

1 AMENDMENT TO HOUSE BILL 1240

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1240, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

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

7 (20 ILCS 105/4.04a new)

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

9 (a) Purpose. The purpose of this Section is to ensure  
10 that consumers over the age of 60 receive high quality  
11 long-term care through an effective and independent State  
12 Long-Term Care Ombudsman program.

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

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

22 (2) The Department shall appoint members to the

1 Illinois Long-Term Care Council in a timely manner.

2 (3) The Department shall consider, act in good  
3 faith regarding, and respond in writing to the complaints  
4 from the Illinois Long-Term Care Council, complaints that  
5 have been received by any agency or individual, the  
6 Illinois Long-Term Care Council's annual report, and its  
7 recommendations.

8 (4) The Department shall provide necessary staff  
9 for soliciting nominations for members to the Illinois  
10 Long-Term Care Council and a budget within its budget for  
11 the Illinois Long-Term Care Council to carry out its  
12 mandated responsibilities, including holding hearings and  
13 reimbursing travel for voting members who are long-term  
14 care facility residents and family members of long-term  
15 care facility residents.

16 (5) The Director of the Department shall appoint to  
17 the Illinois Long-Term Care Council at least 10 members  
18 but not more than 15 members. The State Long-Term Care  
19 Ombudsman shall appoint at least 5 members but not more  
20 than 10 members.

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

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

31 (1) Evaluate and monitor the Department's policies  
32 and procedures and make recommendations in order to solve  
33 or prevent conflicts of interest with the State Long-Term  
34 Care Ombudsman Program, the Department, State government,

1 any agency, individual, or other entity, or within the  
2 State Long-Term Care Ombudsman Program.

3 (2) Develop bylaws for efficient operation,  
4 including, but not limited to, rules regarding the  
5 chairmanship of the council, and establish a yearly  
6 calendar, which shall be made public.

7 (3) Forward any complaints, with recommendations,  
8 to the Department for possible action.

9 (4) Comment on issues pertaining to long-term care  
10 and the State Long-Term Care Ombudsman Program, evaluate  
11 the State Long-Term Care Ombudsman Program's compliance  
12 with State and federal laws, and make recommendations to  
13 the Department and to other agencies, as appropriate.

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

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

20 (7) Evaluate, comment on reports regarding, and  
21 make recommendations on the quality of life and quality  
22 of care in long-term care facilities, and on the duties  
23 and responsibilities of the State Long-Term Care  
24 Ombudsman Program to the federal and State governments  
25 and to other public agencies.

26 (8) Prepare and circulate an annual report to the  
27 Governor, the General Assembly, and other interested  
28 parties concerning the duties and accomplishments of the  
29 Illinois Long-Term Care Council and all other related  
30 matters pertaining to long-term care and the protection  
31 of resident' rights.

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

1           (10) Recommend to the Governor, from a field of  
2           qualified candidates, 3 candidates for the position of  
3           State Long-Term Care Ombudsman, from which the Governor  
4           may make his or her appointment.

5           (11) Recommend to the Governor the dismissal of a  
6           State Long-Term Care Ombudsman if the Illinois Long-Term  
7           Care Council determines that the individual has not  
8           disclosed conflicts of interest or is unable to carry out  
9           the duties of the office as provided in this Act.

10           (12) Provide an opportunity for public input at  
11           each scheduled meeting.

12           (e) Composition and operation. The Illinois Long-Term  
13           Care Council shall be composed of at least 16 members but not  
14           more than 26 members concerned about the quality of life in  
15           long-term care facilities and protecting the rights of  
16           residents of long-term care facilities. The State Long-Term  
17           Care Ombudsman shall be a permanent member of the Long-Term  
18           Care Council. Members shall be appointed for a 4-year term  
19           with initial appointments staggered with 2-year, 3-year, and  
20           4-year terms. A lottery shall determine the first terms of  
21           office for the initial members. Members may be reappointed to  
22           a term but no member may be reappointed to more than 2  
23           consecutive terms. The Illinois Long-Term Care Council shall  
24           meet a minimum of 3 times per calendar year.

25           (f) Member requirements. All members shall be  
26           individuals who have demonstrated concern about the quality  
27           of life in long-term care facilities. A minimum of 3 members  
28           must be current or former residents of long-term care  
29           facilities or the family member of a current or former  
30           resident of a long-term care facility. A minimum of 2 members  
31           shall represent current or former long-term care facility  
32           resident councils or family councils. There shall be  
33           non-voting State agency members on the Long-Term Care Council  
34           from the following agencies: (i) the Department of Veterans

1 Affairs; (ii) the Department of Human Services; (iii) the  
2 Department of Public Health; (iv) the Department on Aging;  
3 (v) the Department of Public Aid; (vi) the Illinois State  
4 Police Medicaid Fraud Unit; and (vii) others as appropriate.

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law."