



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2630

Introduced 2/21/2013, by Rep. Silvana Tabares

SYNOPSIS AS INTRODUCED:

210 ILCS 45/2-208 from Ch. 111 1/2, par. 4152-208
210 ILCS 47/2-208
210 ILCS 48/2-208

Amends the Nursing Home Care Act, the ID/DD Community Care Act, and the Specialized Mental Health Rehabilitation Act. Provides that written notice of the death of a resident which occurs at a facility, or the death of a resident who has not been discharged from a facility but whose death occurs elsewhere, shall within 10 days of the resident's death be mailed to the Department of Public Health. Provides that the Department, for the primary purpose of monitoring patterns of abuse and neglect of residents, shall make such notices available to the Guardianship and Advocacy Commission and to the agency designated by the Governor under the Protection and Advocacy for Developmentally Disabled Persons Act. Provides that the notice shall include the name of the resident, the name and address of the facility at which the death occurred, the resident's age, the nature of the resident's condition, including any evidence of previous injuries or disabilities or relevant medical conditions, and any other information which might be helpful in establishing the cause of death. Effective immediately.

LRB098 10469 DRJ 40692 b

FISCAL NOTE ACT
MAY APPLY

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 2-208 as follows:

6 (210 ILCS 45/2-208) (from Ch. 111 1/2, par. 4152-208)

7 Sec. 2-208. Notice of resident's death or imminent death.

8 (a) A facility shall immediately notify the resident's next
9 of kin, representative and physician of the resident's death or
10 when the resident's death appears to be imminent.

11 (b) Written notice of the death of a resident which occurs
12 at a facility, or the death of a resident who has not been
13 discharged from a facility but whose death occurs elsewhere,
14 shall within 10 days of the resident's death be mailed to the
15 Department of Public Health. The Department, for the primary
16 purpose of monitoring patterns of abuse and neglect of
17 residents, shall make such notices available to the
18 Guardianship and Advocacy Commission and to the agency
19 designated by the Governor under Section 1 of the Protection
20 and Advocacy for Developmentally Disabled Persons Act. The
21 notice shall include the name of the resident, the name and
22 address of the facility at which the death occurred, the
23 resident's age, the nature of the resident's condition,

1 including any evidence of previous injuries or disabilities or
2 relevant medical conditions, and any other information which
3 might be helpful in establishing the cause of death.

4 (Source: P.A. 81-223.)

5 Section 10. The ID/DD Community Care Act is amended by
6 changing Section 2-208 as follows:

7 (210 ILCS 47/2-208)

8 Sec. 2-208. Notice of death or imminent death, unusual
9 incident, abuse, or neglect.

10 (a) A facility shall immediately notify the identified
11 resident's next of kin, guardian, resident's representative,
12 and physician of the resident's death or when the resident's
13 death appears to be imminent. A facility shall immediately
14 notify the Department by telephone of a resident's death within
15 24 hours after the resident's death. The facility shall notify
16 the Department of the death of a facility's resident that does
17 not occur in the facility immediately upon learning of the
18 death. A facility shall promptly notify the coroner or medical
19 examiner of a resident's death in a manner and form to be
20 determined by the Department after consultation with the
21 coroner or medical examiner of the county in which the facility
22 is located. In addition to notice to the Department by
23 telephone, the Department shall require the facility to submit
24 written notification of the death of a resident within 72 hours

1 after the death, including a report of any medication errors or
2 other incidents that occurred within 30 days of the resident's
3 death. A facility's failure to comply with this Section shall
4 constitute a Type "B" violation.

5 (a-5) Written notice of the death of a resident which
6 occurs at a facility, or the death of a resident who has not
7 been discharged from a facility but whose death occurs
8 elsewhere, shall within 10 days of the resident's death be
9 mailed to the Department of Public Health. The Department, for
10 the primary purpose of monitoring patterns of abuse and neglect
11 of residents, shall make such notices available to the
12 Guardianship and Advocacy Commission and to the agency
13 designated by the Governor under Section 1 of the Protection
14 and Advocacy for Developmentally Disabled Persons Act. The
15 notice shall include the name of the resident, the name and
16 address of the facility at which the death occurred, the
17 resident's age, the nature of the resident's condition,
18 including any evidence of previous injuries or disabilities or
19 relevant medical conditions, and any other information which
20 might be helpful in establishing the cause of death.

21 (b) A facility shall immediately notify the resident's next
22 of kin, guardian, or resident representative of any unusual
23 incident, abuse, or neglect involving the resident. A facility
24 shall immediately notify the Department by telephone of any
25 unusual incident, abuse, or neglect required to be reported
26 pursuant to State law or administrative rule. In addition to

1 notice to the Department by telephone, the Department shall
2 require the facility to submit written notification of any
3 unusual incident, abuse, or neglect within one day after the
4 unusual incident, abuse, or neglect occurring. A facility's
5 failure to comply with this Section shall constitute a Type "B"
6 violation. For purposes of this Section, "unusual incident"
7 means serious injury; unscheduled hospital visit for treatment
8 of serious injury; 9-1-1 calls for emergency services directly
9 relating to a resident threat; or stalking of staff or person
10 served that raises health or safety concerns.

11 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11.)

12 Section 15. The Specialized Mental Health Rehabilitation
13 Act is amended by changing Section 2-208 as follows:

14 (210 ILCS 48/2-208)

15 Sec. 2-208. Notice of death or imminent death.

16 (a) A facility shall immediately notify the resident's next
17 of kin, representative and physician of the resident's death or
18 when the resident's death appears to be imminent.

19 (b) Written notice of the death of a resident which occurs
20 at a facility, or the death of a resident who has not been
21 discharged from a facility but whose death occurs elsewhere,
22 shall within 10 days of the resident's death be mailed to the
23 Department of Public Health. The Department, for the primary
24 purpose of monitoring patterns of abuse and neglect of

1 residents, shall make such notices available to the
2 Guardianship and Advocacy Commission and to the agency
3 designated by the Governor under Section 1 of the Protection
4 and Advocacy for Developmentally Disabled Persons Act. The
5 notice shall include the name of the resident, the name and
6 address of the facility at which the death occurred, the
7 resident's age, the nature of the resident's condition,
8 including any evidence of previous injuries or disabilities or
9 relevant medical conditions, and any other information which
10 might be helpful in establishing the cause of death.

11 (Source: P.A. 97-38, eff. 6-28-11.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.