



Sen. Karina Villa

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10200SB1633sam004

LRB102 15475 CPF 35945 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. Residents shall have the right to be
13 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 defined in the State Operations Manual for Long-Term Care

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

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

8 (210 ILCS 45/2-112) (from Ch. 111 1/2, par. 4152-112)

9 Sec. 2-112. A resident shall be permitted to present
10 grievances on behalf of himself or others to the
11 administrator, the Long-Term Care Facility Advisory Board, the
12 residents' advisory council, State governmental agencies, or
13 other persons of the resident's choice, free from restraint,
14 interference, coercion, or discrimination and without threat
15 of discharge or reprisal in any form or manner whatsoever.
16 Every facility licensed under this Act shall have a written
17 internal grievance procedure that, at a minimum:

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

19 (2) specifies time limits, including time limits for
20 facility response;

21 (3) informs residents of their right to have the
22 assistance of an advocate;

23 (4) requires a written response to written grievances
24 from the person most able to respond to grievances, such
25 as the dietary supervisor if the grievance is meal related

1 and the nursing department if the grievance is care
2 related;

3 (5) provides for a timely response within 25 days by
4 an impartial and nonaffiliated third party, including, but
5 not limited to, the Long-Term Care Ombudsman, if the
6 grievance is not otherwise resolved by the facility;

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

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

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

1 ~~complaints may be lodged.~~

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

3 (210 ILCS 45/2-113) (from Ch. 111 1/2, par. 4152-113)

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

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

13 (210 ILCS 45/3-209) (from Ch. 111 1/2, par. 4153-209)

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

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

18 (1) Its current license;

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

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

1 (4) A list of the material available for public
2 inspection under Section 3-210; and -

3 (5) Phone numbers and websites for rights protection
4 services must be posted in common areas and posted at the
5 main entrance to ensure it is visible to outside visitors
6 and provided upon entry and at the request of residents or
7 the resident's representative in accordance with 42 CFR
8 483.10(j)(4).

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

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

1 "Notice Dated:

2 This facility does not currently meet the minimum staffing
3 ratios required by law. Posted at the direction of the
4 Illinois Department of Public Health.".

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

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