



Rep. Robert Rita

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LRB099 20556 KTG 48674 a

1 AMENDMENT TO SENATE BILL 2929

2 AMENDMENT NO. _____. Amend Senate Bill 2929 by replacing
3 everything after the enacting clause with the following:

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

1 unit shall provide ~~the discharge planner with~~ a copy of the
2 required assessment documentation directly to the nursing home
3 to which the patient is being discharged prior to discharge.
4 The Department on Aging shall provide notice of this
5 requirement to case coordination units. When a case
6 coordination unit is unable to complete an assessment in a
7 hospital prior to the discharge of a patient, 60 years of age
8 or older, to a nursing home, the case coordination unit shall
9 notify the Department on Aging which shall notify the
10 Department of Healthcare and Family Services. The Department of
11 Healthcare and Family Services and the Department on Aging
12 shall adopt rules to address these instances to ensure that the
13 patient is able to access nursing home care, the nursing home
14 is not penalized for accepting the admission, and the patient's
15 timely discharge from the hospital is not delayed, to the
16 extent permitted under federal law or regulation. Nothing in
17 this subsection shall preclude federal requirements for a
18 pre-admission screening/mental health (PAS/MH) as required
19 under Section 2-201.5 of the Nursing Home Care Act or State or
20 federal law or regulation. ~~prescreening information and~~
21 ~~accompanying materials, which the discharge planner shall~~
22 ~~transmit when the patient is discharged to a skilled nursing~~
23 ~~facility.~~ If home health services are ordered, the hospital
24 must inform its designated case coordination unit, as defined
25 in 89 Ill. Adm. Code 240.260, of the pending discharge and must
26 provide the patient with the case coordination unit's telephone

1 number and other contact information.

2 (b) Every hospital shall develop procedures for a physician
3 with medical staff privileges at the hospital or any
4 appropriate medical staff member to provide the discharge
5 notice prescribed in subsection (a) of this Section. The
6 procedures must include prohibitions against discharging or
7 referring a patient to any of the following if unlicensed,
8 uncertified, or unregistered: (i) a board and care facility, as
9 defined in the Board and Care Home Act; (ii) an assisted living
10 and shared housing establishment, as defined in the Assisted
11 Living and Shared Housing Act; (iii) a facility licensed under
12 the Nursing Home Care Act, the Specialized Mental Health
13 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
14 the MC/DD Act; (iv) a supportive living facility, as defined in
15 Section 5-5.01a of the Illinois Public Aid Code; or (v) a
16 free-standing hospice facility licensed under the Hospice
17 Program Licensing Act if licensure, certification, or
18 registration is required. The Department of Public Health shall
19 annually provide hospitals with a list of licensed, certified,
20 or registered board and care facilities, assisted living and
21 shared housing establishments, nursing homes, supportive
22 living facilities, facilities licensed under the ID/DD
23 Community Care Act, the MC/DD Act, or the Specialized Mental
24 Health Rehabilitation Act of 2013, and hospice facilities.
25 Reliance upon this list by a hospital shall satisfy compliance
26 with this requirement. The procedure may also include a waiver

1 for any case in which a discharge notice is not feasible due to
2 a short length of stay in the hospital by the patient, or for
3 any case in which the patient voluntarily desires to leave the
4 hospital before the expiration of the 24 hour period.

5 (c) At least 24 hours prior to discharge from the hospital,
6 the patient shall receive written information on the patient's
7 right to appeal the discharge pursuant to the federal Medicare
8 program, including the steps to follow to appeal the discharge
9 and the appropriate telephone number to call in case the
10 patient intends to appeal the discharge.

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

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

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

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

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

26 (5) are independently ambulatory or mobile for more

1 than a temporary period of time.

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

5 A hospital shall notify a long term care facility if the
6 hospital has initiated a criminal history background check on a
7 patient being discharged to that facility. In all circumstances
8 in which the hospital is required by this subsection to
9 initiate the criminal history background check, the transfer to
10 the long term care facility may proceed regardless of the
11 availability of criminal history results. Upon receipt of the
12 results, the hospital shall promptly forward the results to the
13 appropriate long term care facility. If the results of the
14 background check are inconclusive, the hospital shall have no
15 additional duty or obligation to seek additional information
16 from, or about, the patient.

17 (Source: P.A. 98-104, eff. 7-22-13; 98-651, eff. 6-16-14;
18 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; revised
19 10-14-15.)".