



Sen. Deanna Demuzio

**Filed: 5/5/2009**

09600HB4237sam001

LRB096 07701 DRJ 26227 a

1 AMENDMENT TO HOUSE BILL 4237

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4237 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Veterans Affairs Act is  
5 amended by changing Section 2.10 as follows:

6 (20 ILCS 2805/2.10)

7 Sec. 2.10. Conflicts with the Nursing Home Care Act. If  
8 there is a conflict between the provisions of this Act and the  
9 provisions of the Nursing Home Care Act concerning an Illinois  
10 Veterans Home not operated by the Department of Veterans'  
11 Affairs, then the provisions of the Nursing Home Care Act shall  
12 apply. If there is a conflict between the provisions of this  
13 Act and the provisions of the Nursing Home Care Act concerning  
14 an Illinois Veterans Home operated by the Illinois Department  
15 of Veterans' Affairs, then the provisions of this Act shall  
16 apply.

1 (Source: P.A. 90-168, eff. 7-23-97.)

2 Section 10. The Nursing Home Care Act is amended by adding  
3 Sections 3-101.5 and 3-308.5 as follows:

4 (210 ILCS 45/3-101.5 new)

5 Sec. 3-101.5. Illinois Veterans Homes. An Illinois  
6 Veterans Home licensed under this Act and operated by the  
7 Illinois Department of Veterans' Affairs is exempt from the  
8 license fee provisions of Section 3-103 of this Act and the  
9 provisions of Sections 3-104 through 3-106, 3-202.5, 3-208,  
10 3-302, 3-303, 3-401 through 3-423, 3-503 through 3-517, and  
11 3-603 through 3-607 of this Act. A monitor or receiver shall be  
12 placed in an Illinois Veterans Home only by court order or by  
13 agreement between the Director of Public Health, the Director  
14 of Veterans' Affairs, and the Secretary of the United States  
15 Department of Veterans Affairs.

16 (210 ILCS 45/3-308.5 new)

17 Sec. 3-308.5. Facilities operated by Department of  
18 Veterans' Affairs; penalty offset.

19 (a) In the case of a veterans home, institution, or other  
20 place operated by or under the authority of the Illinois  
21 Department of Veterans' Affairs, the amount of any penalty or  
22 fine shall be offset by the cost of the plan of correction,  
23 capital improvements, or physical plant repairs. For purposes

1 of this Section only, "offset" means that the amount that the  
2 Illinois Department of Veterans' Affairs expends to pay for the  
3 cost of a plan of correction shall be deemed by the Illinois  
4 Department of Public Health to fully satisfy any monetary  
5 penalty or fine imposed by the Department of Public Health.  
6 Once a fine or monetary penalty is offset pursuant to this  
7 Section, in no case may the Department of Public Health, with  
8 respect to the offense for which the fine or penalty was  
9 levied, continue to purport to impose a fine or monetary  
10 penalty upon the Department of Veterans' Affairs for that  
11 violation.

12 (b) The Director of Public Health shall issue a Declaration  
13 to the Director of Veterans' Affairs confirming the citation of  
14 each Type "A" violation and request that immediate action be  
15 taken to protect the health and safety of the veterans in the  
16 facility.

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