



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5633

Introduced 2/15/2012, by Rep. Kent Gaffney

SYNOPSIS AS INTRODUCED:

210 ILCS 45/2-110

from Ch. 111 1/2, par. 4152-110

Amends the Nursing Home Care Act. Provides that certain persons shall be permitted access at reasonable hours to a resident of a facility "with the resident's consent". Provides that every individual entering a facility as authorized under these provisions shall promptly notify the administrator or the administrator's designee of his or her presence and request access to those residents who have given consent. Places restrictions on access to a resident's immediate living area, and imposes other requirements with respect to access to residents. Provides that a resident may terminate a visit under these provisions at any time. Provides that if a legal guardian has been appointed for a resident by a probate court, any individual requesting personal, legal, financial, or medical information from the resident must have sought and received prior written approval from the guardian before seeking access to the resident and must present evidence of that approval to the administrator or the administrator's designee upon entering the facility. Effective immediately.

LRB097 17001 DRJ 62192 b

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 2-110 as follows:

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

7 Sec. 2-110. (a) Any employee or agent of a public agency,
8 any representative of a community legal services program or any
9 other member of the general public shall be permitted access at
10 reasonable hours to any individual resident of any facility,
11 with the resident's consent, but only if there is neither a
12 commercial purpose nor effect to such access and if the purpose
13 is to do any of the following:

14 (1) Visit, talk with and make personal, social and
15 legal services available to all residents;

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

20 (3) Assist residents in asserting their legal rights
21 regarding claims for public assistance, medical assistance
22 and social security benefits, as well as in all other
23 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 Every individual, regardless of whether he or she is an
6 employee or agent of a public agency, a representative of a
7 community legal services program, or a member of the general
8 public, entering a facility as authorized under this Section
9 shall promptly notify the administrator or the administrator's
10 designee of his or her presence and request access to those
11 residents who have given consent to such access. Every visitor
12 to whom this Section applies must, upon request, produce
13 identification to establish his or her identity and the
14 identity of the agency, program, or organization he or she
15 represents, the purpose of his or her visit, and copies of all
16 informational materials, including but not limited to
17 applications for services for which interested residents will
18 be asked to provide personal, legal, financial, or medical
19 information.

20 No visitor may enter the immediate living area of any
21 resident without first identifying himself or herself and then
22 receiving permission to enter. The rights of other residents
23 present in the room must be respected. This includes the
24 requirement that a resident who has consented to an interview
25 must be interviewed in another location if the other residents
26 present in the room have denied consent to the interview taking

1 place in that room.

2 A resident may terminate a visit under this Section at any
3 time. Upon a resident's termination of a visit under this
4 Section, the visitor must immediately leave the living area or
5 alternative meeting area and notify the front desk that the
6 visit has been terminated at the resident's request.

7 If a legal guardian has been appointed for a resident by a
8 probate court, any individual, whether an employee or agent of
9 a public agency, a representative of a community legal services
10 program, or a member of the general public, requesting
11 personal, legal, financial, or medical information from the
12 resident must have sought and received prior written approval
13 from the guardian before seeking access to the resident and
14 must present evidence of that approval to the administrator or
15 the administrator's designee upon entering the facility.

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

25 (b) All persons entering a facility under this Section
26 shall promptly notify appropriate facility personnel of their

1 presence. They shall, upon request, produce identification to
2 establish their identity. No such person shall enter the
3 immediate living area of any resident without first identifying
4 himself and then receiving permission from the resident to
5 enter. The rights of other residents present in the room shall
6 be respected. A resident may terminate at any time a visit by a
7 person having access to the resident's living area under this
8 Section.

9 (c) This Section shall not limit the power of the
10 Department or other public agency otherwise permitted or
11 required by law to enter and inspect a facility.

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

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

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.