



Sen. Karina Villa

Filed: 1/19/2022

10200SB1633sam003

LRB102 15475 SPS 30114 a

1 AMENDMENT TO SENATE BILL 1633

2 AMENDMENT NO. _____. Amend Senate Bill 1633, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Nursing Home Care Act is amended by
6 changing Sections 2-101, 2-112, 2-113, and 3-209 as follows:

7 (210 ILCS 45/2-101) (from Ch. 111 1/2, par. 4152-101)

8 Sec. 2-101. No resident shall be deprived of any rights,
9 benefits, or privileges guaranteed by State or federal law,
10 the Constitution of the State of Illinois, or the Constitution
11 of the United States solely on account of his or her status as
12 a resident of a facility. All residents shall have the right to
13 be treated with courtesy and respect by employees or persons
14 providing medical services or care and shall have their human
15 and civil rights maintained in all aspects of medical care as
16 described in the State Operations Manual for Long-Term Care

1 Facilities. In accordance with 42 CFR Section 483.10,
2 residents shall have their basic human needs, including, but
3 not limited to, water, food, medication, toileting, and
4 personal hygiene, accommodated in a timely manner, as defined
5 by the resident and agreed upon by the interdisciplinary team.
6 Residents shall have the right to maintain their autonomy as
7 much as possible.

8 (Source: P.A. 81-223.)

9 (210 ILCS 45/2-112) (from Ch. 111 1/2, par. 4152-112)

10 Sec. 2-112. A resident shall be permitted to present
11 grievances on behalf of himself or herself or others to the
12 administrator, the Long-Term Care Facility Advisory Board, the
13 residents' advisory council, State governmental agencies or
14 other persons of his or her choice, free from restraint,
15 interference, coercion, or discrimination and without threat
16 of discharge or reprisal in any form or manner whatsoever. The
17 administrator shall provide all residents or their
18 representatives with the name, address, and telephone number
19 of the appropriate State governmental office where complaints
20 may be lodged. Every facility licensed under this Act shall
21 have a written internal grievance procedure that, at a
22 minimum:

23 (1) sets forth the process to be followed;

24 (2) specifies time limits, including time limits for
25 facility response;

1 (3) informs the resident of his or her right to have
2 the assistance of an advocate;

3 (4) requires a written response to written grievances;

4 (5) provides for a timely decision within 25 days by
5 an impartial and nonaffiliated third party, including, but
6 not limited to, the State's ombudsman, if the grievance is
7 not otherwise resolved by the facility;

8 (6) requires the facility to follow applicable State
9 and federal requirements for responding to and reporting
10 any grievance alleging potential abuse, neglect,
11 misappropriation of resident property, or exploitation;
12 and

13 (7) requires the facility to keep a copy of all
14 grievances, responses, and outcomes for 3 years and
15 provide that information to the Department upon request.

16 In accordance with F574 of the State Operations Manual for
17 Long-Term Care Facilities, the administrator shall provide all
18 residents, or their representatives, upon admission and at
19 request, with the name, address, and telephone number of the
20 State office where complaints may be lodged in language the
21 resident can understand. This information must include notice
22 of the grievance procedure of the facility or program, as well
23 as addresses and phone numbers for the Office of Healthcare
24 Regulation and the Long-Term Care Ombudsman Program.

25 (Source: P.A. 81-223.)

1 (210 ILCS 45/2-113) (from Ch. 111 1/2, par. 4152-113)

2 Sec. 2-113. A resident may refuse to perform labor for a
3 facility. Residents shall not perform labor or services for
4 the facility unless consistent with F566 of the State
5 Operations Manual for Long-Term Care Facilities. The
6 activities must be included for therapeutic purposes and be
7 appropriately goal-related to the individual's care plan. If a
8 resident chooses to perform labor or services he or she must be
9 compensated at or above the prevailing wage rate.

10 (Source: P.A. 81-223.)

11 (210 ILCS 45/3-209) (from Ch. 111 1/2, par. 4153-209)

12 Sec. 3-209. Required posting of information.

13 (a) Every facility shall conspicuously post for display in
14 an area of its offices accessible to residents, employees, and
15 visitors the following:

16 (1) Its current license;

17 (2) A description, provided by the Department, of
18 complaint procedures established under this Act and the
19 name, address, and telephone number of a person authorized
20 by the Department to receive complaints;

21 (3) A copy of any order pertaining to the facility
22 issued by the Department or a court; ~~and~~

23 (4) A list of the material available for public
24 inspection under Section 3-210;~~;~~

25 (5) Phone numbers and websites for rights protection

1 services must be posted in common areas and posted at the
2 main entrance to ensure it is visible to outside visitors
3 and provided upon entry and at the request of residents or
4 the resident's representative in accordance with 42 CFR
5 483.10(j)(4); and

6 (6) In accordance with F574 of the State Operations
7 Manual for Long-Term Care Facilities, the administrator
8 shall post for all residents and at the main entrance, to
9 ensure it is visible to outside visitors, the name,
10 address, and telephone number of the State office where
11 complaints may be lodged in language the resident can
12 understand. The posting must include notice of the
13 grievance procedure of the facility or program, addresses
14 and phone numbers for the Office of Health Care Regulation
15 and the Long-Term Care Ombudsman Program, and website
16 showing the information of a facility's ownership.

17 (b) A facility that has received a notice of violation for
18 a violation of the minimum staffing requirements under Section
19 3-202.05 shall display, during the period of time the facility
20 is out of compliance, a notice stating in Calibri (body) font
21 and 26-point type in black letters on an 8.5 by 11 inch white
22 paper the following:

23 "Notice Dated:

24 This facility does not currently meet the minimum staffing
25 ratios required by law. Posted at the direction of the

1 Illinois Department of Public Health.".

2 The notice must be posted, at a minimum, at all publicly used
3 exterior entryways into the facility, inside the main entrance
4 lobby, and next to any registration desk for easily accessible
5 viewing. The notice must also be posted on the main page of the
6 facility's website. The Department shall have the discretion
7 to determine the gravity of any violation and, taking into
8 account mitigating and aggravating circumstances and facts,
9 may reduce the requirement of, and amount of time for, posting
10 the notice.

11 (Source: P.A. 101-10, eff. 6-5-19.)".