



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB3037

Introduced 1/20/2006, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

210 ILCS 45/1-114.01

210 ILCS 45/2-201.5

210 ILCS 45/3-402

from Ch. 111 1/2, par. 4153-402

Amends the Nursing Home Care Act. Provides that "identified offender" includes (i) a person who has been convicted of any felony offense listed in certain provisions of the Health Care Worker Background Check Act in the 5 years preceding his or her admission to a nursing facility (adding the 5-year time period limitation) or (ii) a person who has ever been convicted of certain specified offenses, including murder, solicitation of murder, kidnapping, indecent solicitation of a child, aggravated domestic battery, and others. Provides that identified offenders shall not be admitted to a nursing home unless the screening agency has requested criminal history record information in accordance with the Uniform Conviction Information Act; provides that individuals may be admitted to a nursing home while the results of a criminal history record information request are pending. Creates an exemption from the restrictions on involuntary transfer or discharge of a nursing home resident if the resident has been found to be an identified offender. Effective immediately.

LRB094 17578 DRJ 52874 b

1 AN ACT concerning regulation.

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

4 Section 5. The Nursing Home Care Act is amended by changing
5 Sections 1-114.01, 2-201.5, and 3-402 as follows:

6 (210 ILCS 45/1-114.01)

7 Sec. 1-114.01. Identified offender. "Identified offender"
8 means a person who ~~has been convicted of any felony offense~~
9 ~~listed in Section 25 of the Health Care Worker Background Check~~
10 ~~Act,~~ is a registered sex offender, or is serving a term of
11 parole, mandatory supervised release, or probation for a felony
12 offense, or has been convicted of any felony offense listed in
13 Section 25 of the Health Care Worker Background Check Act in
14 the 5 years preceding his or her admission to a nursing
15 facility, or has ever been convicted of any the following
16 offenses under the Criminal Code of 1961:

17 (1) Solicitation of murder or solicitation of murder
18 for hire.

19 (2) First degree murder, drug-induced homicide,
20 involuntary manslaughter, reckless homicide, intentional
21 homicide of an unborn child, voluntary manslaughter of an
22 unborn child, involuntary manslaughter of an unborn child,
23 reckless homicide of an unborn child, or concealment of
24 homicidal death.

25 (3) Kidnaping or aggravated kidnaping.

26 (4) Indecent solicitation of a child, sexual
27 exploitation of a child, exploitation of a child, or child
28 pornography.

29 (5) Aggravated domestic battery, aggravated battery,
30 heinous battery, aggravated battery with a firearm,
31 aggravated battery with a machine gun, aggravated battery
32 of a child, aggravated battery of an unborn child,

1 aggravated battery of a senior citizen, or drug induced
2 infliction of great bodily harm.

3 (6) Criminal sexual assault or aggravated criminal
4 sexual assault.

5 (7) Criminal sexual abuse, aggravated criminal sexual
6 abuse, or predatory criminal sexual assault of a child.

7 (8) Abuse or criminal neglect of a long-term care
8 facility resident.

9 (9) Criminal abuse or neglect of an elderly or disabled
10 person.

11 (10) Financial exploitation of an elderly person or a
12 person with a disability.

13 (11) Armed robbery.

14 (12) Aggravated vehicular hijacking.

15 (13) Aggravated robbery.

16 (Source: P.A. 94-163, eff. 7-11-05.)

17 (210 ILCS 45/2-201.5)

18 Sec. 2-201.5. Screening prior to admission.

19 (a) All persons age 18 or older seeking admission to a
20 nursing facility must be screened to determine the need for
21 nursing facility services prior to being admitted, regardless
22 of income, assets, or funding source. In addition, any person
23 who seeks to become eligible for medical assistance from the
24 Medical Assistance Program under the Illinois Public Aid Code
25 to pay for long term care services while residing in a facility
26 must be screened prior to receiving those benefits. Screening
27 for nursing facility services shall be administered through
28 procedures established by administrative rule. Screening may
29 be done by agencies other than the Department as established by
30 administrative rule. This Section applies on and after July 1,
31 1996.

32 (b) In addition to the screening required by subsection
33 (a), identified offenders who seek admission to a licensed
34 facility shall not be admitted unless the screening agency has
35 requested criminal history record information in accordance

1 with the Uniform Conviction Information Act and the licensed
2 facility complies with the requirements of the Department's
3 administrative rules adopted pursuant to Section 3-202.3.
4 Individuals may be admitted to a licensed facility while the
5 results of a criminal history record information request are
6 pending.

7 (Source: P.A. 94-163, eff. 7-11-05.)

8 (210 ILCS 45/3-402) (from Ch. 111 1/2, par. 4153-402)

9 Sec. 3-402. Involuntary transfer or discharge of a resident
10 from a facility shall be preceded by the discussion required
11 under Section 3-408 and by a minimum written notice of 21 days,
12 except in one of the following instances:

13 (a) when an emergency transfer or discharge is ordered by
14 the resident's attending physician because of the resident's
15 health care needs; or

16 (b) when the transfer or discharge is mandated by the
17 physical safety of other residents, the facility staff, or
18 facility visitors, as documented in the clinical record, or the
19 resident has been found to be an identified offender as defined
20 in Section 1-114.01 of this Act. The Department shall be
21 notified prior to any such involuntary transfer or discharge.
22 The Department shall immediately offer transfer, or discharge
23 and relocation assistance to residents transferred or
24 discharged under this subparagraph (b), and the Department may
25 place relocation teams as provided in Section 3-419 of this
26 Act.

27 (Source: P.A. 84-1322.)

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.