such acts at the request of any veteran, or his
12 or her spouse, surviving spouse or dependents as shall be
13 reasonably necessary or reasonably incident to obtaining or
14 endeavoring to obtain for the requester any advantage, benefit
15 or emolument accruing or due to such person under any law of
16 the United States, the State of Illinois or any other state or
17 governmental agency by reason of the service of such veteran,
18 and in pursuance thereof shall:

19 (1) Contact veterans, their survivors and dependents
20 and advise them of the benefits of state and federal laws
21 and assist them in obtaining such benefits;

22 (2) Establish field offices and direct the activities
23 of the personnel assigned to such offices;

24 (3) Create and maintain a volunteer field force. The
25 volunteer field force may include representatives from the

1 following without limitation: ~~of accredited~~
2 ~~representatives, representing~~ educational institutions,
3 labor organizations, veterans organizations, employers,
4 churches, and farm organizations;

5 (4) Conduct informational and training services;

6 (5) Conduct educational programs through newspapers,
7 periodicals, social media, television, and radio for the
8 specific purpose of disseminating information affecting
9 veterans and their dependents;

10 (6) Coordinate the services and activities of all state
11 departments having services and resources affecting
12 veterans and their dependents;

13 (7) Encourage and assist in the coordination of
14 agencies within counties giving service to veterans and
15 their dependents;

16 (8) Cooperate with veterans organizations and other
17 governmental agencies;

18 (9) Make, alter, amend and promulgate reasonable rules
19 and procedures for the administration of this Act;

20 (10) Make and publish annual reports to the Governor
21 regarding the administration and general operation of the
22 Department;

23 (11) (Blank); and

24 (12) (Blank).

25 The Department may accept and hold on behalf of the State,
26 if for the public interest, a grant, gift, devise or bequest of

1 money or property to the Department made for the general
2 benefit of Illinois veterans, including the conduct of
3 informational and training services by the Department and other
4 authorized purposes of the Department. The Department shall
5 cause each grant, gift, devise or bequest to be kept as a
6 distinct fund and shall invest such funds in the manner
7 provided by the Public Funds Investment Act, as now or
8 hereafter amended, and shall make such reports as may be
9 required by the Comptroller concerning what funds are so held
10 and the manner in which such funds are invested. The Department
11 may make grants from these funds for the general benefit of
12 Illinois veterans. Grants from these funds, except for the
13 funds established under Sections 2.01a and 2.03, shall be
14 subject to appropriation.

15 The Department has the power to make grants, from funds
16 appropriated from the Korean War Veterans National Museum and
17 Library Fund, to private organizations for the benefit of the
18 Korean War Veterans National Museum and Library.

19 The Department has the power to make grants, from funds
20 appropriated from the Illinois Military Family Relief Fund, for
21 benefits authorized under the Survivors Compensation Act.

22 (Source: P.A. 97-297, eff. 1-1-12; 97-765, eff. 7-6-12.)

23 (20 ILCS 2805/2.01) (from Ch. 126 1/2, par. 67.01)

24 Sec. 2.01. Veterans Home admissions.

25 (a) Any honorably discharged veteran is entitled to

1 admission to an Illinois Veterans Home if the applicant meets
2 the requirements of this Section.

3 (b) The veteran must:

4 (1) have served in the armed forces of the United
5 States at least 1 day in World War II, the Korean Conflict,
6 the Viet Nam Campaign, or the Persian Gulf Conflict between
7 the dates recognized by the U.S. Department of Veterans
8 Affairs or between any other present or future dates
9 recognized by the U.S. Department of Veterans Affairs as a
10 war period, or have served in a hostile fire environment
11 and has been awarded a campaign or expeditionary medal
12 signifying his or her service, for purposes of eligibility
13 for domiciliary or nursing home care;

14 (2) have served and been honorably discharged or
15 retired from the armed forces of the United States for a
16 service connected disability or injury, for purposes of
17 eligibility for domiciliary or nursing home care;

18 (3) have served as an enlisted person at least 90 days
19 on active duty in the armed forces of the United States,
20 excluding service on active duty for training purposes
21 only, and entered active duty before September 8, 1980, for
22 purposes of eligibility for domiciliary or nursing home
23 care;

24 (4) have served as an officer at least 90 days on
25 active duty in the armed forces of the United States,
26 excluding service on active duty for training purposes

1 only, and entered active duty before October 17, 1981, for
2 purposes of eligibility for domiciliary or nursing home
3 care;

4 (5) have served on active duty in the armed forces of
5 the United States for 24 months of continuous service or
6 more, excluding active duty for training purposes only, and
7 enlisted after September 7, 1980, for purposes of
8 eligibility for domiciliary or nursing home care;

9 (6) have served as a reservist in the armed forces of
10 the United States or the National Guard and the service
11 included being called to federal active duty, excluding
12 service on active duty for training purposes only, and who
13 completed the term, for purposes of eligibility for
14 domiciliary or nursing home care;

15 (7) have been discharged for reasons of hardship or
16 released from active duty due to a reduction in the United
17 States armed forces prior to the completion of the required
18 period of service, regardless of the actual time served,
19 for purposes of eligibility for domiciliary or nursing home
20 care; or

21 (8) have served in the National Guard or Reserve Forces
22 of the United States and completed 20 years of satisfactory
23 service, be otherwise eligible to receive reserve or active
24 duty retirement benefits, and have been an Illinois
25 resident for at least one year before applying for
26 admission for purposes of eligibility for domiciliary care

1 only.

2 (c) The veteran must have service accredited to the State
3 of Illinois or have been a resident of this State for one year
4 immediately preceding the date of application.

5 (d) For admission to the Illinois Veterans Homes at Anna
6 and Quincy, the veteran must be disabled by disease, wounds, or
7 otherwise and because of the disability be incapable of earning
8 a living.

9 (e) For admission to the Illinois Veterans Homes at LaSalle
10 and Manteno, the veteran must be disabled by disease, wounds,
11 or otherwise and, for purposes of eligibility for nursing home
12 care, require nursing care because of the disability.

13 (f) An individual who served during a time of conflict as
14 set forth in subsection (a)(1) of this Section has preference
15 over all other qualifying candidates, for purposes of
16 eligibility for domiciliary or nursing home care at any
17 Illinois Veterans Home.

18 (g) A veteran or spouse, once admitted to an Illinois
19 Veterans Home facility is considered a resident for
20 interfacility purposes.

21 (Source: P.A. 97-297, eff. 1-1-12.)

22 (20 ILCS 2805/2.04) (from Ch. 126 1/2, par. 67.04)

23 Sec. 2.04. There shall be established in the State Treasury
24 special funds known as (i) the LaSalle Veterans Home Fund, (ii)
25 the Anna Veterans Home Fund, (iii) the Manteno Veterans Home

1 Fund, and (iv) the Quincy Veterans Home Fund. All moneys
2 received by an Illinois Veterans Home from Medicare and from
3 maintenance charges to veterans, spouses, and surviving
4 spouses residing at that Home shall be paid into that Home's
5 Fund. All moneys received from the U.S. Department of Veterans
6 Affairs for patient care shall be transmitted to the Treasurer
7 of the State for deposit in the Veterans Home Fund for the Home
8 in which the veteran resides. Appropriations shall be made from
9 a Fund only for the needs of the Home, including capital
10 improvements, building rehabilitation, and repairs.

11 The administrator of each Veterans Home shall establish a
12 locally-held member's benefits fund. The Director may
13 authorize the Veterans Home to conduct limited fundraising in
14 accordance with applicable laws and regulations for which the
15 sole purpose is to benefit the Veterans Home's member's
16 benefits fund. Revenues accruing to an Illinois Veterans Home,
17 including any donations, grants for the operation of the Home,
18 profits from commissary stores, and funds received from any
19 individual or other source, including limited fundraising,
20 shall be deposited into that Home's benefits fund. Expenditures
21 from the benefits funds shall be solely for the special
22 comfort, pleasure, and amusement of residents. Contributors of
23 unsolicited private donations may specify the purpose for which
24 the private donations are to be used.

25 Upon request of the Department, the State's Attorney of the
26 county in which a resident or living former resident of an

1 Illinois Veterans Home who is liable under this Act for payment
2 of sums representing maintenance charges resides shall file an
3 action in a court of competent jurisdiction against any such
4 person who fails or refuses to pay such sums. The court may
5 order the payment of sums due to maintenance charges for such
6 period or periods of time as the circumstances require.

7 Upon the death of a person who is or has been a resident of
8 an Illinois Veterans Home who is liable for maintenance charges
9 and who is possessed of property, the Department may present a
10 claim for such sum or for the balance due in case less than the
11 rate prescribed under this Act has been paid. The claim shall
12 be allowed and paid as other lawful claims against the estate.

13 The administrator of each Veterans Home shall establish a
14 locally-held trust fund to maintain moneys held for residents.
15 Whenever the Department finds it necessary to preserve order,
16 preserve health, or enforce discipline, the resident shall
17 deposit in a trust account at the Home such monies from any
18 source of income as may be determined necessary, and
19 disbursement of these funds to the resident shall be made only
20 by direction of the administrator.

21 If a resident of an Illinois Veterans Home has a dependent
22 child, spouse, or parent the administrator may require that all
23 monies received be deposited in a trust account with dependency
24 contributions being made at the direction of the administrator.
25 The balance retained in the trust account shall be disbursed to
26 the resident at the time of discharge from the Home or to his

1 or her heirs or legal representative at the time of the
2 resident's death, subject to Department regulations or order of
3 the court.

4 The Director of Central Management Services, with the
5 consent of the Director of Veterans' Affairs, is authorized and
6 empowered to lease or let any real property held by the
7 Department of Veterans' Affairs for an Illinois Veterans Home
8 to entities or persons upon terms and conditions which are
9 considered to be in the best interest of that Home. The real
10 property must not be needed for any direct or immediate purpose
11 of the Home. In any leasing or letting, primary consideration
12 shall be given to the use of real property for agricultural
13 purposes, and all moneys received shall be transmitted to the
14 Treasurer of the State for deposit in the appropriate Veterans
15 Home Fund.

16 (Source: P.A. 97-297, eff. 1-1-12.)

17 (20 ILCS 2805/2.07) (from Ch. 126 1/2, par. 67.07)

18 Sec. 2.07. The Department shall employ and maintain
19 sufficient and qualified staff at the veterans' homes (i) to
20 fill all beds, subject to appropriation, and (ii) to fulfill
21 the requirements of this Act. The Department shall report to
22 the General Assembly, by ~~January 1 and~~ July 1 of each year, the
23 number of staff employed in providing direct patient care at
24 their veterans' homes, the compliance or noncompliance with
25 staffing standards established by the United States Department

1 of Veterans Affairs for such care, and in the event of
2 noncompliance with such standards, the number of staff required
3 for compliance. For purposes of this Section, a nurse who has a
4 license application pending with the State shall not be deemed
5 unqualified by the Department if the nurse is in compliance
6 with Section 50-15 of the Nurse Practice Act.

7 (Source: P.A. 96-699, eff. 8-25-09; 97-297, eff. 1-1-12.)

8 (20 ILCS 2805/2.12 new)

9 Sec. 2.12. Cemeteries. The Department may operate
10 cemeteries at the Manteno Veterans Home and the Quincy Veterans
11 Home for interment of veterans or their spouses as identified
12 by the Department.

13 (20 ILCS 2805/3) (from Ch. 126 1/2, par. 68)

14 Sec. 3. The Department shall:

15 1. establish ~~Establish~~ an administrative office in
16 Springfield and a branch thereof in Chicago;

17 2. establish ~~Establish~~ such field offices as it shall find
18 necessary to enable it to perform its duties; and

19 3. maintain ~~Cause to be maintained, at its various offices,~~
20 case files containing records of services rendered to each
21 applicant, service progress ~~cards~~, and a follow-up system to
22 facilitate the completion of each request.

23 (Source: P.A. 79-376.)

1 Section 10. The Nursing Home Care Act is amended by
2 changing Sections 2-201.5, 3-101.5, and 3-303 and adding
3 Section 3-202.6 as follows:

4 (210 ILCS 45/2-201.5)

5 Sec. 2-201.5. Screening prior to admission.

6 (a) All persons age 18 or older seeking admission to a
7 nursing facility must be screened to determine the need for
8 nursing facility services prior to being admitted, regardless
9 of income, assets, or funding source. Screening for nursing
10 facility services shall be administered through procedures
11 established by administrative rule. Screening may be done by
12 agencies other than the Department as established by
13 administrative rule. This Section applies on and after July 1,
14 1996. No later than October 1, 2010, the Department of
15 Healthcare and Family Services, in collaboration with the
16 Department on Aging, the Department of Human Services, and the
17 Department of Public Health, shall file administrative rules
18 providing for the gathering, during the screening process, of
19 information relevant to determining each person's potential
20 for placing other residents, employees, and visitors at risk of
21 harm.

22 (a-1) Any screening performed pursuant to subsection (a) of
23 this Section shall include a determination of whether any
24 person is being considered for admission to a nursing facility
25 due to a need for mental health services. For a person who

1 needs mental health services, the screening shall also include
2 an evaluation of whether there is permanent supportive housing,
3 or an array of community mental health services, including but
4 not limited to supported housing, assertive community
5 treatment, and peer support services, that would enable the
6 person to live in the community. The person shall be told about
7 the existence of any such services that would enable the person
8 to live safely and humanely and about available appropriate
9 nursing home services that would enable the person to live
10 safely and humanely, and the person shall be given the
11 assistance necessary to avail himself or herself of any
12 available services.

13 (a-2) Pre-screening for persons with a serious mental
14 illness shall be performed by a psychiatrist, a psychologist, a
15 registered nurse certified in psychiatric nursing, a licensed
16 clinical professional counselor, or a licensed clinical social
17 worker, who is competent to (i) perform a clinical assessment
18 of the individual, (ii) certify a diagnosis, (iii) make a
19 determination about the individual's current need for
20 treatment, including substance abuse treatment, and recommend
21 specific treatment, and (iv) determine whether a facility or a
22 community-based program is able to meet the needs of the
23 individual.

24 For any person entering a nursing facility, the
25 pre-screening agent shall make specific recommendations about
26 what care and services the individual needs to receive,

1 beginning at admission, to attain or maintain the individual's
2 highest level of independent functioning and to live in the
3 most integrated setting appropriate for his or her physical and
4 personal care and developmental and mental health needs. These
5 recommendations shall be revised as appropriate by the
6 pre-screening or re-screening agent based on the results of
7 resident review and in response to changes in the resident's
8 wishes, needs, and interest in transition.

9 Upon the person entering the nursing facility, the
10 Department of Human Services or its designee shall assist the
11 person in establishing a relationship with a community mental
12 health agency or other appropriate agencies in order to (i)
13 promote the person's transition to independent living and (ii)
14 support the person's progress in meeting individual goals.

15 (a-3) The Department of Human Services, by rule, shall
16 provide for a prohibition on conflicts of interest for
17 pre-admission screeners. The rule shall provide for waiver of
18 those conflicts by the Department of Human Services if the
19 Department of Human Services determines that a scarcity of
20 qualified pre-admission screeners exists in a given community
21 and that, absent a waiver of conflicts, an insufficient number
22 of pre-admission screeners would be available. If a conflict is
23 waived, the pre-admission screener shall disclose the conflict
24 of interest to the screened individual in the manner provided
25 for by rule of the Department of Human Services. For the
26 purposes of this subsection, a "conflict of interest" includes,

1 but is not limited to, the existence of a professional or
2 financial relationship between (i) a PAS-MH corporate or a
3 PAS-MH agent and (ii) a community provider or long-term care
4 facility.

5 (b) In addition to the screening required by subsection
6 (a), a facility, except for those licensed as long term care
7 for under age 22 facilities, shall, within 24 hours after
8 admission, request a criminal history background check
9 pursuant to the Uniform Conviction Information Act for all
10 persons age 18 or older seeking admission to the facility,
11 unless a background check was initiated by a hospital pursuant
12 to subsection (d) of Section 6.09 of the Hospital Licensing Act
13 or a pre-admission background check was conducted by the
14 Department of Veterans' Affairs 30 days prior to admittance
15 into an Illinois Veterans Home. Background checks conducted
16 pursuant to this Section shall be based on the resident's name,
17 date of birth, and other identifiers as required by the
18 Department of State Police. If the results of the background
19 check are inconclusive, the facility shall initiate a
20 fingerprint-based check, unless the fingerprint check is
21 waived by the Director of Public Health based on verification
22 by the facility that the resident is completely immobile or
23 that the resident meets other criteria related to the
24 resident's health or lack of potential risk which may be
25 established by Departmental rule. A waiver issued pursuant to
26 this Section shall be valid only while the resident is immobile

1 or while the criteria supporting the waiver exist. The facility
2 shall provide for or arrange for any required fingerprint-based
3 checks to be taken on the premises of the facility. If a
4 fingerprint-based check is required, the facility shall
5 arrange for it to be conducted in a manner that is respectful
6 of the resident's dignity and that minimizes any emotional or
7 physical hardship to the resident.

8 (c) If the results of a resident's criminal history
9 background check reveal that the resident is an identified
10 offender as defined in Section 1-114.01, the facility shall do
11 the following:

12 (1) Immediately notify the Department of State Police,
13 in the form and manner required by the Department of State
14 Police, in collaboration with the Department of Public
15 Health, that the resident is an identified offender.

16 (2) Within 72 hours, arrange for a fingerprint-based
17 criminal history record inquiry to be requested on the
18 identified offender resident. The inquiry shall be based on
19 the subject's name, sex, race, date of birth, fingerprint
20 images, and other identifiers required by the Department of
21 State Police. The inquiry shall be processed through the
22 files of the Department of State Police and the Federal
23 Bureau of Investigation to locate any criminal history
24 record information that may exist regarding the subject.
25 The Federal Bureau of Investigation shall furnish to the
26 Department of State Police, pursuant to an inquiry under

1 this paragraph (2), any criminal history record
2 information contained in its files.

3 The facility shall comply with all applicable provisions
4 contained in the Uniform Conviction Information Act.

5 All name-based and fingerprint-based criminal history
6 record inquiries shall be submitted to the Department of State
7 Police electronically in the form and manner prescribed by the
8 Department of State Police. The Department of State Police may
9 charge the facility a fee for processing name-based and
10 fingerprint-based criminal history record inquiries. The fee
11 shall be deposited into the State Police Services Fund. The fee
12 shall not exceed the actual cost of processing the inquiry.

13 (d) (Blank).

14 (e) The Department shall develop and maintain a
15 de-identified database of residents who have injured facility
16 staff, facility visitors, or other residents, and the attendant
17 circumstances, solely for the purposes of evaluating and
18 improving resident pre-screening and assessment procedures
19 (including the Criminal History Report prepared under Section
20 2-201.6) and the adequacy of Department requirements
21 concerning the provision of care and services to residents. A
22 resident shall not be listed in the database until a Department
23 survey confirms the accuracy of the listing. The names of
24 persons listed in the database and information that would allow
25 them to be individually identified shall not be made public.
26 Neither the Department nor any other agency of State government

1 may use information in the database to take any action against
2 any individual, licensee, or other entity, unless the
3 Department or agency receives the information independent of
4 this subsection (e). All information collected, maintained, or
5 developed under the authority of this subsection (e) for the
6 purposes of the database maintained under this subsection (e)
7 shall be treated in the same manner as information that is
8 subject to Part 21 of Article VIII of the Code of Civil
9 Procedure.

10 (Source: P.A. 96-1372, eff. 7-29-10; 97-48, eff. 6-28-11.)

11 (210 ILCS 45/3-101.5)

12 Sec. 3-101.5. Illinois Veterans Homes. An Illinois
13 Veterans Home licensed under this Act and operated by the
14 Illinois Department of Veterans' Affairs is exempt from the
15 license fee provisions of Section 3-103 of this Act and the
16 provisions of Sections 3-104 through 3-106, 3-202.5, 3-208,
17 3-302, and ~~3-303, 3-401 through 3-423,~~ 3-503 through 3-517, ~~and~~
18 ~~3-603 through 3-607~~ of this Act. A monitor or receiver shall be
19 placed in an Illinois Veterans Home only by court order or by
20 agreement between the Director of Public Health, the Director
21 of Veterans' Affairs, and the Secretary of the United States
22 Department of Veterans Affairs.

23 (Source: P.A. 96-703, eff. 8-25-09.)

24 (210 ILCS 45/3-202.6 new)

1 Sec. 3-202.6. Department of Veterans' Affairs facility
2 plan review.

3 (a) Before commencing construction of a new facility or
4 specified types of alteration or additions to an existing
5 long-term care facility involving major construction, as
6 defined by rule by the Department, with an estimated cost
7 greater than \$100,000, architectural drawings and
8 specifications for the facility shall be submitted to the
9 Department for review. A facility may submit architectural
10 drawings and specifications for other construction projects
11 for Department review according to subsection (b) of this
12 Section that shall not be subject to fees under subsection (d)
13 of this Section. Review of drawings and specifications shall be
14 conducted by an employee of the Department meeting the
15 qualifications established by the Department of Central
16 Management Services class specifications for such an
17 individual's position or by a person contracting with the
18 Department who meets those class specifications.

19 (b) The Department shall inform an applicant in writing
20 within 10 working days after receiving drawings and
21 specifications from the applicant whether the applicant's
22 submission is complete or incomplete. Failure to provide the
23 applicant with this notice within 10 working days after
24 receiving drawings and specifications from the applicant shall
25 result in the submission being deemed complete for purposes of
26 initiating the 60-day review period under this Section. If the

1 submission is incomplete, the Department shall inform the
2 applicant of the deficiencies with the submission in writing.
3 If the submission is complete, the Department shall approve or
4 disapprove drawings and specifications submitted to the
5 Department no later than 60 days following receipt by the
6 Department. The drawings and specifications shall be of
7 sufficient detail, as provided by Department rule, to enable
8 the Department to render a determination of compliance with
9 design and construction standards under this Act. If the
10 Department finds that the drawings are not of sufficient detail
11 for it to render a determination of compliance, the plans shall
12 be determined to be incomplete and shall not be considered for
13 purposes of initiating the 60-day review period. If a
14 submission of drawings and specifications is incomplete, the
15 applicant may submit additional information. The 60-day review
16 period shall not commence until the Department determines that
17 a submission of drawings and specifications is complete or the
18 submission is deemed complete. If the Department has not
19 approved or disapproved the drawings and specifications within
20 60 days after receipt by the Department, the construction,
21 major alteration, or addition shall be deemed approved. If the
22 drawings and specifications are disapproved, the Department
23 shall state in writing, with specificity, the reasons for the
24 disapproval. The entity submitting the drawings and
25 specifications may submit additional information in response
26 to the written comments from the Department or request a

1 reconsideration of the disapproval. A final decision of
2 approval or disapproval shall be made within 45 days after the
3 receipt of the additional information or reconsideration
4 request. If denied, the Department shall state the specific
5 reasons for the denial.

6 (c) The Department shall provide written approval for
7 occupancy pursuant to subsection (e) of this Section and shall
8 not issue a violation to a facility as a result of a licensure
9 or complaint survey based upon the facility's physical
10 structure if:

11 (1) the Department reviewed and approved or deemed
12 approved the drawings and specifications for compliance
13 with design and construction standards;

14 (2) the construction, major alteration, or addition
15 was built as submitted;

16 (3) the law or rules have not been amended since the
17 original approval; and

18 (4) the conditions at the facility indicate that there
19 is a reasonable degree of safety provided for the
20 residents.

21 (d) The Department shall not charge a fee in connection
22 with its reviews to the Department of Veterans' Affairs.

23 (e) The Department shall conduct an on-site inspection of
24 the completed project no later than 30 days after notification
25 from the applicant that the project has been completed and all
26 certifications required by the Department have been received

1 and accepted by the Department. The Department shall provide
2 written approval for occupancy to the applicant within 5
3 working days after the Department's final inspection, provided
4 the applicant has demonstrated substantial compliance as
5 defined by Department rule. Occupancy of new major construction
6 is prohibited until Department approval is received, unless the
7 Department has not acted within the time frames provided in
8 this subsection (e), in which case the construction shall be
9 deemed approved. Occupancy shall be authorized after any
10 required health inspection by the Department has been
11 conducted.

12 (f) The Department shall establish, by rule, a procedure to
13 conduct interim on-site review of large or complex construction
14 projects.

15 (g) The Department shall establish, by rule, an expedited
16 process for emergency repairs or replacement of like equipment.

17 (h) Nothing in this Section shall be construed to apply to
18 maintenance, upkeep, or renovation that does not affect the
19 structural integrity of the building, does not add beds or
20 services over the number for which the long-term care facility
21 is licensed, and provides a reasonable degree of safety for the
22 residents.

23 (210 ILCS 45/3-303) (from Ch. 111 1/2, par. 4153-303)

24 Sec. 3-303. (a) The situation, condition or practice
25 constituting a Type "AA" violation or a Type "A" violation

1 shall be abated or eliminated immediately unless a fixed period
2 of time, not exceeding 15 days, as determined by the Department
3 and specified in the notice of violation, is required for
4 correction.

5 (b) At the time of issuance of a notice of a Type "B"
6 violation, the Department shall request a plan of correction
7 which is subject to the Department's approval. The facility
8 shall have 10 days after receipt of notice of violation in
9 which to prepare and submit a plan of correction. The
10 Department may extend this period up to 30 days where
11 correction involves substantial capital improvement. The plan
12 shall include a fixed time period not in excess of 90 days
13 within which violations are to be corrected. If the Department
14 rejects a plan of correction, it shall send notice of the
15 rejection and the reason for the rejection to the facility. The
16 facility shall have 10 days after receipt of the notice of
17 rejection in which to submit a modified plan. If the modified
18 plan is not timely submitted, or if the modified plan is
19 rejected, the facility shall follow an approved plan of
20 correction imposed by the Department.

21 (c) If the violation has been corrected prior to submission
22 and approval of a plan of correction, the facility may submit a
23 report of correction in place of a plan of correction. Such
24 report shall be signed by the administrator under oath.

25 (d) Upon a licensee's petition, the Department shall
26 determine whether to grant a licensee's request for an extended

1 correction time. Such petition shall be served on the
2 Department prior to expiration of the correction time
3 originally approved. The burden of proof is on the petitioning
4 facility to show good cause for not being able to comply with
5 the original correction time approved.

6 (e) If a facility desires to contest any Department action
7 under this Section it shall send a written request for a
8 hearing under Section 3-703 to the Department within 10 days of
9 receipt of notice of the contested action. The Department shall
10 commence the hearing as provided under Section 3-703. Whenever
11 possible, all action of the Department under this Section
12 arising out of a violation shall be contested and determined at
13 a single hearing. Issues decided after a hearing may not be
14 reheard at subsequent hearings under this Section.

15 (f) For facilities operated by the Department of Veterans'
16 Affairs, all deadlines contained in this Section for correction
17 of violations are subject to adherence to applicable Sections
18 of State procurement law and the availability of appropriations
19 for the specific purpose.

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

21 Section 15. The Veterans and Servicemembers Court
22 Treatment Act is amended by changing Sections 10 and 25 as
23 follows:

24 (730 ILCS 167/10)

1 Sec. 10. Definitions. In this Act:

2 "Combination Veterans and Servicemembers Court program"
3 means a court program that includes a pre-adjudicatory and a
4 post-adjudicatory Veterans and Servicemembers court program.

5 "Court" means Veterans and Servicemembers Court.

6 "IDVA" means the Illinois Department of Veterans' Affairs.

7 "Peer recovery coach" means a volunteer veteran mentor
8 assigned to a veteran or servicemember during participation in
9 a veteran treatment court program who has been trained and
10 certified by the court to guide and mentor the participant to
11 successfully complete the assigned requirements.

12 "Post-adjudicatory Veterans and Servicemembers Court
13 Program" means a program in which the defendant has admitted
14 guilt or has been found guilty and agrees, along with the
15 prosecution, to enter a Veterans and Servicemembers Court
16 program as part of the defendant's sentence.

17 "Pre-adjudicatory Veterans and Servicemembers Court
18 Program" means a program that allows the defendant with the
19 consent of the prosecution, to expedite the defendant's
20 criminal case before conviction or before filing of a criminal
21 case and requires successful completion of the Veterans and
22 Servicemembers Court programs as part of the agreement.

23 "Servicemember" means a person who is currently serving in
24 the Army, Air Force, Marines, Navy, or Coast Guard on active
25 duty, reserve status or in the National Guard.

26 "VA" means the United States Department of Veterans'

1 Affairs.

2 "Veteran" means a person who served in the active military,
3 naval, or air service and who was discharged or released
4 therefrom under conditions other than dishonorable.

5 "Veterans and Servicemembers Court professional" means a
6 member of the Veterans and Servicemembers Court team, including
7 but not limited to a judge, prosecutor, defense attorney,
8 probation officer, coordinator, treatment provider, or peer
9 recovery coach.

10 "Veterans and Servicemembers Court" means a court or
11 program with an immediate and highly structured judicial
12 intervention process for substance abuse treatment, mental
13 health, or other assessed treatment needs of eligible veteran
14 and servicemember defendants that brings together substance
15 abuse professionals, mental health professionals, VA
16 professionals, local social programs and intensive judicial
17 monitoring in accordance with the nationally recommended 10 key
18 components of drug courts.

19 (Source: P.A. 96-924, eff. 6-14-10; 97-946, eff. 8-13-12.)

20 (730 ILCS 167/25)

21 Sec. 25. Procedure.

22 (a) The Court shall order the defendant to submit to an
23 eligibility screening and an assessment through the VA and/or
24 the IDVA to provide information on the defendant's veteran or
25 servicemember status.

1 (b) The Court shall order the defendant to submit to an
2 eligibility screening and mental health and drug/alcohol
3 screening and assessment of the defendant by the VA or by the
4 IDVA to provide assessment services for Illinois Courts. The
5 assessment shall include a risks assessment and be based, in
6 part, upon the known availability of treatment resources
7 available to the Veterans and Servicemembers Court. The
8 assessment shall also include recommendations for treatment of
9 the conditions which are indicating a need for treatment under
10 the monitoring of the Court and be reflective of a level of
11 risk assessed for the individual seeking admission. An
12 assessment need not be ordered if the Court finds a valid
13 screening and/or assessment related to the present charge
14 pending against the defendant has been completed within the
15 previous 60 days.

16 (c) The judge shall inform the defendant that if the
17 defendant fails to meet the conditions of the Veterans and
18 Servicemembers Court program, eligibility to participate in
19 the program may be revoked and the defendant may be sentenced
20 or the prosecution continued as provided in the Unified Code of
21 Corrections for the crime charged.

22 (d) The defendant shall execute a written agreement with
23 the Court as to his or her participation in the program and
24 shall agree to all of the terms and conditions of the program,
25 including but not limited to the possibility of sanctions or
26 incarceration for failing to abide or comply with the terms of

1 the program.

2 (e) In addition to any conditions authorized under the
3 Pretrial Services Act and Section 5-6-3 of the Unified Code of
4 Corrections, the Court may order the defendant to complete
5 substance abuse treatment in an outpatient, inpatient,
6 residential, or jail-based custodial treatment program, order
7 the defendant to complete mental health counseling in an
8 inpatient or outpatient basis, comply with physicians'
9 recommendation regarding medications and all follow up
10 treatment. This treatment may include but is not limited to
11 post-traumatic stress disorder, traumatic brain injury and
12 depression.

13 (f) The Court may establish a mentorship program that
14 provides access and support to program participants by peer
15 recovery coaches. Courts shall be responsible to administer the
16 mentorship program with the support of volunteer veterans and
17 local veteran service organization. Peer recovery coaches
18 shall be trained and certified by the court prior to being
19 assigned to participant in the program.

20 (Source: P.A. 96-924, eff. 6-14-10.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."