



Rep. Brandon W. Phelps

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1 AMENDMENT TO SENATE BILL 563

2 AMENDMENT NO. _____. Amend Senate Bill 563 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Veterans Affairs Act is
5 amended by changing Sections 1.2, 2, 2.01, 2.04, and 3 and
6 adding Section 2.12 as follows:

7 (20 ILCS 2805/1.2)

8 Sec. 1.2. Division of Women Veterans Affairs. Subject to
9 appropriations for this purpose, the Division of Women Veterans
10 Affairs is created as a Division within the Department. ~~The~~
11 ~~head of the Division shall serve as an Assistant Director of~~
12 ~~Veterans' Affairs.~~ The Division shall serve as an advocate for
13 women veterans, in recognition of the unique issues facing
14 women veterans. The Division shall assess the needs of women
15 veterans with respect to issues including, but not limited to,
16 compensation, rehabilitation, outreach, health care, and

1 issues facing women veterans in the community. The Division
2 shall review the Department's programs, activities, research
3 projects, and other initiatives designed to meet the needs of
4 women veterans and shall make recommendations to the Director
5 of Veterans' Affairs concerning ways to improve, modify, and
6 effect change in programs and services for women veterans.

7 (Source: P.A. 96-94, eff. 7-27-09; 97-297, eff. 1-1-12.)

8 (20 ILCS 2805/2) (from Ch. 126 1/2, par. 67)

9 Sec. 2. Powers and duties. The Department shall have the
10 following powers and duties:

11 To perform such acts at the request of any veteran, or his
12 or her spouse, surviving spouse or dependents as shall be
13 reasonably necessary or reasonably incident to obtaining or
14 endeavoring to obtain for the requester any advantage, benefit
15 or emolument accruing or due to such person under any law of
16 the United States, the State of Illinois or any other state or
17 governmental agency by reason of the service of such veteran,
18 and in pursuance thereof shall:

19 (1) Contact veterans, their survivors and dependents
20 and advise them of the benefits of state and federal laws
21 and assist them in obtaining such benefits;

22 (2) Establish field offices and direct the activities
23 of the personnel assigned to such offices;

24 (3) Create and maintain a volunteer field force; the
25 volunteer field force may include representatives from the

1 following without limitation: ~~of accredited~~
2 ~~representatives, representing~~ educational institutions,
3 labor organizations, veterans organizations, employers,
4 churches, and farm organizations; the volunteer field
5 force may not process federal veterans assistance claims;

6 (4) Conduct informational and training services;

7 (5) Conduct educational programs through newspapers,
8 periodicals, social media, television, and radio for the
9 specific purpose of disseminating information affecting
10 veterans and their dependents;

11 (6) Coordinate the services and activities of all state
12 departments having services and resources affecting
13 veterans and their dependents;

14 (7) Encourage and assist in the coordination of
15 agencies within counties giving service to veterans and
16 their dependents;

17 (8) Cooperate with veterans organizations and other
18 governmental agencies;

19 (9) Make, alter, amend and promulgate reasonable rules
20 and procedures for the administration of this Act;

21 (10) Make and publish annual reports to the Governor
22 regarding the administration and general operation of the
23 Department;

24 (11) (Blank); and

25 (12) (Blank).

26 The Department may accept and hold on behalf of the State,

1 if for the public interest, a grant, gift, devise or bequest of
2 money or property to the Department made for the general
3 benefit of Illinois veterans, including the conduct of
4 informational and training services by the Department and other
5 authorized purposes of the Department. The Department shall
6 cause each grant, gift, devise or bequest to be kept as a
7 distinct fund and shall invest such funds in the manner
8 provided by the Public Funds Investment Act, as now or
9 hereafter amended, and shall make such reports as may be
10 required by the Comptroller concerning what funds are so held
11 and the manner in which such funds are invested. The Department
12 may make grants from these funds for the general benefit of
13 Illinois veterans. Grants from these funds, except for the
14 funds established under Sections 2.01a and 2.03, shall be
15 subject to appropriation.

16 The Department has the power to make grants, from funds
17 appropriated from the Korean War Veterans National Museum and
18 Library Fund, to private organizations for the benefit of the
19 Korean War Veterans National Museum and Library.

20 The Department has the power to make grants, from funds
21 appropriated from the Illinois Military Family Relief Fund, for
22 benefits authorized under the Survivors Compensation Act.

23 (Source: P.A. 97-297, eff. 1-1-12; 97-765, eff. 7-6-12.)

24 (20 ILCS 2805/2.01) (from Ch. 126 1/2, par. 67.01)

25 Sec. 2.01. Veterans Home admissions.

1 (a) Any honorably discharged veteran is entitled to
2 admission to an Illinois Veterans Home if the applicant meets
3 the requirements of this Section.

4 (b) The veteran must:

5 (1) have served in the armed forces of the United
6 States at least 1 day in World War II, the Korean Conflict,
7 the Viet Nam Campaign, or the Persian Gulf Conflict between
8 the dates recognized by the U.S. Department of Veterans
9 Affairs or between any other present or future dates
10 recognized by the U.S. Department of Veterans Affairs as a
11 war period, or have served in a hostile fire environment
12 and has been awarded a campaign or expeditionary medal
13 signifying his or her service, for purposes of eligibility
14 for domiciliary or nursing home care;

15 (2) have served and been honorably discharged or
16 retired from the armed forces of the United States for a
17 service connected disability or injury, for purposes of
18 eligibility for domiciliary or nursing home care;

19 (3) have served as an enlisted person at least 90 days
20 on active duty in the armed forces of the United States,
21 excluding service on active duty for training purposes
22 only, and entered active duty before September 8, 1980, for
23 purposes of eligibility for domiciliary or nursing home
24 care;

25 (4) have served as an officer at least 90 days on
26 active duty in the armed forces of the United States,

1 excluding service on active duty for training purposes
2 only, and entered active duty before October 17, 1981, for
3 purposes of eligibility for domiciliary or nursing home
4 care;

5 (5) have served on active duty in the armed forces of
6 the United States for 24 months of continuous service or
7 more, excluding active duty for training purposes only, and
8 enlisted after September 7, 1980, for purposes of
9 eligibility for domiciliary or nursing home care;

10 (6) have served as a reservist in the armed forces of
11 the United States or the National Guard and the service
12 included being called to federal active duty, excluding
13 service on active duty for training purposes only, and who
14 completed the term, for purposes of eligibility for
15 domiciliary or nursing home care;

16 (7) have been discharged for reasons of hardship or
17 released from active duty due to a reduction in the United
18 States armed forces prior to the completion of the required
19 period of service, regardless of the actual time served,
20 for purposes of eligibility for domiciliary or nursing home
21 care; or

22 (8) have served in the National Guard or Reserve Forces
23 of the United States and completed 20 years of satisfactory
24 service, be otherwise eligible to receive reserve or active
25 duty retirement benefits, and have been an Illinois
26 resident for at least one year before applying for

1 admission for purposes of eligibility for domiciliary care
2 only.

3 (c) The veteran must have service accredited to the State
4 of Illinois or have been a resident of this State for one year
5 immediately preceding the date of application.

6 (d) For admission to the Illinois Veterans Homes at Anna
7 and Quincy, the veteran must be disabled by disease, wounds, or
8 otherwise and because of the disability be incapable of earning
9 a living.

10 (e) For admission to the Illinois Veterans Homes at LaSalle
11 and Manteno, the veteran must be disabled by disease, wounds,
12 or otherwise and, for purposes of eligibility for nursing home
13 care, require nursing care because of the disability.

14 (f) An individual who served during a time of conflict as
15 set forth in subsection (a)(1) of this Section has preference
16 over all other qualifying candidates, for purposes of
17 eligibility for domiciliary or nursing home care at any
18 Illinois Veterans Home.

19 (g) A veteran or spouse, once admitted to an Illinois
20 Veterans Home facility, is considered a resident for
21 interfacility purposes.

22 (Source: P.A. 97-297, eff. 1-1-12.)

23 (20 ILCS 2805/2.04) (from Ch. 126 1/2, par. 67.04)

24 Sec. 2.04. There shall be established in the State Treasury
25 special funds known as (i) the LaSalle Veterans Home Fund, (ii)

1 the Anna Veterans Home Fund, (iii) the Manteno Veterans Home
2 Fund, and (iv) the Quincy Veterans Home Fund. All moneys
3 received by an Illinois Veterans Home from Medicare and from
4 maintenance charges to veterans, spouses, and surviving
5 spouses residing at that Home shall be paid into that Home's
6 Fund. All moneys received from the U.S. Department of Veterans
7 Affairs for patient care shall be transmitted to the Treasurer
8 of the State for deposit in the Veterans Home Fund for the Home
9 in which the veteran resides. Appropriations shall be made from
10 a Fund only for the needs of the Home, including capital
11 improvements, building rehabilitation, and repairs.

12 The administrator of each Veterans Home shall establish a
13 locally-held member's benefits fund. The Director may
14 authorize the Veterans Home to conduct limited fundraising in
15 accordance with applicable laws and regulations for which the
16 sole purpose is to benefit the Veterans Home's member's
17 benefits fund. Revenues accruing to an Illinois Veterans Home,
18 including any donations, grants for the operation of the Home,
19 profits from commissary stores, and funds received from any
20 individual or other source, including limited fundraising,
21 shall be deposited into that Home's benefits fund. Expenditures
22 from the benefits funds shall be solely for the special
23 comfort, pleasure, and amusement of residents. Contributors of
24 unsolicited private donations may specify the purpose for which
25 the private donations are to be used.

26 Upon request of the Department, the State's Attorney of the

1 county in which a resident or living former resident of an
2 Illinois Veterans Home who is liable under this Act for payment
3 of sums representing maintenance charges resides shall file an
4 action in a court of competent jurisdiction against any such
5 person who fails or refuses to pay such sums. The court may
6 order the payment of sums due to maintenance charges for such
7 period or periods of time as the circumstances require.

8 Upon the death of a person who is or has been a resident of
9 an Illinois Veterans Home who is liable for maintenance charges
10 and who is possessed of property, the Department may present a
11 claim for such sum or for the balance due in case less than the
12 rate prescribed under this Act has been paid. The claim shall
13 be allowed and paid as other lawful claims against the estate.

14 The administrator of each Veterans Home shall establish a
15 locally-held trust fund to maintain moneys held for residents.
16 Whenever the Department finds it necessary to preserve order,
17 preserve health, or enforce discipline, the resident shall
18 deposit in a trust account at the Home such monies from any
19 source of income as may be determined necessary, and
20 disbursement of these funds to the resident shall be made only
21 by direction of the administrator.

22 If a resident of an Illinois Veterans Home has a dependent
23 child, spouse, or parent the administrator may require that all
24 monies received be deposited in a trust account with dependency
25 contributions being made at the direction of the administrator.
26 The balance retained in the trust account shall be disbursed to

1 the resident at the time of discharge from the Home or to his
2 or her heirs or legal representative at the time of the
3 resident's death, subject to Department regulations or order of
4 the court.

5 The Director of Central Management Services, with the
6 consent of the Director of Veterans' Affairs, is authorized and
7 empowered to lease or let any real property held by the
8 Department of Veterans' Affairs for an Illinois Veterans Home
9 to entities or persons upon terms and conditions which are
10 considered to be in the best interest of that Home. The real
11 property must not be needed for any direct or immediate purpose
12 of the Home. In any leasing or letting, primary consideration
13 shall be given to the use of real property for agricultural
14 purposes, and all moneys received shall be transmitted to the
15 Treasurer of the State for deposit in the appropriate Veterans
16 Home Fund.

17 (Source: P.A. 97-297, eff. 1-1-12.)

18 (20 ILCS 2805/2.12 new)

19 Sec. 2.12. Cemeteries. The Department may operate
20 cemeteries at the Manteno Veterans Home and the Quincy Veterans
21 Home for interment of veterans or their spouses as identified
22 by the Department.

23 (20 ILCS 2805/3) (from Ch. 126 1/2, par. 68)

24 Sec. 3. The Department shall:

1 1. establish ~~Establish~~ an administrative office in
2 Springfield and a branch thereof in Chicago;

3 2. establish ~~Establish~~ such field offices as it shall find
4 necessary to enable it to perform its duties; and

5 3. maintain ~~Cause to be maintained, at its various offices,~~
6 case files containing records of services rendered to each
7 applicant, service progress ~~cards~~, and a follow-up system to
8 facilitate the completion of each request.

9 (Source: P.A. 79-376.)

10 Section 10. The Nursing Home Care Act is amended by
11 changing Sections 2-201.5 and 3-101.5 and by adding Section
12 3-202.6 as follows:

13 (210 ILCS 45/2-201.5)

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

15 (a) All persons age 18 or older seeking admission to a
16 nursing facility must be screened to determine the need for
17 nursing facility services prior to being admitted, regardless
18 of income, assets, or funding source. Screening for nursing
19 facility services shall be administered through procedures
20 established by administrative rule. Screening may be done by
21 agencies other than the Department as established by
22 administrative rule. This Section applies on and after July 1,
23 1996. No later than October 1, 2010, the Department of
24 Healthcare and Family Services, in collaboration with the

1 Department on Aging, the Department of Human Services, and the
2 Department of Public Health, shall file administrative rules
3 providing for the gathering, during the screening process, of
4 information relevant to determining each person's potential
5 for placing other residents, employees, and visitors at risk of
6 harm.

7 (a-1) Any screening performed pursuant to subsection (a) of
8 this Section shall include a determination of whether any
9 person is being considered for admission to a nursing facility
10 due to a need for mental health services. For a person who
11 needs mental health services, the screening shall also include
12 an evaluation of whether there is permanent supportive housing,
13 or an array of community mental health services, including but
14 not limited to supported housing, assertive community
15 treatment, and peer support services, that would enable the
16 person to live in the community. The person shall be told about
17 the existence of any such services that would enable the person
18 to live safely and humanely and about available appropriate
19 nursing home services that would enable the person to live
20 safely and humanely, and the person shall be given the
21 assistance necessary to avail himself or herself of any
22 available services.

23 (a-2) Pre-screening for persons with a serious mental
24 illness shall be performed by a psychiatrist, a psychologist, a
25 registered nurse certified in psychiatric nursing, a licensed
26 clinical professional counselor, or a licensed clinical social

1 worker, who is competent to (i) perform a clinical assessment
2 of the individual, (ii) certify a diagnosis, (iii) make a
3 determination about the individual's current need for
4 treatment, including substance abuse treatment, and recommend
5 specific treatment, and (iv) determine whether a facility or a
6 community-based program is able to meet the needs of the
7 individual.

8 For any person entering a nursing facility, the
9 pre-screening agent shall make specific recommendations about
10 what care and services the individual needs to receive,
11 beginning at admission, to attain or maintain the individual's
12 highest level of independent functioning and to live in the
13 most integrated setting appropriate for his or her physical and
14 personal care and developmental and mental health needs. These
15 recommendations shall be revised as appropriate by the
16 pre-screening or re-screening agent based on the results of
17 resident review and in response to changes in the resident's
18 wishes, needs, and interest in transition.

19 Upon the person entering the nursing facility, the
20 Department of Human Services or its designee shall assist the
21 person in establishing a relationship with a community mental
22 health agency or other appropriate agencies in order to (i)
23 promote the person's transition to independent living and (ii)
24 support the person's progress in meeting individual goals.

25 (a-3) The Department of Human Services, by rule, shall
26 provide for a prohibition on conflicts of interest for

1 pre-admission screeners. The rule shall provide for waiver of
2 those conflicts by the Department of Human Services if the
3 Department of Human Services determines that a scarcity of
4 qualified pre-admission screeners exists in a given community
5 and that, absent a waiver of conflicts, an insufficient number
6 of pre-admission screeners would be available. If a conflict is
7 waived, the pre-admission screener shall disclose the conflict
8 of interest to the screened individual in the manner provided
9 for by rule of the Department of Human Services. For the
10 purposes of this subsection, a "conflict of interest" includes,
11 but is not limited to, the existence of a professional or
12 financial relationship between (i) a PAS-MH corporate or a
13 PAS-MH agent and (ii) a community provider or long-term care
14 facility.

15 (b) In addition to the screening required by subsection
16 (a), a facility, except for those licensed as long term care
17 for under age 22 facilities, shall, within 24 hours after
18 admission, request a criminal history background check
19 pursuant to the Uniform Conviction Information Act for all
20 persons age 18 or older seeking admission to the facility,
21 unless a background check was initiated by a hospital pursuant
22 to subsection (d) of Section 6.09 of the Hospital Licensing Act
23 or a pre-admission background check was conducted by the
24 Department of Veterans' Affairs 30 days prior to admittance
25 into an Illinois Veterans Home. Background checks conducted
26 pursuant to this Section shall be based on the resident's name,

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

18 (c) If the results of a resident's criminal history
19 background check reveal that the resident is an identified
20 offender as defined in Section 1-114.01, the facility shall do
21 the following:

22 (1) Immediately notify the Department of State Police,
23 in the form and manner required by the Department of State
24 Police, in collaboration with the Department of Public
25 Health, that the resident is an identified offender.

26 (2) Within 72 hours, arrange for a fingerprint-based

1 criminal history record inquiry to be requested on the
2 identified offender resident. The inquiry shall be based on
3 the subject's name, sex, race, date of birth, fingerprint
4 images, and other identifiers required by the Department of
5 State Police. The inquiry shall be processed through the
6 files of the Department of State Police and the Federal
7 Bureau of Investigation to locate any criminal history
8 record information that may exist regarding the subject.
9 The Federal Bureau of Investigation shall furnish to the
10 Department of State Police, pursuant to an inquiry under
11 this paragraph (2), any criminal history record
12 information contained in its files.

13 The facility shall comply with all applicable provisions
14 contained in the Uniform Conviction Information Act.

15 All name-based and fingerprint-based criminal history
16 record inquiries shall be submitted to the Department of State
17 Police electronically in the form and manner prescribed by the
18 Department of State Police. The Department of State Police may
19 charge the facility a fee for processing name-based and
20 fingerprint-based criminal history record inquiries. The fee
21 shall be deposited into the State Police Services Fund. The fee
22 shall not exceed the actual cost of processing the inquiry.

23 (d) (Blank).

24 (e) The Department shall develop and maintain a
25 de-identified database of residents who have injured facility
26 staff, facility visitors, or other residents, and the attendant

1 circumstances, solely for the purposes of evaluating and
2 improving resident pre-screening and assessment procedures
3 (including the Criminal History Report prepared under Section
4 2-201.6) and the adequacy of Department requirements
5 concerning the provision of care and services to residents. A
6 resident shall not be listed in the database until a Department
7 survey confirms the accuracy of the listing. The names of
8 persons listed in the database and information that would allow
9 them to be individually identified shall not be made public.
10 Neither the Department nor any other agency of State government
11 may use information in the database to take any action against
12 any individual, licensee, or other entity, unless the
13 Department or agency receives the information independent of
14 this subsection (e). All information collected, maintained, or
15 developed under the authority of this subsection (e) for the
16 purposes of the database maintained under this subsection (e)
17 shall be treated in the same manner as information that is
18 subject to Part 21 of Article VIII of the Code of Civil
19 Procedure.

20 (Source: P.A. 96-1372, eff. 7-29-10; 97-48, eff. 6-28-11.)

21 (210 ILCS 45/3-101.5)

22 Sec. 3-101.5. Illinois Veterans Homes. An Illinois
23 Veterans Home licensed under this Act and operated by the
24 Illinois Department of Veterans' Affairs is exempt from the
25 license fee provisions of Section 3-103 of this Act and the

1 provisions of Sections 3-104 through 3-106, 3-202.5, 3-208,
2 3-302, 3-303, and 3-401 through 3-423, 3-503 through 3-517, ~~and~~
3 ~~3-603 through 3-607~~ of this Act. A monitor or receiver shall be
4 placed in an Illinois Veterans Home only by court order or by
5 agreement between the Director of Public Health, the Director
6 of Veterans' Affairs, and the Secretary of the United States
7 Department of Veterans Affairs.

8 (Source: P.A. 96-703, eff. 8-25-09.)

9 (210 ILCS 45/3-202.6 new)

10 Sec. 3-202.6. Department of Veterans' Affairs facility
11 plan review.

12 (a) Before commencing construction of a new facility or
13 specified types of alteration or additions to an existing
14 long-term care facility involving major construction, as
15 defined by rule by the Department, with an estimated cost
16 greater than \$100,000, architectural drawings and
17 specifications for the facility shall be submitted to the
18 Department for review. A facility may submit architectural
19 drawings and specifications for other construction projects
20 for Department review according to subsection (b) of this
21 Section. Review of drawings and specifications shall be
22 conducted by an employee of the Department meeting the
23 qualifications established by the Department of Central
24 Management Services class specifications for such an
25 individual's position or by a person contracting with the

1 Department who meets those class specifications.

2 (b) The Department shall inform an applicant in writing
3 within 15 working days after receiving drawings and
4 specifications from the applicant whether the applicant's
5 submission is complete or incomplete. Failure to provide the
6 applicant with this notice within 15 working days after
7 receiving drawings and specifications from the applicant shall
8 result in the submission being deemed complete for purposes of
9 initiating the 60-working-day review period under this
10 Section. If the submission is incomplete, the Department shall
11 inform the applicant of the deficiencies with the submission in
12 writing.

13 If the submission is complete, the Department shall approve
14 or disapprove drawings and specifications submitted to the
15 Department no later than 60 working days following receipt by
16 the Department. The drawings and specifications shall be of
17 sufficient detail, as provided by Department rule, to enable
18 the Department to render a determination of compliance with
19 design and construction standards under this Act. If the
20 Department finds that the drawings are not of sufficient detail
21 for it to render a determination of compliance, the plans shall
22 be determined to be incomplete and shall not be considered for
23 purposes of initiating the 60-working-day review period. If a
24 submission of drawings and specifications is incomplete, the
25 applicant may submit additional information. The
26 60-working-day review period shall not commence until the

1 Department determines that a submission of drawings and
2 specifications is complete or the submission is deemed
3 complete. If the Department has not approved or disapproved the
4 drawings and specifications within 60 working days after
5 receipt by the Department, the construction, major alteration,
6 or addition shall be deemed approved. If the drawings and
7 specifications are disapproved, the Department shall state in
8 writing, with specificity, the reasons for the disapproval. The
9 entity submitting the drawings and specifications may submit
10 additional information in response to the written comments from
11 the Department or request a reconsideration of the disapproval.
12 A final decision of approval or disapproval shall be made
13 within 45 working days after the receipt of the additional
14 information or reconsideration request. If denied, the
15 Department shall state the specific reasons for the denial.

16 (c) The Department shall provide written approval for
17 occupancy pursuant to subsection (e) of this Section and shall
18 not issue a violation to a facility as a result of a licensure
19 or complaint survey based upon the facility's physical
20 structure if:

21 (1) the Department reviewed and approved or is deemed
22 to have approved the drawings and specifications for
23 compliance with design and construction standards;

24 (2) the construction, major alteration, or addition
25 was built as submitted;

26 (3) the law or rules have not been amended since the

1 original approval; and

2 (4) the conditions at the facility indicate that there
3 is a reasonable degree of safety provided for the
4 residents.

5 (d) The Department shall not charge a fee in connection
6 with its reviews to the Department of Veterans' Affairs.

7 (e) The Department shall conduct an on-site inspection of
8 the completed project no later than 45 working days after
9 notification from the applicant that the project has been
10 completed and all certifications required by the Department
11 have been received and accepted by the Department. The
12 Department may extend this deadline if a federally mandated
13 survey time frame takes precedence. The Department shall
14 provide written approval for occupancy to the applicant within
15 7 working days after the Department's final inspection,
16 provided the applicant has demonstrated substantial compliance
17 as defined by Department rule. Occupancy of new major
18 construction is prohibited until Department approval is
19 received, unless the Department has not acted within the time
20 frames provided in this subsection (e), in which case the
21 construction shall be deemed approved. Occupancy shall be
22 authorized after any required health inspection by the
23 Department has been conducted.

24 (f) The Department shall establish, by rule, an expedited
25 process for emergency repairs or replacement of like equipment.

26 (g) Nothing in this Section shall be construed to apply to

1 maintenance, upkeep, or renovation that does not affect the
2 structural integrity or fire or life safety of the building,
3 does not add beds or services over the number for which the
4 long-term care facility is licensed, and provides a reasonable
5 degree of safety for the residents.

6 (h) If the number of licensed facilities increases or the
7 number of beds for the currently licensed facilities increases,
8 the Department has the right to reassess the mandated time
9 frames listed in this Section.

10 Section 15. The Veterans and Servicemembers Court
11 Treatment Act is amended by changing Sections 10 and 25 as
12 follows:

13 (730 ILCS 167/10)

14 Sec. 10. Definitions. In this Act:

15 "Combination Veterans and Servicemembers Court program"
16 means a court program that includes a pre-adjudicatory and a
17 post-adjudicatory Veterans and Servicemembers court program.

18 "Court" means Veterans and Servicemembers Court.

19 "IDVA" means the Illinois Department of Veterans' Affairs.

20 "Peer recovery coach" means a volunteer veteran mentor
21 assigned to a veteran or servicemember during participation in
22 a veteran treatment court program who has been trained and
23 certified by the court to guide and mentor the participant to
24 successfully complete the assigned requirements.

1 "Post-adjudicatory Veterans and Servicemembers Court
2 Program" means a program in which the defendant has admitted
3 guilt or has been found guilty and agrees, along with the
4 prosecution, to enter a Veterans and Servicemembers Court
5 program as part of the defendant's sentence.

6 "Pre-adjudicatory Veterans and Servicemembers Court
7 Program" means a program that allows the defendant with the
8 consent of the prosecution, to expedite the defendant's
9 criminal case before conviction or before filing of a criminal
10 case and requires successful completion of the Veterans and
11 Servicemembers Court programs as part of the agreement.

12 "Servicemember" means a person who is currently serving in
13 the Army, Air Force, Marines, Navy, or Coast Guard on active
14 duty, reserve status or in the National Guard.

15 "VA" means the United States Department of Veterans'
16 Affairs.

17 "Veteran" means a person who served in the active military,
18 naval, or air service and who was discharged or released
19 therefrom under conditions other than dishonorable.

20 "Veterans and Servicemembers Court professional" means a
21 member of the Veterans and Servicemembers Court team, including
22 but not limited to a judge, prosecutor, defense attorney,
23 probation officer, coordinator, treatment provider, or peer
24 recovery coach.

25 "Veterans and Servicemembers Court" means a court or
26 program with an immediate and highly structured judicial

1 intervention process for substance abuse treatment, mental
2 health, or other assessed treatment needs of eligible veteran
3 and servicemember defendants that brings together substance
4 abuse professionals, mental health professionals, VA
5 professionals, local social programs and intensive judicial
6 monitoring in accordance with the nationally recommended 10 key
7 components of drug courts.

8 (Source: P.A. 96-924, eff. 6-14-10; 97-946, eff. 8-13-12.)

9 (730 ILCS 167/25)

10 Sec. 25. Procedure.

11 (a) The Court shall order the defendant to submit to an
12 eligibility screening and an assessment through the VA and/or
13 the IDVA to provide information on the defendant's veteran or
14 servicemember status.

15 (b) The Court shall order the defendant to submit to an
16 eligibility screening and mental health and drug/alcohol
17 screening and assessment of the defendant by the VA or by the
18 IDVA to provide assessment services for Illinois Courts. The
19 assessment shall include a risks assessment and be based, in
20 part, upon the known availability of treatment resources
21 available to the Veterans and Servicemembers Court. The
22 assessment shall also include recommendations for treatment of
23 the conditions which are indicating a need for treatment under
24 the monitoring of the Court and be reflective of a level of
25 risk assessed for the individual seeking admission. An

1 assessment need not be ordered if the Court finds a valid
2 screening and/or assessment related to the present charge
3 pending against the defendant has been completed within the
4 previous 60 days.

5 (c) The judge shall inform the defendant that if the
6 defendant fails to meet the conditions of the Veterans and
7 Servicemembers Court program, eligibility to participate in
8 the program may be revoked and the defendant may be sentenced
9 or the prosecution continued as provided in the Unified Code of
10 Corrections for the crime charged.

11 (d) The defendant shall execute a written agreement with
12 the Court as to his or her participation in the program and
13 shall agree to all of the terms and conditions of the program,
14 including but not limited to the possibility of sanctions or
15 incarceration for failing to abide or comply with the terms of
16 the program.

17 (e) In addition to any conditions authorized under the
18 Pretrial Services Act and Section 5-6-3 of the Unified Code of
19 Corrections, the Court may order the defendant to complete
20 substance abuse treatment in an outpatient, inpatient,
21 residential, or jail-based custodial treatment program, order
22 the defendant to complete mental health counseling in an
23 inpatient or outpatient basis, comply with physicians'
24 recommendation regarding medications and all follow up
25 treatment. This treatment may include but is not limited to
26 post-traumatic stress disorder, traumatic brain injury and

1 depression.

2 (f) The Court may establish a mentorship program that
3 provides access and support to program participants by peer
4 recovery coaches. Courts shall be responsible to administer the
5 mentorship program with the support of volunteer veterans and
6 local veteran service organizations. Peer recovery coaches
7 shall be trained and certified by the Court prior to being
8 assigned to participants in the program.

9 (Source: P.A. 96-924, eff. 6-14-10.)

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