

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Hospital Licensing Act is amended by
5 changing Section 6.09 as follows:

6 (210 ILCS 85/6.09) (from Ch. 111 1/2, par. 147.09)

7 Sec. 6.09. (a) In order to facilitate the orderly
8 transition of aged patients and patients with disabilities from
9 hospitals to post-hospital care, whenever a patient who
10 qualifies for the federal Medicare program is hospitalized, the
11 patient shall be notified of discharge at least 24 hours prior
12 to discharge from the hospital. With regard to pending
13 discharges to a skilled nursing facility, the hospital must
14 notify the case coordination unit, as defined in 89 Ill. Adm.
15 Code 240.260, at least 24 hours prior to discharge. When the
16 assessment is completed in the hospital, the case coordination
17 unit shall provide ~~the discharge planner with~~ a copy of the
18 required assessment documentation directly to the nursing home
19 to which the patient is being discharged prior to discharge.
20 The Department on Aging shall provide notice of this
21 requirement to case coordination units. When a case
22 coordination unit is unable to complete an assessment in a
23 hospital prior to the discharge of a patient, 60 years of age

1 or older, to a nursing home, the case coordination unit shall
2 notify the Department on Aging which shall notify the
3 Department of Healthcare and Family Services. The Department of
4 Healthcare and Family Services and the Department on Aging
5 shall adopt rules to address these instances to ensure that the
6 patient is able to access nursing home care, the nursing home
7 is not penalized for accepting the admission, and the patient's
8 timely discharge from the hospital is not delayed, to the
9 extent permitted under federal law or regulation. Nothing in
10 this subsection shall preclude federal requirements for a
11 pre-admission screening/mental health (PAS/MH) as required
12 under Section 2-201.5 of the Nursing Home Care Act or State or
13 federal law or regulation. ~~prescreening information and~~
14 ~~accompanying materials, which the discharge planner shall~~
15 ~~transmit when the patient is discharged to a skilled nursing~~
16 ~~facility.~~ If home health services are ordered, the hospital
17 must inform its designated case coordination unit, as defined
18 in 89 Ill. Adm. Code 240.260, of the pending discharge and must
19 provide the patient with the case coordination unit's telephone
20 number and other contact information.

21 (b) Every hospital shall develop procedures for a physician
22 with medical staff privileges at the hospital or any
23 appropriate medical staff member to provide the discharge
24 notice prescribed in subsection (a) of this Section. The
25 procedures must include prohibitions against discharging or
26 referring a patient to any of the following if unlicensed,

1 uncertified, or unregistered: (i) a board and care facility, as
2 defined in the Board and Care Home Act; (ii) an assisted living
3 and shared housing establishment, as defined in the Assisted
4 Living and Shared Housing Act; (iii) a facility licensed under
5 the Nursing Home Care Act, the Specialized Mental Health
6 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
7 the MC/DD Act; (iv) a supportive living facility, as defined in
8 Section 5-5.01a of the Illinois Public Aid Code; or (v) a
9 free-standing hospice facility licensed under the Hospice
10 Program Licensing Act if licensure, certification, or
11 registration is required. The Department of Public Health shall
12 annually provide hospitals with a list of licensed, certified,
13 or registered board and care facilities, assisted living and
14 shared housing establishments, nursing homes, supportive
15 living facilities, facilities licensed under the ID/DD
16 Community Care Act, the MC/DD Act, or the Specialized Mental
17 Health Rehabilitation Act of 2013, and hospice facilities.
18 Reliance upon this list by a hospital shall satisfy compliance
19 with this requirement. The procedure may also include a waiver
20 for any case in which a discharge notice is not feasible due to
21 a short length of stay in the hospital by the patient, or for
22 any case in which the patient voluntarily desires to leave the
23 hospital before the expiration of the 24 hour period.

24 (c) At least 24 hours prior to discharge from the hospital,
25 the patient shall receive written information on the patient's
26 right to appeal the discharge pursuant to the federal Medicare

1 program, including the steps to follow to appeal the discharge
2 and the appropriate telephone number to call in case the
3 patient intends to appeal the discharge.

4 (d) Before transfer of a patient to a long term care
5 facility licensed under the Nursing Home Care Act where elderly
6 persons reside, a hospital shall as soon as practicable
7 initiate a name-based criminal history background check by
8 electronic submission to the Department of State Police for all
9 persons between the ages of 18 and 70 years; provided, however,
10 that a hospital shall be required to initiate such a background
11 check only with respect to patients who:

12 (1) are transferring to a long term care facility for
13 the first time;

14 (2) have been in the hospital more than 5 days;

15 (3) are reasonably expected to remain at the long term
16 care facility for more than 30 days;

17 (4) have a known history of serious mental illness or
18 substance abuse; and

19 (5) are independently ambulatory or mobile for more
20 than a temporary period of time.

21 A hospital may also request a criminal history background
22 check for a patient who does not meet any of the criteria set
23 forth in items (1) through (5).

24 A hospital shall notify a long term care facility if the
25 hospital has initiated a criminal history background check on a
26 patient being discharged to that facility. In all circumstances

1 in which the hospital is required by this subsection to
2 initiate the criminal history background check, the transfer to
3 the long term care facility may proceed regardless of the
4 availability of criminal history results. Upon receipt of the
5 results, the hospital shall promptly forward the results to the
6 appropriate long term care facility. If the results of the
7 background check are inconclusive, the hospital shall have no
8 additional duty or obligation to seek additional information
9 from, or about, the patient.

10 (Source: P.A. 98-104, eff. 7-22-13; 98-651, eff. 6-16-14;
11 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; revised 10-14-15.)