



Sen. Karina Villa

Filed: 2/24/2022

10200SB1633sam005

LRB102 15475 CPF 36911 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) provides for a timely response within 25 days by  
24 an impartial and nonaffiliated third party, including, but  
25 not limited to, the Long-Term Care Ombudsman, if the

1 grievance is not otherwise resolved by the facility;

2 (5) requires the facility to follow applicable State  
3 and federal requirements for responding to and reporting  
4 any grievance alleging potential abuse, neglect,  
5 misappropriation of resident property, or exploitation;  
6 and

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

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

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

24 (210 ILCS 45/2-113) (from Ch. 111 1/2, par. 4152-113)

25 Sec. 2-113. A resident may refuse to perform labor for a

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

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

9 (210 ILCS 45/3-209) (from Ch. 111 1/2, par. 4153-209)

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

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

14 (1) Its current license;

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

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

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

23 (5) Phone numbers and websites for rights protection  
24 services must be posted in common areas and at the main  
25 entrance and provided upon entry and at the request of

1 residents or the resident's representative in accordance  
2 with 42 CFR 483.10(j)(4); and

3 (6) The statement "The Illinois Long-Term Care  
4 Ombudsman Program is a free resident advocacy service  
5 available to the public."

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

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

24 "Notice Dated: .....

25 This facility does not currently meet the minimum staffing

1 ratios required by law. Posted at the direction of the  
2 Illinois Department of Public Health.".

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

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