

1 AN ACT concerning State government.

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

4 (20 ILCS 415/19a rep.)

5 Section 3. The Personnel Code is amended by repealing
6 Section 19a.

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

10 (20 ILCS 2805/1.2)

11 Sec. 1.2. Division of Women Veterans Affairs. Subject to
12 appropriations for this purpose, the Division of Women Veterans
13 Affairs is created as a Division within the Department. ~~The~~
14 ~~head of the Division shall serve as an Assistant Director of~~
15 ~~Veterans' Affairs.~~ The Division shall serve as an advocate for
16 women veterans, in recognition of the unique issues facing
17 women veterans. The Division shall assess the needs of women
18 veterans with respect to issues including, but not limited to,
19 compensation, rehabilitation, outreach, health care, and
20 issues facing women veterans in the community. The Division
21 shall review the Department's programs, activities, research
22 projects, and other initiatives designed to meet the needs of

1 women veterans and shall make recommendations to the Director
2 of Veterans' Affairs concerning ways to improve, modify, and
3 effect change in programs and services for women veterans.
4 (Source: P.A. 96-94, eff. 7-27-09; 97-297, eff. 1-1-12.)

5 (20 ILCS 2805/2) (from Ch. 126 1/2, par. 67)

6 Sec. 2. Powers and duties. The Department shall have the
7 following powers and duties:

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

16 (1) Contact veterans, their survivors and dependents
17 and advise them of the benefits of state and federal laws
18 and assist them in obtaining such benefits;

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

21 (3) Create and maintain a volunteer field force; the
22 volunteer field force may include representatives from the
23 following without limitation: ~~of accredited~~
24 ~~representatives, representing~~ educational institutions,
25 labor organizations, veterans organizations, employers,

1 churches, and farm organizations; the volunteer field
2 force may not process federal veterans assistance claims;

3 (4) Conduct informational and training services;

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

8 (6) Coordinate the services and activities of all state
9 departments having services and resources affecting
10 veterans and their dependents;

11 (7) Encourage and assist in the coordination of
12 agencies within counties giving service to veterans and
13 their dependents;

14 (8) Cooperate with veterans organizations and other
15 governmental agencies;

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

18 (10) Make and publish annual reports to the Governor
19 regarding the administration and general operation of the
20 Department;

21 (11) (Blank); and

22 (12) (Blank).

23 The Department may accept and hold on behalf of the State,
24 if for the public interest, a grant, gift, devise or bequest of
25 money or property to the Department made for the general
26 benefit of Illinois veterans, including the conduct of

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

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

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

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

21 (20 ILCS 2805/2.01) (from Ch. 126 1/2, par. 67.01)

22 Sec. 2.01. Veterans Home admissions.

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

1 (b) The veteran must:

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

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

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

22 (4) have served as an officer at least 90 days on
23 active duty in the armed forces of the United States,
24 excluding service on active duty for training purposes
25 only, and entered active duty before October 17, 1981, for
26 purposes of eligibility for domiciliary or nursing home

1 care;

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

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

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

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

26 (c) The veteran must have service accredited to the State

1 of Illinois or have been a resident of this State for one year
2 immediately preceding the date of application.

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

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

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

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

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

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

21 Sec. 2.04. There shall be established in the State Treasury
22 special funds known as (i) the LaSalle Veterans Home Fund, (ii)
23 the Anna Veterans Home Fund, (iii) the Manteno Veterans Home
24 Fund, and (iv) the Quincy Veterans Home Fund. All moneys
25 received by an Illinois Veterans Home from Medicare and from

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

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

23 Upon request of the Department, the State's Attorney of the
24 county in which a resident or living former resident of an
25 Illinois Veterans Home who is liable under this Act for payment
26 of sums representing maintenance charges resides shall file an

1 action in a court of competent jurisdiction against any such
2 person who fails or refuses to pay such sums. The court may
3 order the payment of sums due to maintenance charges for such
4 period or periods of time as the circumstances require.

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

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

19 If a resident of an Illinois Veterans Home has a dependent
20 child, spouse, or parent the administrator may require that all
21 monies received be deposited in a trust account with dependency
22 contributions being made at the direction of the administrator.
23 The balance retained in the trust account shall be disbursed to
24 the resident at the time of discharge from the Home or to his
25 or her heirs or legal representative at the time of the
26 resident's death, subject to Department regulations or order of

1 the court.

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

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

15 (20 ILCS 2805/2.12 new)

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

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

21 Sec. 3. The Department shall:

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

24 2. establish ~~Establish~~ such field offices as it shall find

1 necessary to enable it to perform its duties; and

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

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

7 Section 10. The Nursing Home Care Act is amended by
8 changing Sections 2-201.5 and 3-101.5 and by adding Section
9 3-202.6 as follows:

10 (210 ILCS 45/2-201.5)

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

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

1 information relevant to determining each person's potential
2 for placing other residents, employees, and visitors at risk of
3 harm.

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

20 (a-2) Pre-screening for persons with a serious mental
21 illness shall be performed by a psychiatrist, a psychologist, a
22 registered nurse certified in psychiatric nursing, a licensed
23 clinical professional counselor, or a licensed clinical social
24 worker, who is competent to (i) perform a clinical assessment
25 of the individual, (ii) certify a diagnosis, (iii) make a
26 determination about the individual's current need for

1 treatment, including substance abuse treatment, and recommend
2 specific treatment, and (iv) determine whether a facility or a
3 community-based program is able to meet the needs of the
4 individual.

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

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

22 (a-3) The Department of Human Services, by rule, shall
23 provide for a prohibition on conflicts of interest for
24 pre-admission screeners. The rule shall provide for waiver of
25 those conflicts by the Department of Human Services if the
26 Department of Human Services determines that a scarcity of

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

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

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

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

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

23 (2) Within 72 hours, arrange for a fingerprint-based
24 criminal history record inquiry to be requested on the
25 identified offender resident. The inquiry shall be based on
26 the subject's name, sex, race, date of birth, fingerprint

1 images, and other identifiers required by the Department of
2 State Police. The inquiry shall be processed through the
3 files of the Department of State Police and the Federal
4 Bureau of Investigation to locate any criminal history
5 record information that may exist regarding the subject.
6 The Federal Bureau of Investigation shall furnish to the
7 Department of State Police, pursuant to an inquiry under
8 this paragraph (2), any criminal history record
9 information contained in its files.

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

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

20 (d) (Blank).

21 (e) The Department shall develop and maintain a
22 de-identified database of residents who have injured facility
23 staff, facility visitors, or other residents, and the attendant
24 circumstances, solely for the purposes of evaluating and
25 improving resident pre-screening and assessment procedures
26 (including the Criminal History Report prepared under Section

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

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

18 (210 ILCS 45/3-101.5)

19 Sec. 3-101.5. Illinois Veterans Homes. An Illinois
20 Veterans Home licensed under this Act and operated by the
21 Illinois Department of Veterans' Affairs is exempt from the
22 license fee provisions of Section 3-103 of this Act and the
23 provisions of Sections 3-104 through 3-106, 3-202.5, 3-208,
24 3-302, 3-303, and ~~3-401 through 3-423~~, 3-503 through 3-517, ~~and~~
25 ~~3-603 through 3-607~~ of this Act. A monitor or receiver shall be

1 placed in an Illinois Veterans Home only by court order or by
2 agreement between the Director of Public Health, the Director
3 of Veterans' Affairs, and the Secretary of the United States
4 Department of Veterans Affairs.

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

6 (210 ILCS 45/3-202.6 new)

7 Sec. 3-202.6. Department of Veterans' Affairs facility
8 plan review.

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

24 (b) The Department shall inform an applicant in writing
25 within 15 working days after receiving drawings and

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

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

1 drawings and specifications within 60 working days after
2 receipt by the Department, the construction, major alteration,
3 or addition shall be deemed approved. If the drawings and
4 specifications are disapproved, the Department shall state in
5 writing, with specificity, the reasons for the disapproval. The
6 entity submitting the drawings and specifications may submit
7 additional information in response to the written comments from
8 the Department or request a reconsideration of the disapproval.
9 A final decision of approval or disapproval shall be made
10 within 45 working days after the receipt of the additional
11 information or reconsideration request. If denied, the
12 Department shall state the specific reasons for the denial.

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

18 (1) the Department reviewed and approved or is deemed
19 to have approved the drawings and specifications for
20 compliance with design and construction standards;

21 (2) the construction, major alteration, or addition
22 was built as submitted;

23 (3) the law or rules have not been amended since the
24 original approval; and

25 (4) the conditions at the facility indicate that there
26 is a reasonable degree of safety provided for the

1 residents.

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

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

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

23 (g) Nothing in this Section shall be construed to apply to
24 maintenance, upkeep, or renovation that does not affect the
25 structural integrity or fire or life safety of the building,
26 does not add beds or services over the number for which the

1 long-term care facility is licensed, and provides a reasonable
2 degree of safety for the residents.

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

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

10 (730 ILCS 167/10)

11 Sec. 10. Definitions. In this Act:

12 "Combination Veterans and Servicemembers Court program"
13 means a court program that includes a pre-adjudicatory and a
14 post-adjudicatory Veterans and Servicemembers court program.

15 "Court" means Veterans and Servicemembers Court.

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

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

22 "Post-adjudicatory Veterans and Servicemembers Court
23 Program" means a program in which the defendant has admitted
24 guilt or has been found guilty and agrees, along with the

1 prosecution, to enter a Veterans and Servicemembers Court
2 program as part of the defendant's sentence.

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

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

12 "VA" means the United States Department of Veterans'
13 Affairs.

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

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

22 "Veterans and Servicemembers Court" means a court or
23 program with an immediate and highly structured judicial
24 intervention process for substance abuse treatment, mental
25 health, or other assessed treatment needs of eligible veteran
26 and servicemember defendants that brings together substance

1 abuse professionals, mental health professionals, VA
2 professionals, local social programs and intensive judicial
3 monitoring in accordance with the nationally recommended 10 key
4 components of drug courts.

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

6 (730 ILCS 167/25)

7 Sec. 25. Procedure.

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

12 (b) The Court shall order the defendant to submit to an
13 eligibility screening and mental health and drug/alcohol
14 screening and assessment of the defendant by the VA or by the
15 IDVA to provide assessment services for Illinois Courts. The
16 assessment shall include a risks assessment and be based, in
17 part, upon the known availability of treatment resources
18 available to the Veterans and Servicemembers Court. The
19 assessment shall also include recommendations for treatment of
20 the conditions which are indicating a need for treatment under
21 the monitoring of the Court and be reflective of a level of
22 risk assessed for the individual seeking admission. An
23 assessment need not be ordered if the Court finds a valid
24 screening and/or assessment related to the present charge
25 pending against the defendant has been completed within the

1 previous 60 days.

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

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

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

25 (f) The Court may establish a mentorship program that
26 provides access and support to program participants by peer

1 recovery coaches. Courts shall be responsible to administer the
2 mentorship program with the support of volunteer veterans and
3 local veteran service organizations. Peer recovery coaches
4 shall be trained and certified by the Court prior to being
5 assigned to participants in the program.

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

7 Section 20. The Illinois Human Rights Act is amended by
8 adding Section 2-106 as follows:

9 (775 ILCS 5/2-106 new)

10 Sec. 2-106. Interagency Committee on Employees with
11 Disabilities.

12 (A) As used in this Section:

13 "State agency" means all officers, boards, commissions,
14 and agencies created by the Constitution in the executive
15 branch; all officers, departments, boards, commissions,
16 agencies, institutions, authorities, universities, bodies
17 politic and corporate of the State; and administrative units or
18 corporate outgrowths of the State government which are created
19 by or pursuant to statute, other than units of local government
20 and their officers, school districts, and boards of election
21 commissioners; all administrative units and corporate
22 outgrowths of the above and as may be created by executive
23 order of the Governor.

24 "State employee" means an employee of a State agency.

1 (B) The Interagency Committee on Employees with
2 Disabilities, created under repealed Section 19a of the
3 Personnel Code, is continued as set forth in this Section. The
4 Committee is composed of 18 members as follows: the Chairperson
5 of the Civil Service Commission or his or her designee, the
6 Director of Veterans' Affairs or his or her designee, the
7 Director of Central Management Services or his or her designee,
8 the Secretary of Human Services or his or her designee, the
9 Director of Human Rights or his or her designee, the Director
10 of the Illinois Council on Developmental Disabilities or his or
11 her designee, the Lieutenant Governor or his or her designee,
12 the Attorney General or his or her designee, the Secretary of
13 State or his or her designee, the State Comptroller or his or
14 her designee, the State Treasurer or his or her designee, and 7
15 State employees with disabilities appointed by and serving at
16 the pleasure of the Governor.

17 (C) The Director of Human Rights and the Secretary of Human
18 Services shall serve as co-chairpersons of the Committee. The
19 Committee shall meet as often as it deems necessary, but in no
20 case less than 6 times annually at the call of the
21 co-chairpersons. Notice shall be given to the members in
22 writing in advance of a scheduled meeting.

23 (D) The Department of Human Rights shall provide
24 administrative support to the Committee.

25 (E) The purposes and functions of the Committee are: (1) to
26 provide a forum where problems of general concern to State

1 employees with disabilities can be raised and methods of their
2 resolution can be suggested to the appropriate State agencies;
3 (2) to provide a clearinghouse of information for State
4 employees with disabilities by working with those agencies to
5 develop and retain such information; (3) to promote affirmative
6 action efforts pertaining to the employment of persons with
7 disabilities by State agencies; and (4) to recommend, where
8 appropriate, means of strengthening the affirmative action
9 programs for employees with disabilities in State agencies.

10 (F) The Committee shall annually make a complete report to
11 the General Assembly on the Committee's achievements and
12 accomplishments. Such report may also include an evaluation by
13 the Committee of the effectiveness of the hiring and
14 advancement practices in State government.

15 (G) This amendatory Act of the 99th General Assembly is not
16 intended to disqualify any current member of the Committee from
17 continued membership on the Committee in accordance with the
18 terms of this Section or the member's appointment.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.