

1 AN ACT in relation to nursing home care.

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
5 changing Section 2-204 as follows:

6 (210 ILCS 45/2-204) (from Ch. 111 1/2, par. 4152-204)

7 Sec. 2-204. Long-Term Quality Care Facility Advisory
8 Board.

9 (a) There is hereby created a Long-Term Quality Care
10 Facility Advisory Board whose members are appointed by the
11 Governor and that shall consist of:

12 (1) two members who shall be selected from the
13 recommendations of organizations whose membership
14 consists of facilities;

15 (2) one member who shall be a physician licensed to
16 practice medicine in all its branches and does not have a
17 fiduciary or other affiliation with a long-term care
18 facility;

19 (3) one member who shall be a registered nurse
20 selected from the recommendations of the Board of Nursing
21 and does not have a fiduciary or other affiliation with a
22 long-term care facility;

23 (4) four members who shall represent the general
24 public who are not members of a residents' advisory
25 council established under Section 2-203 and do not have a
26 fiduciary or other affiliation with a long-term care
27 facility;

28 (5) four members who shall consist of residents or
29 residents' representatives from the recommendations of
30 consumer organizations that engage in advocacy or legal
31 representation on behalf of residents and their immediate

1 families and do not have a fiduciary or other affiliation
2 with a long-term care facility;

3 (6) four members of consumer advocacy organizations
4 who shall be selected from the recommendations of
5 consumer organizations that engage in advocacy or legal
6 representation on behalf of residents and their immediate
7 families and do not have a fiduciary or other affiliation
8 with a long-term care facility;

9 (7) one member employed as a professional by an
10 Illinois university or college advanced degree
11 gerontology program from the recommendations of consumer
12 or advocacy organizations and who does not have a
13 fiduciary or other affiliation with a long-term care
14 facility; and

15 (8) one representative each from the Department of
16 Public Aid, the Department of Public Health, the
17 Department of Human Services, the Department on Aging,
18 the Office of the State Fire Marshal, and the Department
19 of Professional Regulation, all nonvoting members.

20 (b) The terms of the members shall be for 3 years with a
21 maximum of 2 consecutive terms.

22 (c) The duties of the Long-Term Quality Care Facility
23 Advisory Board include the following:

24 (1) to advise the Department of Public Aid, the
25 Department of Public Health, the Department of Human
26 Services, the Department on Aging, the Department of
27 Professional Regulation, the Governor, and the General
28 Assembly;

29 (2) to assist the Department of Public Aid, the
30 Department of Public Health, the Department of Human
31 Services, the Department on Aging, the Department of
32 Professional Regulation, and the Governor in reporting
33 and developing data and evaluations in identifying and
34 addressing the underlying problems of residents in

1 long-term care facilities;

2 (3) to advise the Department of Public Health
3 relative to qualifications for administrative judges and
4 the rules and procedures for hearings conducted;

5 (4) to advise the Department of Public Health on
6 promoting the rights of residents through procedures;

7 (5) to comment publicly on any rules proposed by
8 the State or Federal government regarding the concerns of
9 residents and the underlying problems of quality of care
10 and dignity of life;

11 (6) to advise State and local agencies regarding
12 educational materials and programs needed to improve the
13 quality of care within nursing homes to enable residents
14 to fully exercise their constitutional and legal rights
15 and entitlements as citizens;

16 (7) to advise the State agencies on research for
17 policy decisions; and

18 (8) to publish an annual Illinois Consumer Report
19 for long-term care that includes information on human
20 resources indicators critical to facility care in an
21 easily understandable format.

22 (d) The Board shall organize with a chairman selected by
23 the Board members and shall meet at the call of the chairman
24 or 3 Board members upon 10 days written notice, but not less
25 than 6 times a year.

26 (e) The Board shall establish subcommittees, as it deems
27 appropriate, to review special long-term care facility issues
28 including, but not limited to, State reimbursement, staff
29 training, and certification and licensure of long-term care
30 facilities.

31 (f) The Board shall have the authority to hold hearings,
32 conduct studies, issue press releases, and perform other
33 functions in carrying out its duties.

34 (g) The Board shall consider any rule or plan submitted

1 by a State agency affecting the rights of residents or
2 long-term care within 60 days after its receipt by the
3 chairman.

4 (h) The Advisory Board shall advise the Department of
5 Public Health on all aspects of its responsibilities under
6 this Act, including the format and content of any rules
7 promulgated by the Department of Public Health. Any such
8 rules, except emergency rules promulgated pursuant to Section
9 5-45 of the Illinois Administrative Procedure Act,
10 promulgated without obtaining the advice of the Board are
11 null and void. In the event that the Department fails to
12 follow the advice of the Board, the Department shall, prior
13 to the promulgation of such rules, transmit a written
14 explanation of the reason thereof to the Board. During its
15 review of rules, the Board shall analyze the economic and
16 regulatory impact of these rules. If the Advisory Board,
17 having been asked for its advice, fails to advise the
18 Department within 90 days, the rules shall be considered
19 acted upon.

20 (i) The Department of Public Health shall designate an
21 employee to act as executive secretary of the Board and shall
22 furnish all professional and clerical assistance necessary
23 for the performance of its powers and duties, including
24 public notices of the meetings.

25 (j) A quorum shall consist of 6 members of the Board and
26 affirmative action shall require the vote of 6 members of the
27 Board.

28 (k) A member of the Board can designate a replacement to
29 serve at the Board meeting and vote in place of the member by
30 submitting a letter of designation to the chairman prior to
31 or at the Board meeting. The replacement cannot have a
32 fiduciary or other affiliation with any long-term care
33 facility that would cause a potential conflict of interest
34 unless the member represents a facility organization.

1 (l) Members of the Board shall serve without
2 compensation, but shall be entitled to reasonable amounts for
3 expenses necessarily incurred in the performance of their
4 duties.

5 (m) The Board shall develop by-laws, including
6 procedures for public participation for efficient board
7 operation.

8 The--Director--shall--appoint--a--Long-Term-Care-Facility
9 Advisory--Board--to--consult--with--the--Department--and--the
10 residents'-advisory-councils-created-under-Section-2-203-

11 (a)--The--Board--shall--be--comprised--of--the--following
12 persons:

13 (1)--The-Director-who-shall-serve--as--chairman,--ex
14 officio-and-nonvoting;-and

15 (2)--One--representative--each--of-the-Department-of
16 Public--Aid,--the--Department--of--Human--Services,--the
17 Department--on--Aging,--and--the-Office-of-the-State-Fire
18 Marshal,--all-nonvoting-members;

19 (3)--One-member-who-shall-be-a-physician-licensed-to
20 practice-medicine-in-all-its-branches;

21 (4)--One-member-who--shall--be--a--registered--nurse
22 selected-from-the-recommendations-of-professional-nursing
23 associations;

24 (5)--Four--members--who--shall--be--selected--from--the
25 recommendations--by--organizations--whose--membership
26 consists-of-facilities;

27 (6)--Two-members-who--shall--represent--the--general
28 public--who--are--not--members--of--a-residents'-advisory
29 council-established-under-Section-2-203-and-who--have--no
30 responsibility--for--management-or-formation-of-policy-or
31 financial-interest-in-a-facility;

32 (7)--One-member-who-is--a--member--of--a--residents'-
33 advisory--council--established-under-Section-2-203-and-is
34 capable-of-actively-participating-on-the-Board;-and

1 (8) -- One member -- who -- shall -- be -- selected -- from -- the
2 recommendations -- of -- consumer -- organizations -- which -- engage
3 solely -- in -- advocacy -- or -- legal -- representation -- on -- behalf -- of
4 residents -- and -- their -- immediate -- families.

5 (b) -- The -- terms -- of -- those -- members -- of -- the -- Board -- appointed
6 prior -- to -- the -- effective -- date -- of -- this -- amendatory -- Act -- of -- 1988
7 shall -- expire -- on -- December -- 31, -- 1988. -- Members -- of -- the -- Board
8 created -- by -- this -- amendatory -- Act -- of -- 1988 -- shall -- be -- appointed -- to
9 serve -- for -- terms -- as -- follows: -- 3 -- for -- 2 -- years, -- 3 -- for -- 3 -- years -- and
10 3 -- for -- 4 -- years. -- The -- member -- of -- the -- Board -- added -- by -- this
11 amendatory -- Act -- of -- 1989 -- shall -- be -- appointed -- to -- serve -- for -- a -- term
12 of -- 4 -- years. -- Each -- successor -- member -- shall -- be -- appointed -- for -- a
13 term -- of -- 4 -- years. -- Any -- member -- appointed -- to -- fill -- a -- vacancy
14 occurring -- prior -- to -- the -- expiration -- of -- the -- term -- for -- which -- his
15 predecessor -- was -- appointed -- shall -- be -- appointed -- for -- the
16 remainder -- of -- such -- term. -- The -- Board -- shall -- meet -- as -- frequently
17 as -- the -- chairman -- deems -- necessary, -- but -- not -- less -- than -- 4 -- times
18 each -- year. -- Upon -- request -- by -- 4 -- or -- more -- members -- the -- chairman
19 shall -- call -- a -- meeting -- of -- the -- Board. -- The -- affirmative -- vote -- of -- 6
20 members -- of -- the -- Board -- shall -- be -- necessary -- for -- Board -- action. -- A
21 member -- of -- the -- Board -- can -- designate -- a -- replacement -- to -- serve -- at
22 the -- Board -- meeting -- and -- vote -- in -- place -- of -- the -- member -- by
23 submitting -- a -- letter -- of -- designation -- to -- the -- chairman -- prior -- to
24 or -- at -- the -- Board -- meeting. -- The -- Board -- members -- shall -- be
25 reimbursed -- for -- their -- actual -- expenses -- incurred -- in -- the
26 performance -- of -- their -- duties.

27 (c) -- The -- Advisory -- Board -- shall -- advise -- the -- Department -- of
28 Public -- Health -- on -- all -- aspects -- of -- its -- responsibilities -- under
29 this -- Act, -- including -- the -- format -- and -- content -- of -- any -- rules
30 promulgated -- by -- the -- Department -- of -- Public -- Health. -- Any -- such
31 rules, -- except -- emergency -- rules -- promulgated -- pursuant -- to -- Section
32 5-45 -- of -- the -- Illinois -- Administrative -- Procedure -- Act, --
33 promulgated -- without -- obtaining -- the -- advice -- of -- the -- Advisory
34 Board -- are -- null -- and -- void. -- In -- the -- event -- that -- the -- Department

1 fails--to--follow--the--advice--of--the-Board, the-Department
2 shall, prior-to-the-promulgation-of-such--rules, transmit--a
3 written--explanation--of--the--reason--thereof--to-the-Board.
4 During-its-review-of--rules, the--Board--shall--analyze--the
5 economic--and--regulatory--impact--of--those--rules. If-the
6 Advisory-Board, having-been-asked-for-its--advice, fails--to
7 advise--the--Department--within--90--days, the-rules-shall-be
8 considered-acted-upon.

9 (Source: P.A. 88-45; 89-507, eff. 7-1-97.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.