

SB1782



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1782

Introduced 2/20/2009, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

210 ILCS 45/2-201

from Ch. 111 1/2, par. 4152-201

Amends the Nursing Home Care Act. Makes a technical change in a Section concerning funds of residents.

LRB096 08401 DRJ 18513 b

A BILL FOR

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 Section 2-201 as follows:

6 (210 ILCS 45/2-201) (from Ch. 111 1/2, par. 4152-201)

7 Sec. 2-201. To protect the ~~the~~ residents' funds, the
8 facility:

9 (1) Shall at the time of admission provide, in order of
10 priority, each resident, or the resident's guardian, if any, or
11 the resident's representative, if any, or the resident's
12 immediate family member, if any, with a written statement
13 explaining to the resident and to the resident's spouse (a)
14 their spousal impoverishment rights, as defined at Section 5-4
15 of the Illinois Public Aid Code, and at Section 303 of Title
16 III of the Medicare Catastrophic Coverage Act of 1988 (P.L.
17 100-360), and (b) the resident's rights regarding personal
18 funds and listing the services for which the resident will be
19 charged. The facility shall obtain a signed acknowledgment from
20 each resident or the resident's guardian, if any, or the
21 resident's representative, if any, or the resident's immediate
22 family member, if any, that such person has received the
23 statement.

1 (2) May accept funds from a resident for safekeeping and
2 managing, if it receives written authorization from, in order
3 of priority, the resident or the resident's guardian, if any,
4 or the resident's representative, if any, or the resident's
5 immediate family member, if any; such authorization shall be
6 attested to by a witness who has no pecuniary interest in the
7 facility or its operations, and who is not connected in any way
8 to facility personnel or the administrator in any manner
9 whatsoever.

10 (3) Shall maintain and allow, in order of priority, each
11 resident or the resident's guardian, if any, or the resident's
12 representative, if any, or the resident's immediate family
13 member, if any, access to a written record of all financial
14 arrangements and transactions involving the individual
15 resident's funds.

16 (4) Shall provide, in order of priority, each resident, or
17 the resident's guardian, if any, or the resident's
18 representative, if any, or the resident's immediate family
19 member, if any, with a written itemized statement at least
20 quarterly, of all financial transactions involving the
21 resident's funds.

22 (5) Shall purchase a surety bond, or otherwise provide
23 assurance satisfactory to the Departments of Public Health and
24 Insurance that all residents' personal funds deposited with the
25 facility are secure against loss, theft, and insolvency.

26 (6) Shall keep any funds received from a resident for

1 safekeeping in an account separate from the facility's funds,
2 and shall at no time withdraw any part or all of such funds for
3 any purpose other than to return the funds to the resident upon
4 the request of the resident or any other person entitled to
5 make such request, to pay the resident his allowance, or to
6 make any other payment authorized by the resident or any other
7 person entitled to make such authorization.

8 (7) Shall deposit any funds received from a resident in
9 excess of \$100 in an interest bearing account insured by
10 agencies of, or corporations chartered by, the State or federal
11 government. The account shall be in a form which clearly
12 indicates that the facility has only a fiduciary interest in
13 the funds and any interest from the account shall accrue to the
14 resident. The facility may keep up to \$100 of a resident's
15 money in a non-interest bearing account or petty cash fund, to
16 be readily available for the resident's current expenditures.

17 (8) Shall return to the resident, or the person who
18 executed the written authorization required in subsection (2)
19 of this Section, upon written request, all or any part of the
20 resident's funds given the facility for safekeeping, including
21 the interest accrued from deposits.

22 (9) Shall (a) place any monthly allowance to which a
23 resident is entitled in that resident's personal account, or
24 give it to the resident, unless the facility has written
25 authorization from the resident or the resident's guardian or
26 if the resident is a minor, his parent, to handle it

1 differently, (b) take all steps necessary to ensure that a
2 personal needs allowance that is placed in a resident's
3 personal account is used exclusively by the resident or for the
4 benefit of the resident, and (c) where such funds are withdrawn
5 from the resident's personal account by any person other than
6 the resident, require such person to whom funds constituting
7 any part of a resident's personal needs allowance are released,
8 to execute an affidavit that such funds shall be used
9 exclusively for the benefit of the resident.

10 (10) Unless otherwise provided by State law, upon the death
11 of a resident, shall provide the executor or administrator of
12 the resident's estate with a complete accounting of all the
13 resident's personal property, including any funds of the
14 resident being held by the facility.

15 (11) If an adult resident is incapable of managing his
16 funds and does not have a resident's representative, guardian,
17 or an immediate family member, shall notify the Office of the
18 State Guardian of the Guardianship and Advocacy Commission.

19 (12) If the facility is sold, shall provide the buyer with
20 a written verification by a public accountant of all residents'
21 monies and properties being transferred, and obtain a signed
22 receipt from the new owner.

23 (Source: P.A. 86-410; 86-486; 86-1028; 87-551; 87-1122.)