



Human Services Committee

Filed: 3/10/2010

09600HB5323ham001

LRB096 17650 KTG 38375 a

1 AMENDMENT TO HOUSE BILL 5323

2 AMENDMENT NO. _____. Amend House Bill 5323 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The MR/DD Community Care Act is amended by
5 changing Sections 2-112, 2-203, 2-204, and 3-303.1 as follows:

6 (210 ILCS 47/2-112)

7 (This Section may contain text from a Public Act with a
8 delayed effective date)

9 Sec. 2-112. Grievances. A resident shall be permitted to
10 present grievances on behalf of himself or herself or others to
11 the administrator, the DD ~~Long Term Care~~ Facility Advisory
12 Board established under Section 2-204 of this Act ~~the Nursing~~
13 ~~Home Care Act~~, the residents' advisory council, State
14 governmental agencies or other persons without threat of
15 discharge or reprisal in any form or manner whatsoever. The
16 administrator shall provide all residents or their

1 representatives with the name, address, and telephone number of
2 the appropriate State governmental office where complaints may
3 be lodged.

4 (Source: P.A. 96-339, eff. 7-1-10.)

5 (210 ILCS 47/2-203)

6 (This Section may contain text from a Public Act with a
7 delayed effective date)

8 Sec. 2-203. Residents' advisory council. Each facility
9 shall establish a residents' advisory council. The
10 administrator shall designate a member of the facility staff to
11 coordinate the establishment of, and render assistance to, the
12 council.

13 (a) The composition of the residents' advisory council
14 shall be specified by Department regulation, but no employee or
15 affiliate of a facility shall be a member of any council.

16 (b) The council shall meet at least once each month with
17 the staff coordinator who shall provide assistance to the
18 council in preparing and disseminating a report of each meeting
19 to all residents, the administrator, and the staff.

20 (c) Records of the council meetings will be maintained in
21 the office of the administrator.

22 (d) The residents' advisory council may communicate to the
23 administrator the opinions and concerns of the residents. The
24 council shall review procedures for implementing resident
25 rights, facility responsibilities and make recommendations for

1 changes or additions which will strengthen the facility's
2 policies and procedures as they affect residents' rights and
3 facility responsibilities.

4 (e) The council shall be a forum for:

5 (1) Obtaining and disseminating information;

6 (2) Soliciting and adopting recommendations for
7 facility programing and improvements;

8 (3) Early identification and for recommending orderly
9 resolution of problems.

10 (f) The council may present complaints as provided in
11 Section 3-702 on behalf of a resident to the Department, the DD
12 ~~Long Term Care~~ Facility Advisory Board established under
13 Section 2-204 of this Act ~~the Nursing Home Care Act~~ or to any
14 other person it considers appropriate.

15 (Source: P.A. 96-339, eff. 7-1-10.)

16 (210 ILCS 47/2-204)

17 (This Section may contain text from a Public Act with a
18 delayed effective date)

19 Sec. 2-204. DD Long Term Care Facility Advisory Board. The
20 Director shall appoint a DD Facility Advisory Board to consult
21 with the Department and the residents' advisory councils
22 created under Section 2-203.

23 (a) The Advisory Board shall be composed of the following
24 persons:

25 (1) the Director who shall serve as chairperson, ex

1 officio, and nonvoting;

2 (2) one representative each of the Department of
3 Healthcare and Family Services, the Department of Human
4 Services, and the Office of the State Fire Marshal, all
5 nonvoting members;

6 (3) one member who shall be a physician licensed to
7 practice medicine in all its branches;

8 (4) one member who shall be a behavioral specialist
9 selected from the recommendations of the Department of
10 Human Services;

11 (5) three members who shall be selected from the
12 recommendations by organizations whose membership consists
13 of facilities;

14 (6) two members who shall represent the general public
15 who are not members of a residents' advisory council
16 established under Section 2-203 and who have no
17 responsibility for management or formation of policy or
18 financial interest in a facility;

19 (7) one member who is a member of a residents' advisory
20 council established under Section 2-203 and is capable of
21 actively participating on the Advisory Board; and

22 (8) one member who shall be selected from the
23 recommendations of consumer organizations that engage
24 solely in advocacy or legal representation on behalf of
25 residents and their immediate families.

26 (b) The Advisory Board shall meet as frequently as the

1 chairperson deems necessary, but not less than 4 times each
2 year. Upon request by 4 or more members, the chairperson shall
3 call a meeting of the Advisory Board. The affirmative vote of 6
4 members of the Advisory Board shall be necessary for Advisory
5 Board action. A member of the Advisory Board may designate a
6 replacement to serve at the Advisory Board meeting and vote in
7 place of the member by submitting a letter of designation to
8 the chairperson prior to or at the Advisory Board meeting. The
9 Advisory Board members shall be reimbursed for their actual
10 expenses incurred in the performance of their duties.

11 (c) The Advisory Board shall advise the Department of
12 Public Health on all aspects of its responsibilities under this
13 Act, including the format and content of any rules promulgated
14 by the Department of Public Health. Any such rules, except
15 emergency rules promulgated pursuant to Section 5-45 of the
16 Illinois Administrative Procedure Act, promulgated without
17 obtaining the advice of the Advisory Board are null and void.
18 If the Department fails to follow the advice of the Advisory
19 Board, the Department shall, prior to the promulgation of such
20 rules, transmit a written explanation of the reason therefor to
21 the Advisory Board. During its review of rules, the Advisory
22 Board shall analyze the economic and regulatory impact of those
23 rules. If the Advisory Board, having been asked for its advice,
24 fails to advise the Department within 90 days, the rules shall
25 be considered acted upon. ~~The Long Term Care Facility Advisory~~
26 ~~Board established under Section 2-204 of the Nursing Home Care~~

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2 ~~of its responsibilities under this Act, including the format~~
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14 ~~advise the Department within 90 days, the rules shall be~~
15 ~~considered acted upon.~~

16 (Source: P.A. 96-339, eff. 7-1-10.)

17 (210 ILCS 47/3-303.1)

18 (This Section may contain text from a Public Act with a
19 delayed effective date)

20 Sec. 3-303.1. Waiver of facility's compliance with rule or
21 standard. Upon application by a facility, the Director may
22 grant or renew the waiver of the facility's compliance with a
23 rule or standard for a period not to exceed the duration of the
24 current license or, in the case of an application for license
25 renewal, the duration of the renewal period. The waiver may be

1 conditioned upon the facility taking action prescribed by the
2 Director as a measure equivalent to compliance. In determining
3 whether to grant or renew a waiver, the Director shall consider
4 the duration and basis for any current waiver with respect to
5 the same rule or standard and the validity and effect upon
6 patient health and safety of extending it on the same basis,
7 the effect upon the health and safety of residents, the quality
8 of resident care, the facility's history of compliance with the
9 rules and standards of this Act and the facility's attempts to
10 comply with the particular rule or standard in question. The
11 Department may provide, by rule, for the automatic renewal of
12 waivers concerning physical plant requirements upon the
13 renewal of a license. The Department shall renew waivers
14 relating to physical plant standards issued pursuant to this
15 Section at the time of the indicated reviews, unless it can
16 show why such waivers should not be extended for the following
17 reasons:

18 (a) the condition of the physical plant has deteriorated or
19 its use substantially changed so that the basis upon which the
20 waiver was issued is materially different; or

21 (b) the facility is renovated or substantially remodeled in
22 such a way as to permit compliance with the applicable rules
23 and standards without substantial increase in cost. A copy of
24 each waiver application and each waiver granted or renewed
25 shall be on file with the Department and available for public
26 inspection. The Director shall annually review such file and

1 recommend to the DD ~~Long Term Care~~ Facility Advisory Board
2 established under Section 2-204 of this Act ~~Section 2-204 of~~
3 ~~the Nursing Home Care Act~~ any modification in rules or
4 standards suggested by the number and nature of waivers
5 requested and granted and the difficulties faced in compliance
6 by similarly situated facilities.

7 (Source: P.A. 96-339, eff. 7-1-10.)

8 Section 99. Effective date. This Act takes effect July 1,
9 2010."