

1 AN ACT in relation to health care.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Illinois Act on the Aging is amended by  
5 adding Section 4.04a as follows:

6 (20 ILCS 105/4.04a new)

7 Sec. 404a. Illinois Long-Term Care Council.

8 (a) Purpose. The purpose of this Section is to ensure  
9 that consumers receive high quality long-term care through an  
10 effective and independent State Long-Term Care Ombudsman  
11 program.

12 (b) Maintenance and operation of the Illinois Long-Term  
13 Care Council.

14 (1) The Department shall develop a fair and  
15 impartial process for recruiting and receiving  
16 nominations for voting members and non-voting facility  
17 members for the Illinois Long-Term Care Council from the  
18 area agencies on aging, regional ombudsman programs,  
19 provider agencies, and other public agencies, using a  
20 nomination form provided by the Department.

21 (2) The Department shall appoint voting and  
22 non-voting members to the Illinois Long-Term Care Council  
23 in a timely manner.

24 (3) The Department shall consider, act in good  
25 faith regarding, and respond in writing to the complaints  
26 from the Illinois Long-Term Care Council, complaints that  
27 have been received by any agency or individual, the  
28 Illinois Long-Term Care Council's annual report, and its  
29 recommendations.

30 (4) The Department shall provide necessary staff  
31 for soliciting nominations for members to the Illinois

1 Long-Term Care Council and a budget within its budget for  
2 the Illinois Long-Term Care Council to carry out its  
3 mandated responsibilities, including holding hearings and  
4 reimbursing travel for voting members who are long-term  
5 care facility residents and family members of long-term  
6 care facility residents.

7 (5) The Director of the Department shall appoint to  
8 the Illinois Long-Term Care Council 7 voting members,  
9 including one from the State at-large, and the Office of  
10 State Long-Term Care Ombudsman shall appoint 8 voting  
11 members, including one from the State at-large. The  
12 Department and the Office of State Long-Term Care  
13 Ombudsman shall make recommendations as provided in this  
14 Act.

15 (c) Responsibilities of area agencies on aging, regional  
16 long-term care ombudsman programs, and provider agencies.  
17 Each area agency on aging, regional long-term care ombudsman  
18 program, and provider agency shall solicit names and  
19 recommend voting and non-voting members to the Department for  
20 appointment to the Illinois Long-Term Care Council. Each area  
21 agency on aging shall cooperate with the Illinois Long-Term  
22 Care Council in holding public hearings in its area.

23 (d) Powers and duties. The Illinois Long-Term Care  
24 Council shall do the following:

25 (1) Evaluate and monitor the Department's policies  
26 and procedures and make recommendations in order to  
27 prevent conflicts of interest or interference with the  
28 State Long-Term Care Ombudsman Program, from the  
29 Department, State government, any agency, individual, or  
30 other entity, or from within the State Long-Term Care  
31 Ombudsman Program.

32 (2) Develop by-laws for efficient operation and  
33 establish a yearly calendar, which shall be made public.

34 (3) Forward any complaints, with recommendations,

1 to the Department for possible action.

2 (4) Comment on issues pertaining to long-term care  
3 and the State Long-Term Care Ombudsman Program, evaluate  
4 and have oversight responsibilities regarding the State  
5 Long-Term Care Ombudsman Program's compliance with State  
6 and federal laws, and make recommendations to the  
7 Department and to other agencies, as appropriate.

8 (5) Advise the Department on all aspects of the  
9 Department's responsibilities under this Act for the  
10 State Long-Term Care Ombudsman Program.

11 (6) Advise the State Long-Term Care Ombudsman  
12 Program on matters pertaining to the quality of life and  
13 quality of care in the continuum of long-term care.

14 (7) Evaluate, comment on reports regarding, and  
15 make recommendations on the quality of life and quality  
16 of care in long-term care facilities, and on the duties  
17 and responsibilities of the State Long-Term Care  
18 Ombudsman Program to the federal and State governments  
19 and to other public agencies.

20 (8) Prepare and circulate an annual report to the  
21 Governor, the General Assembly, and other interested  
22 parties concerning the duties and accomplishments of the  
23 Illinois Long-Term Care Council and all other related  
24 matters pertaining to long-term care and the protection  
25 of resident' rights.

26 (9) Promote citizen input and participation,  
27 through statewide hearings or other means, regarding the  
28 policies of the State Long-Term Care Ombudsman Program.

29 (10) Recommend to the Governor, from a field of  
30 qualified candidates, 3 candidates for the position of  
31 State Long-Term Care Ombudsman, from which the Governor  
32 shall make his or her appointment.

33 (11) Recommend to the Governor the dismissal of a  
34 State Long-Term Care Ombudsman if the Illinois Long-Term

1 Care Council determines that the individual has not  
2 disclosed conflicts of interest or is unable to carry out  
3 the duties of the office as provided in this Act.

4 (12) Provide an opportunity for public input at  
5 each scheduled meeting.

6 (e) Composition and operation. The Illinois Long-Term  
7 Care Council shall be composed of 16 voting members concerned  
8 about the quality of life in long-term care facilities and  
9 protecting the rights of residents, 3 non-voting members from  
10 long-term care facilities, and State agency non-voting  
11 members. Voting and non-voting members shall be appointed for  
12 a 4-year term with initial appointments staggered with  
13 2-year, 3-year, and 4-year terms. A lottery will determine  
14 the terms of office for the voting members for the first  
15 term. The term of office does not apply to non-voting State  
16 agency members. Members may be re-appointed to a term but no  
17 member may be re-appointed to more than 2 consecutive terms.  
18 The Illinois Long-Term Care Council shall meet a minimum of 3  
19 times per calendar year, and at other times as determined by  
20 the by-laws. A member may designate a proxy for a meeting.

21 (f) Voting member requirements. All voting members shall  
22 be individuals who have demonstrated concern about the  
23 quality of life in long-term care facilities. No voting  
24 member shall have a conflict of interest. A minimum of 2  
25 voting members shall be current or former residents of  
26 long-term care facilities or the family member of a current  
27 or former resident of a long-term care facility. A minimum of  
28 2 voting members shall represent current or former long-term  
29 care facility resident councils or family councils. In order  
30 to ensure representation of consumers and the general public,  
31 criteria for consumer and general public members shall  
32 include: representation of different types of long-term care;  
33 representation of diverse backgrounds and various ethnic  
34 groups; representation of advocacy groups; geographic

1 representation; and representatives of employees of long-term  
2 care facilities.

3 (g) Non-voting member requirements. There shall be 2  
4 types of non-voting council members: long-term care facility  
5 members and State agency members. The non-voting long-term  
6 care facility members shall be long-term care facility  
7 employees or consultants as follows: one from a for-profit  
8 facility, one from a not-for-profit facility, and one from a  
9 county facility. The non-voting State agency members shall be  
10 representatives from the following: the Department of  
11 Veterans Affairs; the Department of Human Services; the  
12 Department of Public Health; the Department on Aging; the  
13 Department of Public Aid; the Illinois State Police Medicaid  
14 Fraud Control Unit; and others as appropriate. A  
15 representative of long-term care facility employees and a  
16 representative of Equip for Equality must also be included as  
17 non-voting members.

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.