



Rep. Kent Gaffney

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09700HB5633ham002

LRB097 17001 CEL 68078 a

1 AMENDMENT TO HOUSE BILL 5633

2 AMENDMENT NO. _____. Amend House Bill 5633 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Nursing Home Care Act is amended by
5 changing Section 2-110 as follows:

6 (210 ILCS 45/2-110) (from Ch. 111 1/2, par. 4152-110)

7 Sec. 2-110. (a) The resident has the right to immediate
8 access to individuals listed in paragraphs (1) through (6) of
9 this subsection and the facility must provide immediate access
10 to any resident by individuals listed in paragraphs (1) through
11 (6) of this subsection:

12 (1) any representative of the State;

13 (2) the resident's individual physician;

14 (3) the State's long-term care ombudsman, established
15 under Section 307(a)(12) of the federal Older Americans Act
16 of 1965;

1 (4) the agency responsible for the protection and
2 advocacy system for mentally ill individuals established
3 under the Protection and Advocacy for Mentally Ill Persons
4 Act;

5 (5) immediate family or other relatives of the resident
6 subject to the resident's right to deny or withdraw consent
7 at any time; and

8 (6) others who are visiting with the consent of the
9 resident subject to reasonable restrictions and the
10 resident's right to deny or withdraw consent at any time.

11 ~~Any employee or agent of a public agency, any~~
12 ~~representative of a community legal services program or any~~
13 ~~other member of the general public shall be permitted access at~~
14 ~~reasonable hours to any individual resident of any facility,~~
15 ~~but only if there is neither a commercial purpose nor effect to~~
16 ~~such access and if the purpose is to do any of the following:~~

17 ~~(1) Visit, talk with and make personal, social and~~
18 ~~legal services available to all residents;~~

19 ~~(2) Inform residents of their rights and entitlements~~
20 ~~and their corresponding obligations, under federal and~~
21 ~~State laws, by means of educational materials and~~
22 ~~discussions in groups and with individual residents;~~

23 ~~(3) Assist residents in asserting their legal rights~~
24 ~~regarding claims for public assistance, medical assistance~~
25 ~~and social security benefits, as well as in all other~~
26 ~~matters in which residents are aggrieved. Assistance may~~

1 ~~include counseling and litigation; or~~

2 ~~(4) Engage in other methods of asserting, advising and~~
3 ~~representing residents so as to extend to them full~~
4 ~~enjoyment of their rights.~~

5 (a-3) The facility shall provide reasonable access to any
6 entity or individual that provides health, social, legal, or
7 other services to the resident, subject to the resident's right
8 to deny or withdraw consent at any time.

9 (a-5) If a resident of a licensed facility is an identified
10 offender, any federal, State, or local law enforcement officer
11 or county probation officer shall be permitted reasonable
12 access to the individual resident to verify compliance with the
13 requirements of the Sex Offender Registration Act, to verify
14 compliance with the requirements of Public Act 94-163 and this
15 amendatory Act of the 94th General Assembly, or to verify
16 compliance with applicable terms of probation, parole, or
17 mandatory supervised release.

18 (b) All persons entering a facility under this Section
19 shall promptly notify appropriate facility personnel of their
20 presence. They shall, upon request, produce identification to
21 establish their identity and the identity of the agency,
22 program, or organization they represent. No such person shall
23 enter the immediate living area of any resident without first
24 identifying himself and then receiving permission from the
25 resident to enter. The rights of other residents present in the
26 room shall be respected. A resident may terminate at any time a

1 visit by a person having access to the resident's living area
2 under this Section, upon which the visitor must immediately
3 leave the living area.

4 (c) This Section shall not limit the power of the
5 Department or other public agency otherwise permitted or
6 required by law to enter and inspect a facility, including any
7 employee or agent of a public agency acting in response to an
8 order of the court.

9 (d) Notwithstanding paragraph (a) of this Section, the
10 administrator of a facility may refuse access to the facility
11 to any person if the presence of that person in the facility
12 would be injurious to the health and safety of a resident or
13 would threaten the security of the property of a resident or
14 the facility, or if the person seeks access to the facility for
15 commercial purposes. Any person refused access to a facility
16 may within 10 days request a hearing under Section 3-703. In
17 that proceeding, the burden of proof as to the right of the
18 facility to refuse access under this Section shall be on the
19 facility.

20 (Source: P.A. 94-163, eff. 7-11-05; 94-752, eff. 5-10-06.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."