



Rep. Naomi D. Jakobsson

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LRB098 05008 RPS 59009 a

1 AMENDMENT TO SENATE BILL 798

2 AMENDMENT NO. _____. Amend Senate Bill 798 on page 13,
3 immediately below line 7, by inserting the following:

4 "Section 10. 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) 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 but only if there is neither a commercial purpose nor effect to
12 such access and if the purpose is to do any of the following:

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

15 (2) Inform residents of their rights and entitlements
16 and their corresponding obligations, under federal and

1 State laws, by means of educational materials and
2 discussions in groups and with individual residents;

3 (3) Assist residents in asserting their legal rights
4 regarding claims for public assistance, medical assistance
5 and social security benefits, as well as in all other
6 matters in which residents are aggrieved. Assistance may
7 include counseling and litigation; or

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

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

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

1 be respected. A resident may terminate at any time a visit by a
2 person having access to the resident's living area under this
3 Section.

4 (c) This Section shall not limit the power of the
5 Department or other public agency, including, but not limited
6 to, the State Long Term Care Ombudsman Program, otherwise
7 permitted or required by federal or State law to enter and
8 inspect a facility or communicate privately and without
9 restriction with a resident who consents to the communication,
10 regardless of the consent of, or withholding of consent by, a
11 legal guardian or an agent named in a power of attorney
12 executed by the resident.

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

24 (Source: P.A. 98-558, eff. 1-1-14.)".