

SB1283



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1283

Introduced 2/8/2011, by Sen. Heather A. Steans

SYNOPSIS AS INTRODUCED:

210 ILCS 45/3-110
210 ILCS 47/3-110

from Ch. 111 1/2, par. 4153-110

Amends the Nursing Home Care Act and the MR/DD Community Care Act to delete the provisions allowing for licensure for a period of 2 years for facilities operating pursuant to the respective Acts.

LRB097 02723 RPM 42744 b

A BILL FOR

1 AN ACT concerning health facilities.

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 3-110 as follows:

6 (210 ILCS 45/3-110) (from Ch. 111 1/2, par. 4153-110)

7 Sec. 3-110. (a) Any license granted by the Director shall
8 state the maximum bed capacity for which it is granted, the
9 date the license was issued, and the expiration date. Such
10 ~~Except as provided in subsection (b), such~~ licenses shall
11 normally be issued for a period of one year. However, the
12 Director may issue licenses or renewals for periods of not less
13 than 6 months nor more than 18 months ~~for facilities with~~
14 ~~annual licenses and not less than 18 months nor more than 30~~
15 ~~months for facilities with 2 year licenses~~ in order to
16 distribute the expiration dates of such licenses throughout the
17 calendar year, and fees for such licenses shall be prorated on
18 the basis of the portion of a year for which they are issued.
19 Each license shall be issued only for the premises and persons
20 named in the application and shall not be transferable or
21 assignable.

22 The Department shall require the licensee to comply with
23 the requirements of a court order issued under Section 3-515,

1 as a condition of licensing.

2 (b) (Blank) ~~A license for a period of 2 years shall be~~
3 ~~issued to a facility if the facility:~~

4 ~~(1) has not received a Type A violation within the last~~
5 ~~24 months;~~

6 ~~(2) has not received a Type B violation within the last~~
7 ~~24 months;~~

8 ~~(3) has not had an inspection, survey, or evaluation~~
9 ~~that resulted in the issuance of 10 or more administrative~~
10 ~~warnings in the last 24 months;~~

11 ~~(4) has not had an inspection, survey, or evaluation~~
12 ~~that resulted in an administrative warning issued for a~~
13 ~~violation of Sections 3-401 through 3-413 in the last 24~~
14 ~~months;~~

15 ~~(5) has not been issued an order to reimburse a~~
16 ~~resident for a violation of Article II under subsection (6)~~
17 ~~of Section 3-305 in the last 24 months; and~~

18 ~~(6) has not been subject to sanctions or~~
19 ~~decertification for violations in relation to patient care~~
20 ~~of a facility under Titles XVIII and XIX of the federal~~
21 ~~Social Security Act within the last 24 months.~~

22 ~~If a facility with a 2-year license fails to meet the~~
23 ~~conditions in items (1) through (6) of this subsection, in~~
24 ~~addition to any other sanctions that may be applied by the~~
25 ~~Department under this Act, the facility's 2-year license shall~~
26 ~~be replaced by a one year license until such time as the~~

1 ~~facility again meets the conditions in items (1) through (6) of~~
2 ~~this subsection.~~

3 (Source: P.A. 87-549; 87-1102.)

4 Section 10. The MR/DD Community Care Act is amended by
5 changing Section 3-110 as follows:

6 (210 ILCS 47/3-110)

7 Sec. 3-110. Contents and period of license.

8 (a) Any license granted by the Director shall state the
9 maximum bed capacity for which it is granted, the date the
10 license was issued, and the expiration date. Such ~~Except as~~
11 ~~provided in subsection (b), such~~ licenses shall normally be
12 issued for a period of one year. However, the Director may
13 issue licenses or renewals for periods of not less than 6
14 months nor more than 18 months ~~for facilities with annual~~
15 ~~licenses and not less than 18 months nor more than 30 months~~
16 ~~for facilities with 2 year licenses~~ in order to distribute the
17 expiration dates of such licenses throughout the calendar year,
18 and fees for such licenses shall be prorated on the basis of
19 the portion of a year for which they are issued. Each license
20 shall be issued only for the premises and persons named in the
21 application and shall not be transferable or assignable.

22 The Department shall require the licensee to comply with
23 the requirements of a court order issued under Section 3-515,
24 as a condition of licensing.

1 (b) (Blank) ~~A license for a period of 2 years shall be~~
2 ~~issued to a facility if the facility:~~

3 ~~(1) has not received a Type "A" violation within the~~
4 ~~last 24 months;~~

5 ~~(2) has not received a Type "B" violation within the~~
6 ~~last 24 months;~~

7 ~~(3) has not had an inspection, survey, or evaluation~~
8 ~~that resulted in the issuance of 10 or more administrative~~
9 ~~warnings in the last 24 months;~~

10 ~~(4) has not had an inspection, survey, or evaluation~~
11 ~~that resulted in an administrative warning issued for a~~
12 ~~violation of Sections 3-401 through 3-413 in the last 24~~
13 ~~months;~~

14 ~~(5) has not been issued an order to reimburse a~~
15 ~~resident for a violation of Article II under subsection (6)~~
16 ~~of Section 3-305 in the last 24 months; and~~

17 ~~(6) has not been subject to sanctions or~~
18 ~~decertification for violations in relation to patient care~~
19 ~~of a facility under Titles XVIII and XIX of the federal~~
20 ~~Social Security Act within the last 24 months.~~

21 ~~If a facility with a 2-year license fails to meet the~~
22 ~~conditions in items (1) through (6) of this subsection, in~~
23 ~~addition to any other sanctions that may be applied by the~~
24 ~~Department under this Act, the facility's 2-year license shall~~
25 ~~be replaced by a one-year license until such time as the~~
26 ~~facility again meets the conditions in items (1) through (6) of~~

1 ~~this subsection.~~

2 (Source: P.A. 96-339, eff. 7-1-10.)