

HB5502



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5502

Introduced 2/5/2010, by Rep. Elizabeth Hernandez

SYNOPSIS AS INTRODUCED:

210 ILCS 45/2-201.5

Amends the Nursing Home Care Act. Provides that all persons seeking admission to a nursing facility must be verbally screened for risk factors associated with hepatitis B, hepatitis C, and the Human Immunodeficiency Virus (HIV) according to guidelines established by the United States Centers for Disease Control and Prevention. Effective immediately.

LRB096 19216 KTG 34607 b

A BILL FOR

1 AN ACT concerning regulation.

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 changing
5 Section 2-201.5 as follows:

6 (210 ILCS 45/2-201.5)

7 Sec. 2-201.5. Screening prior to admission.

8 (a) All persons age 18 or older seeking admission to a
9 nursing facility must be screened to determine the need for
10 nursing facility services prior to being admitted, regardless
11 of income, assets, or funding source. In addition, any person
12 who seeks to become eligible for medical assistance from the
13 Medical Assistance Program under the Illinois Public Aid Code
14 to pay for long term care services while residing in a facility
15 must be screened prior to receiving those benefits. Screening
16 for nursing facility services shall be administered through
17 procedures established by administrative rule. Screening may
18 be done by agencies other than the Department as established by
19 administrative rule. This Section applies on and after July 1,
20 1996.

21 (b) In addition to the screening required by subsection
22 (a), a facility, except for those licensed as long term care
23 for under age 22 facilities, shall, within 24 hours after

1 admission, request a criminal history background check
2 pursuant to the Uniform Conviction Information Act for all
3 persons age 18 or older seeking admission to the facility.
4 Background checks conducted pursuant to this Section shall be
5 based on the resident's name, date of birth, and other
6 identifiers as required by the Department of State Police. If
7 the results of the background check are inconclusive, the
8 facility shall initiate a fingerprint-based check, unless the
9 fingerprint check is waived by the Director of Public Health
10 based on verification by the facility that the resident is
11 completely immobile or that the resident meets other criteria
12 related to the resident's health or lack of potential risk
13 which may be established by Departmental rule. A waiver issued
14 pursuant to this Section shall be valid only while the resident
15 is immobile or while the criteria supporting the waiver exist.
16 The facility shall provide for or arrange for any required
17 fingerprint-based checks to be taken on the premises of the
18 facility. If a fingerprint-based check is required, the
19 facility shall arrange for it to be conducted in a manner that
20 is respectful of the resident's dignity and that minimizes any
21 emotional or physical hardship to the resident.

22 A facility, except for those licensed as long term care for
23 under age 22 facilities, shall, within 60 days after the
24 effective date of this amendatory Act of the 94th General
25 Assembly, request a criminal history background check pursuant
26 to the Uniform Conviction Information Act for all persons who

1 are residents of the facility on the effective date of this
2 amendatory Act of the 94th General Assembly. The facility shall
3 review the results of the criminal history background checks
4 immediately upon receipt thereof. If the results of the
5 background check are inconclusive, the facility shall initiate
6 a fingerprint-based check unless the fingerprint-based check
7 is waived by the Director of Public Health based on
8 verification by the facility that the resident is completely
9 immobile or that the resident meets other criteria related to
10 the resident's health or lack of potential risk which may be
11 established by Departmental rule. A waiver issued pursuant to
12 this Section shall be valid only while the resident is immobile
13 or while the criteria supporting the waiver exist. The facility
14 shall provide for or arrange for any required fingerprint-based
15 checks to be taken on the premises of the facility. If a
16 fingerprint-based check is required, the facility shall
17 arrange for it to be conducted in a manner that is respectful
18 of the resident's dignity and that minimizes any emotional or
19 physical hardship to the resident.

20 (c) If the results of a resident's criminal history
21 background check reveal that the resident is an identified
22 offender as defined in Section 1-114.01, the facility shall
23 immediately fax the resident's name and criminal history
24 information to the Illinois Department of Public Health, which
25 shall conduct a Criminal History Analysis pursuant to Section
26 2-201.6. The Criminal History Analysis shall be conducted

1 independently of the Illinois Department of Public Health's
2 Office of Healthcare Regulation. The Office of Healthcare
3 Regulation shall have no involvement with the process of
4 reviewing or analyzing the criminal history of identified
5 offenders.

6 (d) The Illinois Department of Public Health shall keep a
7 continuing record of all residents determined to be identified
8 offenders under Section 1-114.01 and shall report the number of
9 identified offender residents annually to the General
10 Assembly.

11 (e) All persons seeking admission to a nursing facility
12 must be verbally screened for risk factors associated with
13 hepatitis B, hepatitis C, and the Human Immunodeficiency Virus
14 (HIV) according to guidelines established by the United States
15 Centers for Disease Control and Prevention.

16 (Source: P.A. 94-163, eff. 7-11-05; 94-752, eff. 5-10-06.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.