

1 AN ACT concerning aging.

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

4 Section 5. The Illinois Act on the Aging is amended by  
5 adding Section 8.09 as follows:

6 (20 ILCS 105/8.09 new)

7 Sec. 8.09. Unlicensed or uncertified programs; board and  
8 care homes. No employee of the Department, the Area Agencies on  
9 Aging, or any agency under contract with the Department, shall  
10 make referrals to or disseminate information, either orally or  
11 in writing, regarding an unlicensed or uncertified program that  
12 is required by law to be licensed or certified. Information and  
13 referrals regarding a board and care home may not be made or  
14 provided unless the board and care home has furnished the  
15 Department or agency with a copy of its assisted living and  
16 shared housing license. Use of the Department of Public  
17 Health's annual list of licensed and certified facilities shall  
18 satisfy compliance with this Section for all other programs.

19 Section 10. The Hospital Licensing Act is amended by  
20 changing Section 6.09 as follows:

21 (210 ILCS 85/6.09) (from Ch. 111 1/2, par. 147.09)

1 (Text of Section before amendment by P.A. 96-339)

2 Sec. 6.09. (a) In order to facilitate the orderly  
3 transition of aged and disabled patients from hospitals to  
4 post-hospital care, whenever a patient who qualifies for the  
5 federal Medicare program is hospitalized, the patient shall be  
6 notified of discharge at least 24 hours prior to discharge from  
7 the hospital. With regard to pending discharges to a skilled  
8 nursing facility, the hospital must notify the case  
9 coordination unit, as defined in 89 Ill. Adm. Code 240.260, at  
10 least 24 hours prior to discharge or, if home health services  
11 are ordered, the hospital must inform its designated case  
12 coordination unit, as defined in 89 Ill. Adm. Code 240.260, of  
13 the pending discharge and must provide the patient with the  
14 case coordination unit's telephone number and other contact  
15 information.

16 (b) Every hospital shall develop procedures for a physician  
17 with medical staff privileges at the hospital or any  
18 appropriate medical staff member to provide the discharge  
19 notice prescribed in subsection (a) of this Section. The  
20 procedures must include prohibitions against discharging or  
21 referring a patient to any of the following if unlicensed or ~~7~~  
22 ~~uncertified, or unregistered~~: (i) a board and care facility, as  
23 defined in the Board and Care Home Act; (ii) an assisted living  
24 and shared housing establishment, as defined in the Assisted  
25 Living and Shared Housing Act; (iii) a facility licensed under  
26 the Nursing Home Care Act; (iv) a supportive living facility,

1 as defined in Section 5-5.01a of the Illinois Public Aid Code;  
2 or (v) a free-standing hospice facility licensed under the  
3 Hospice Program Licensing Act if licensure or ~~7~~ certification,  
4 ~~or registration~~ is required. The Department of Public Health  
5 shall annually provide hospitals with a list of licensed and ~~7~~  
6 certified, ~~or registered~~ board and care facilities, assisted  
7 living and shared housing establishments, nursing homes,  
8 supportive living facilities, and hospice facilities. Reliance  
9 upon this list by a hospital shall satisfy compliance with this  
10 requirement for all types of facilities except a board and care  
11 home, which must provide a hospital with a copy of its assisted  
12 living and shared housing license. The procedure may also  
13 include a waiver for any case in which a discharge notice is  
14 not feasible due to a short length of stay in the hospital by  
15 the patient, or for any case in which the patient voluntarily  
16 desires to leave the hospital before the expiration of the 24  
17 hour period.

18 (c) At least 24 hours prior to discharge from the hospital,  
19 the patient shall receive written information on the patient's  
20 right to appeal the discharge pursuant to the federal Medicare  
21 program, including the steps to follow to appeal the discharge  
22 and the appropriate telephone number to call in case the  
23 patient intends to appeal the discharge.

24 (Source: P.A. 94-335, eff. 7-26-05; 95-80, eff. 8-13-07;  
25 95-651, eff. 10-11-07; 95-876, eff. 8-21-08.)

1 (Text of Section after amendment by P.A. 96-339)

2 Sec. 6.09. (a) In order to facilitate the orderly  
3 transition of aged and disabled patients from hospitals to  
4 post-hospital care, whenever a patient who qualifies for the  
5 federal Medicare program is hospitalized, the patient shall be  
6 notified of discharge at least 24 hours prior to discharge from  
7 the hospital. With regard to pending discharges to a skilled  
8 nursing facility, the hospital must notify the case  
9 coordination unit, as defined in 89 Ill. Adm. Code 240.260, at  
10 least 24 hours prior to discharge or, if home health services  
11 are ordered, the hospital must inform its designated case  
12 coordination unit, as defined in 89 Ill. Adm. Code 240.260, of  
13 the pending discharge and must provide the patient with the  
14 case coordination unit's telephone number and other contact  
15 information.

16 (b) Every hospital shall develop procedures for a physician  
17 with medical staff privileges at the hospital or any  
18 appropriate medical staff member to provide the discharge  
19 notice prescribed in subsection (a) of this Section. The  
20 procedures must include prohibitions against discharging or  
21 referring a patient to any of the following if unlicensed or ~~7~~  
22 ~~uncertified, or unregistered~~: (i) a board and care facility, as  
23 defined in the Board and Care Home Act; (ii) an assisted living  
24 and shared housing establishment, as defined in the Assisted  
25 Living and Shared Housing Act; (iii) a facility licensed under  
26 the Nursing Home Care Act or the MR/DD Community Care Act; (iv)

1 a supportive living facility, as defined in Section 5-5.01a of  
2 the Illinois Public Aid Code; or (v) a free-standing hospice  
3 facility licensed under the Hospice Program Licensing Act if  
4 licensure or ~~7~~ certification, ~~or registration~~ is required. The  
5 Department of Public Health shall annually provide hospitals  
6 with a list of licensed and ~~7~~ certified, ~~or registered~~ board  
7 and care facilities, assisted living and shared housing  
8 establishments, nursing homes, supportive living facilities,  
9 facilities licensed under the MR/DD Community Care Act, and  
10 hospice facilities. Reliance upon this list by a hospital shall  
11 satisfy compliance with this requirement for all types of  
12 facilities except a board and care home, which must provide a  
13 hospital with a copy of its assisted living and shared housing  
14 license. The procedure may also include a waiver for any case  
15 in which a discharge notice is not feasible due to a short  
16 length of stay in the hospital by the patient, or for any case  
17 in which the patient voluntarily desires to leave the hospital  
18 before the expiration of the 24 hour period.

19 (c) At least 24 hours prior to discharge from the hospital,  
20 the patient shall receive written information on the patient's  
21 right to appeal the discharge pursuant to the federal Medicare  
22 program, including the steps to follow to appeal the discharge  
23 and the appropriate telephone number to call in case the  
24 patient intends to appeal the discharge.

25 (Source: P.A. 95-80, eff. 8-13-07; 95-651, eff. 10-11-07;  
26 95-876, eff. 8-21-08; 96-339, eff. 7-1-10.)

1           Section 95. No acceleration or delay. Where this Act makes  
2 changes in a statute that is represented in this Act by text  
3 that is not yet or no longer in effect (for example, a Section  
4 represented by multiple versions), the use of that text does  
5 not accelerate or delay the taking effect of (i) the changes  
6 made by this Act or (ii) provisions derived from any other  
7 Public Act.

8           Section 99. Effective date. This Act takes effect upon  
9 becoming law.