



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3053

by Rep. William Davis

SYNOPSIS AS INTRODUCED:

210 ILCS 32/1
210 ILCS 32/5
210 ILCS 32/65
210 ILCS 135/14.5 new

Amends the Authorized Electronic Monitoring in Long-Term Care Facilities Act. Changes the title of the Act to the Authorized Electronic Monitoring in Long-Term Care Facilities and Community-Integrated Living Arrangements Act. Makes changes to make the provisions of the Act applicable to community-integrated living arrangements certified under the Community-Integrated Living Arrangements Licensure and Certification Act. Provides that the term "Department", for the purposes of facilities licensed under the Nursing Home Care Act, ID/DD Community Care Act, or MC/DD Act, means the Department of Public Health. Provides that the term "Department", for the purposes of community-integrated living arrangements certified under the Community-Integrated Living Arrangements Licensure and Certification Act, means the Department of Human Services. Adds community-integrated living arrangements to the definition of "facility". Provides that "resident's representative" does not apply to community-integrated living arrangements. Provides that the Department of Human Services shall consult with the Department of Public Health when adopting rules to implement the Act. Amends the Community-Integrated Living Arrangements Licensure and Certification Act to make conforming changes. Provides that it is a business offense for a person to discriminate or retaliate against a resident for consenting to the electronic monitoring, or to prevent the installation or use of an electronic monitoring device by a resident that has provided specified notice and consent. Makes other changes.

LRB100 10417 MJP 20615 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 Authorized Electronic Monitoring in
5 Long-Term Care Facilities Act is amended by changing Sections
6 1, 5, and 65 as follows:

7 (210 ILCS 32/1)

8 Sec. 1. Short title. This Act may be cited as the
9 Authorized Electronic Monitoring in Long-Term Care Facilities
10 and Community-Integrated Living Arrangements Act.

11 (Source: P.A. 99-430, eff. 1-1-16.)

12 (210 ILCS 32/5)

13 Sec. 5. Definitions. As used in this Act:

14 "Authorized electronic monitoring" means the placement and
15 use of an electronic monitoring device by a resident in his or
16 her room in accordance with this Act.

17 "Department", for the purposes of facilities licensed
18 under the Nursing Home Care Act, ID/DD Community Care Act, or
19 MC/DD Act, means the Department of Public Health. For the
20 purposes of community-integrated living arrangements certified
21 under the Community-Integrated Living Arrangements Licensure
22 and Certification Act, "Department" means the Department of

1 Human Services.

2 "Electronic monitoring device" means a surveillance
3 instrument with a fixed position video camera or an audio
4 recording device, or a combination thereof, that is installed
5 in a resident's room under the provisions of this Act and
6 broadcasts or records activity or sounds occurring in the room.

7 "Facility" means an intermediate care facility for the
8 developmentally disabled licensed under the ID/DD Community
9 Care Act that has 30 beds or more, a facility licensed under
10 the MC/DD Act, ~~or~~ a long-term care facility licensed under the
11 Nursing Home Care Act, or a community-integrated living
12 arrangement certified under the Community-Integrated Living
13 Arrangements Licensure and Certification Act.

14 "Resident" means a person residing in a facility.

15 "Resident's representative" has the meaning given to that
16 term in (1) Section 1-123 of the Nursing Home Care Act if the
17 resident resides in a facility licensed under the Nursing Home
18 Care Act, (2) Section 1-123 of the ID/DD Community Care Act if
19 the resident resides in a facility licensed under the ID/DD
20 Community Care Act, or (3) Section 1-123 of the MC/DD Act if
21 the resident resides in a facility licensed under the MC/DD
22 Act. "Resident's representative" does not apply to
23 community-integrated living arrangements certified under the
24 Community-Integrated Living Arrangements Licensure and
25 Certification Act.

26 (Source: P.A. 99-430, eff. 1-1-16; 99-784, eff. 1-1-17.)

1 (210 ILCS 32/65)

2 Sec. 65. Rules. The Department shall adopt rules necessary
3 to administer and enforce any Section of this Act. The
4 Department of Human Services shall consult with the Department
5 of Public Health when adopting rules to implement this Act.
6 Rulemaking shall not delay the full implementation of this Act.
7 (Source: P.A. 99-430, eff. 1-1-16; 99-784, eff. 1-1-17.)

8 Section 10. The Community-Integrated Living Arrangements
9 Licensure and Certification Act is amended by adding Section
10 14.5 as follows:

11 (210 ILCS 135/14.5 new)

12 Sec. 14.5. Authorized electronic monitoring of a
13 resident's room.

14 (a) A resident shall be permitted to conduct authorized
15 electronic monitoring of the resident's room through the use of
16 electronic monitoring devices placed in the room pursuant to
17 the Authorized Electronic Monitoring in Long-Term Care
18 Facilities and Community-Integrated Living Arrangements Act.

19 (b) No person shall:

20 (1) intentionally retaliate or discriminate against
21 any resident for consenting to authorized electronic
22 monitoring under the Authorized Electronic Monitoring in
23 Long-Term Care Facilities and Community-Integrated Living

1 Arrangements Act; or

2 (2) prevent the installation or use of an electronic
3 monitoring device by a resident who has provided the staff
4 of the community-integrated living arrangement with notice
5 and consent as required in Section 20 of the Authorized
6 Electronic Monitoring in Long-Term Care Facilities and
7 Community-Integrated Living Arrangements Act.

8 A violation of this subsection (b) is a business offense,
9 punishable by a fine not to exceed \$10,000. The State's
10 Attorney of the county in which the community-integrated living
11 arrangement is located, or the Attorney General, shall be
12 notified by the Director of any violations of this subsection
13 (b).