



Rep. Anna Moeller

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10300HB3716ham001

LRB103 30277 BMS 59619 a

1 AMENDMENT TO HOUSE BILL 3716

2 AMENDMENT NO. _____. Amend House Bill 3716 on page 1,
3 line 5, by replacing "4-101 and 4-105" with "4-101, 4-105, and
4 4-110"; and

5 on page 3, line 14, by deleting ", appointed by the Governor";
6 and

7 on page 3, line 24, after "Assembly", by inserting ",
8 appointed by the Governor"; and

9 on page 3, line 26, after "Assembly", by inserting ",
10 appointed by the Governor"; and

11 on page 4, line 2, after "Assembly", by inserting ", appointed
12 by the Governor"; and

13 on page 4, line 4, after "Assembly", by inserting ", appointed

1 by the Governor"; and

2 on page 4, line 8, after "settings", by inserting ", appointed
3 by the Governor"; and

4 on page 4, line 10, after "Council", by inserting ", appointed
5 by the Governor"; and

6 on page 4, line 13, after "Council", by inserting ", appointed
7 by the Governor"; and

8 on page 4, line 16, after "Council", by inserting ", appointed
9 by the Governor"; and

10 on page 4, line 18, after "associations", by inserting ",
11 appointed by the Governor"; and

12 on page 4, by replacing line 21 with "Statewide Independent
13 Living Council, appointed by the Governor;"; and

14 on page 4, immediately below line 21, by inserting the
15 following:

16 "(16) one representative of a statewide organization
17 advocating on behalf of seniors, appointed by the Governor;
18 and"; and

1 on page 4, line 22, by replacing "(16)" with "(17)"; and

2 on page 4, line 23, after "State", by inserting ", appointed by
3 the Governor"; and

4 on page 6, immediately below line 7, by inserting the
5 following:

6 "(210 ILCS 45/4-110 new)

7 Sec. 4-110. Prohibition on retaliation against facility
8 resident or employee complaint.

9 (a) Facility owners, management, and employees are
10 prohibited from retaliating against facility residents or
11 employees who complain about facility services, including the
12 facility's physical condition, medical care, social supports
13 and services, access to visitation and time outside the
14 facility, and any other attribute connected to a resident's
15 experience of living in a facility.

16 (b) There is a rebuttable presumption of retaliation if a
17 resident or employee experiences reduced access to services,
18 neglect, selective restrictions, hostility, transfer to
19 another facility, reduction of work hours, reassignment to
20 less desirable hours, or threats to take any of these actions
21 within a year after a resident or employee:

22 (1) complains of violations or problems applicable to
23 the facility to a competent governmental agency, elected

1 representative, or other individual responsible for
2 enforcing any law applicable to a facility;

3 (2) complains of violations or problems applicable to
4 a facility to a community organization or the news media;

5 (3) complains of violations or problems applicable to
6 a facility to an ombudsman;

7 (4) complains of building, health, or similar code
8 violations or an illegal facility practice to any
9 government official, ombudsman, or member of the public;

10 (5) seeks the assistance of a community organization,
11 union, or the news media to remedy a violation or improper
12 practice;

13 (6) seeks assistance for themselves or others to
14 transition to independent living;

15 (7) requests the facility make repairs, address
16 grievances, or meet regulatory requirements under a
17 building code, health ordinance, or other regulation;

18 (8) requests that the facility comply with a care
19 plan;

20 (9) becomes a member of a resident council, resident
21 union, employee union, or similar organization;

22 (10) testifies in any court or administrative
23 proceeding concerning the condition of the facility; or

24 (11) took other good faith action in support of any
25 other right or remedy provided by law.

26 (c) Anyone who retaliates against facility residents or

1 employees as prohibited by this Section is liable for each and
2 every offense for all remedies available at law, including,
3 but not limited to, future pecuniary losses, emotional pain,
4 suffering, inconvenience, mental anguish, loss of enjoyment of
5 life, and other nonpecuniary losses, plus attorney's fees and
6 costs. In addition, if the facility or facility management is
7 found to have retaliated as prohibited by this Section, the
8 facility is liable to the complaining resident for a penalty
9 in the additional amount of 2 times the facility's monthly
10 billing amount for that resident.

11 (d) A resident may allege retaliation as an affirmative
12 defense to any action to remove or transfer the resident from a
13 facility.

14 (e) A claim for retaliation under this Act may be filed in
15 any court of competent jurisdiction or any administrative
16 hearing process operated by or through the State of Illinois
17 and its State departments."