



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5223

Introduced 2/3/2010, by Rep. Dan Reitz

SYNOPSIS AS INTRODUCED:

20 ILCS 105/8.09 new
210 ILCS 85/6.09

from Ch. 111 1/2, par. 147.09

Amends the Illinois Act on the Aging. Provides that no employee of the Department on Aging, the Area Agencies on Aging, or any agency under contract with the Department, shall make referrals to or disseminate information, either orally or in writing, regarding an unlicensed or uncertified program that is required by law to be licensed or certified. Further provides that information and referrals regarding a board and care home may not be made or provided unless the board and care home has furnished the Department or agency with a copy of its assisted living and shared housing license. Amends the Hospital Licensing Act. Requires hospitals to develop patient discharge procedures that include prohibitions against discharging or referring a patient to certain facilities if unlicensed or uncertified (rather than unlicensed, uncertified, or unregistered). Requires a board and care home to provide a hospital with a copy of its assisted living and shared housing license. Effective immediately.

LRB096 18387 KTG 33764 b

1 AN ACT concerning aging.

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 8.09 as follows:

6 (20 ILCS 105/8.09 new)

7 Sec. 8.09. Unlicensed or uncertified programs; board and
8 care homes. No employee of the Department, the Area Agencies on
9 Aging, or any agency under contract with the Department, shall
10 make referrals to or disseminate information, either orally or
11 in writing, regarding an unlicensed or uncertified program that
12 is required by law to be licensed or certified. Information and
13 referrals regarding a board and care home may not be made or
14 provided unless the board and care home has furnished the
15 Department or agency with a copy of its assisted living and
16 shared housing license. Use of the Department of Public
17 Health's annual list of licensed and certified facilities shall
18 satisfy compliance with this Section for all other programs.

19 Section 10. The Hospital Licensing Act is amended by
20 changing Section 6.09 as follows:

21 (210 ILCS 85/6.09) (from Ch. 111 1/2, par. 147.09)

1 (Text of Section before amendment by P.A. 96-339)

2 Sec. 6.09. (a) In order to facilitate the orderly
3 transition of aged and disabled patients from hospitals to
4 post-hospital care, whenever a patient who qualifies for the
5 federal Medicare program is hospitalized, the patient shall be
6 notified of discharge at least 24 hours prior to discharge from
7 the hospital. With regard to pending discharges to a skilled
8 nursing facility, the hospital must notify the case
9 coordination unit, as defined in 89 Ill. Adm. Code 240.260, at
10 least 24 hours prior to discharge or, if home health services
11 are ordered, the hospital must inform its designated case
12 coordination unit, as defined in 89 Ill. Adm. Code 240.260, of
13 the pending discharge and must provide the patient with the
14 case coordination unit's telephone number and other contact
15 information.

16 (b) Every hospital shall develop procedures for a physician
17 with medical staff privileges at the hospital or any
18 appropriate medical staff member to provide the discharge
19 notice prescribed in subsection (a) of this Section. The
20 procedures must include prohibitions against discharging or
21 referring a patient to any of the following if unlicensed or ~~7~~
22 ~~uncertified, or unregistered~~: (i) a board and care facility, as
23 defined in the Board and Care Home Act; (ii) an assisted living
24 and shared housing establishment, as defined in the Assisted
25 Living and Shared Housing Act; (iii) a facility licensed under
26 the Nursing Home Care Act; (iv) a supportive living facility,

1 as defined in Section 5-5.01a of the Illinois Public Aid Code;
2 or (v) a free-standing hospice facility licensed under the
3 Hospice Program Licensing Act if licensure or ~~7~~ certification,
4 ~~or registration~~ is required. The Department of Public Health
5 shall annually provide hospitals with a list of licensed and ~~7~~
6 certified, ~~or registered~~ board and care facilities, assisted
7 living and shared housing establishments, nursing homes,
8 supportive living facilities, and hospice facilities. Reliance
9 upon this list by a hospital shall satisfy compliance with this
10 requirement for all types of facilities except a board and care
11 home, which must provide a hospital with a copy of its assisted
12 living and shared housing license. The procedure may also
13 include a waiver for any case in which a discharge notice is
14 not feasible due to a short length of stay in the hospital by
15 the patient, or for any case in which the patient voluntarily
16 desires to leave the hospital before the expiration of the 24
17 hour period.

18 (c) At least 24 hours prior to discharge from the hospital,
19 the patient shall receive written information on the patient's
20 right to appeal the discharge pursuant to the federal Medicare
21 program, including the steps to follow to appeal the discharge
22 and the appropriate telephone number to call in case the
23 patient intends to appeal the discharge.

24 (Source: P.A. 94-335, eff. 7-26-05; 95-80, eff. 8-13-07;
25 95-651, eff. 10-11-07; 95-876, eff. 8-21-08.)

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23 defined in the Board and Care Home Act; (ii) an assisted living
24 and shared housing establishment, as defined in the Assisted
25 Living and Shared Housing Act; (iii) a facility licensed under
26 the Nursing Home Care Act or the MR/DD Community Care Act; (iv)

1 a supportive living facility, as defined in Section 5-5.01a of
2 the Illinois Public Aid Code; or (v) a free-standing hospice
3 facility licensed under the Hospice Program Licensing Act if
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26 95-876, eff. 8-21-08; 96-339, eff. 7-1-10.)

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.