

AN ACT concerning regulation.

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

Section 5. The Nursing Home Administrators Licensing and Disciplinary Act is amended by changing Sections 4, 5, 5.1, 6, 6.5, 16, 17, 17.1, 19, 20.1, 21, 23, 24, 25, 32, 33, and 35, and by adding Sections 4.5 and 26.5 as follows:

(225 ILCS 70/4) (from Ch. 111, par. 3654)

(Section scheduled to be repealed on January 1, 2028)

Sec. 4. Definitions. For purposes of this Act, the following definitions shall have the following meanings, except where the context requires otherwise:

(1) "Act" means the Nursing Home Administrators Licensing and Disciplinary Act.

(2) "Department" means the Department of Financial and Professional Regulation.

(3) "Secretary" means the Secretary of Financial and Professional Regulation.

(4) "Board" means the Nursing Home Administrators Licensing and Disciplinary Board ~~appointed by the Governor.~~

(5) "Nursing home administrator" means the individual licensed under this Act and directly responsible for

planning, organizing, directing and supervising the operation of a nursing home, or who in fact performs such functions, whether or not such functions are delegated to one or more other persons.

(6) "Nursing home" or "facility" means any entity that is required to be licensed by the Department of Public Health under the Nursing Home Care Act, as amended, other than a sheltered care home as defined thereunder, and includes private homes, institutions, buildings, residences, or other places, whether operated for profit or not, irrespective of the names attributed to them, county homes for the infirm and chronically ill operated pursuant to the County Nursing Home Act, as amended, and any similar institutions operated by a political subdivision of the State of Illinois that provide, through ~~through~~ their ownership or management, maintenance, personal care, and nursing for 3 or more persons, not related to the owner by blood or marriage, or any similar facilities in which maintenance is provided to 3 or more persons who by reason of illness of physical infirmity require personal care and nursing. The term also means any facility licensed under the ID/DD Community Care Act, the MC/DD Act, or the Specialized Mental Health Rehabilitation Act of 2013.

(7) "Maintenance" means food, shelter and laundry.

(8) "Personal care" means assistance with meals, dressing, movement, bathing, or other personal needs, or

general supervision of the physical and mental well-being of an individual who because of age, physical, or mental disability, emotion or behavior disorder, or an intellectual disability is incapable of managing his or her person, whether or not a guardian has been appointed for such individual. For the purposes of this Act, this definition does not include the professional services of a nurse.

(9) "Nursing" means professional nursing or practical nursing, as those terms are defined in the Nurse Practice Act, for sick or infirm persons who are under the care and supervision of licensed physicians or dentists.

(10) "Disciplinary action" means revocation, suspension, probation, supervision, reprimand, required education, fines or any other action taken by the Department against a person holding a license.

(11) "Impaired" means the inability to practice with reasonable skill and safety due to physical or mental disabilities as evidenced by a written determination or written consent based on clinical evidence including deterioration through the aging process or loss of motor skill, or abuse of drugs or alcohol, of sufficient degree to diminish a person's ability to administer a nursing home.

(12) "Address of record" means the designated address recorded by the Department in the applicant's or licensee's

application file or license file maintained by the Department's licensure maintenance unit. ~~It is the duty of the applicant or licensee to inform the Department of any change of address, and such changes must be made either through the Department's website or by contacting the Department's licensure maintenance unit.~~

(13) "Email address of record" means the designated email address recorded by the Department in the applicant's application file or the licensee's license file, as maintained by the Department's licensure maintenance unit.

(Source: P.A. 98-104, eff. 7-22-13; 99-180, eff. 7-29-15.)

(225 ILCS 70/4.5 new)

Sec. 4.5. Address of record; email address of record. All applicants and licensees shall:

(1) provide a valid address and email address to the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and

(2) inform the Department of any change of address of record or email address of record within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit.

(225 ILCS 70/5) (from Ch. 111, par. 3655)

(Section scheduled to be repealed on January 1, 2028)

Sec. 5. Board.

(a) The Secretary shall appoint a ~~There is hereby created~~ ~~the~~ Nursing Home Administrators Licensing and Disciplinary Board. The Board shall consist of 7 members who shall serve in an advisory capacity to the Secretary ~~appointed by the Governor~~. All shall be residents of the State of Illinois. Two members shall be representatives of the general public. Five members shall be nursing home administrators who for at least 5 years prior to their appointments were licensed under this Act. The public members shall have no responsibility for management or formation of policy of, nor any financial interest in, nursing homes as defined in this Act, nor any other connection with the profession. In appointing licensed nursing home administrators, the Secretary ~~Governor~~ shall take into consideration the recommendations of the nursing home professional associations.

(b) Members shall be appointed for a term of 4 years by the Secretary ~~Governor~~. The Secretary ~~Governor~~ shall fill any vacancy for the remainder of the unexpired term. Any member of the Board may be removed by the Secretary ~~Governor~~ for cause. Each member shall serve on the Board until his or her successor is appointed and qualified. No member of the Board shall serve more than 2 consecutive 4-year ~~4-year~~ terms.

In making appointments the Secretary ~~Governor~~ shall attempt to insure that the various geographic regions of the

State of Illinois are properly represented.

(c) The Board shall annually elect one of its members as chairperson and one as vice chairperson. No officer shall be elected more than twice in succession to the same office. Each officer shall serve until his or her successor has been elected and qualified.

(d) A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

(e) Members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses. ~~Each member and member officer of the Board may receive a per diem stipend as the Secretary shall determine. Each member shall be paid their necessary expenses while engaged in the performance of his or her duties.~~

(f) (Blank).

(g) (Blank).

(h) Members of the Board shall have no liability ~~be immune from suit~~ in an ~~any~~ action based upon a ~~any~~ disciplinary proceeding ~~proceedings~~ or other activity ~~acts~~ performed in good faith as a member ~~members~~ of the Board.

(i) (Blank).

(j) (Blank). ~~The Secretary shall give due consideration to all recommendations of the Board. If the Secretary disagrees with or takes action contrary to the recommendation of the~~

~~Board, he or she shall provide the Board with a written and specific explanation of his or her action.~~

(Source: P.A. 95-703, eff. 12-31-07.)

(225 ILCS 70/5.1)

(Section scheduled to be repealed on January 1, 2028)

Sec. 5.1. Powers and duties; rules. The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for administration of licensing acts and shall exercise such other powers and duties necessary for effectuating the purposes of this Act. The Department shall adopt rules to implement, interpret, ~~or~~ make specific the provisions and purposes of this Act, and may prescribe forms that shall be issued in connection with rulemaking. The Department shall transmit the proposed rulemaking to the Board.

The Department may solicit the advice of the Board on any matter relating to the administration and enforcement of this Act.

Upon the written request of the Department, the Department of Public Health, the Department of Human Services or the Department of State Police may cooperate and assist in any investigation undertaken by the Board.

(Source: P.A. 95-703, eff. 12-31-07.)

(225 ILCS 70/6) (from Ch. 111, par. 3656)

(Section scheduled to be repealed on January 1, 2028)

Sec. 6. Application procedure. Applications for original licenses shall be made to the Department in writing on forms or electronically as prescribed by the Department and shall be accompanied by the required fee, which shall not be refundable. All applications shall contain information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license as a nursing home administrator. ~~The application shall require information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for a license.~~

Applicants have 3 years after the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 95-703, eff. 12-31-07.)

(225 ILCS 70/6.5)

(Section scheduled to be repealed on January 1, 2028)

Sec. 6.5. Social Security Number on license application. In addition to any other information required to be contained in the application, every application for an original license under this Act shall include the applicant's Social Security Number, which shall be retained in the agency's records

pertaining to the license. As soon as practical, the Department shall assign a customer's identification number to each applicant for a license.

Every application for a renewal or reinstated ~~restored~~ license shall require the applicant's customer identification number.

(Source: P.A. 97-400, eff. 1-1-12.)

(225 ILCS 70/16) (from Ch. 111, par. 3666)

(Section scheduled to be repealed on January 1, 2028)

Sec. 16. The Department shall maintain a roster of individuals who hold licenses under this Act ~~the names and addresses of all licensees and of all persons whose licenses have been suspended or revoked~~. This roster shall be available upon written request and payment of the required fee.

(Source: P.A. 85-932.)

(225 ILCS 70/17) (from Ch. 111, par. 3667)

(Section scheduled to be repealed on January 1, 2028)

Sec. 17. Grounds for disciplinary action.

(a) The Department may ~~impose fines not to exceed \$10,000 or may~~ refuse to issue or to renew a license, or may revoke, suspend, place on probation, ~~censure,~~ reprimand, or take other disciplinary or non-disciplinary action as the Department deems proper, including fines not to exceed \$10,000 for each violation, with regard to any license issued under the

provisions of this Act ~~the license of any person~~, for any one or combination of the following causes:

(1) Intentional material misstatement in furnishing information to the Department or any other State agency or in furnishing information to an insurance company with respect to a claim on behalf of a licensee or patient.

(2) Conviction of or entry of a plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, ~~to any crime that is a felony~~ under the laws of any jurisdiction of the United States that is (i) a felony or (ii) or any state or territory thereof or a misdemeanor, ~~of which~~ an essential element of which is dishonesty or that is directly related to the practice of the profession of nursing home administration.

(3) Fraud or Making any misrepresentation in applying for or procuring for the purpose of obtaining a license under this Act or in connection with applying for renewal or restoration of a license under ~~, or violating any provision of this Act.~~

(4) Immoral conduct in the commission of any act, such as sexual abuse or sexual misconduct, related to the licensee's practice.

(5) Failing to respond within 60 ~~30~~ days, to a written

request made by the Department for information.

(6) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(7) Habitual or excessive use or abuse of drugs defined in law as controlled substances, of ~~use or addiction to~~ alcohol, narcotics, stimulants, or any other substances that ~~chemical agent or drug which~~ results in the inability to practice with reasonable judgment, skill, or safety.

(8) Adverse action taken ~~Discipline~~ by another U.S. jurisdiction if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein.

(9) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation or failed to comply with those terms.

(10) Willfully making or filing false records or reports related to the licensee's ~~in his or her~~ practice, including, but not limited to, false records filed with federal or State agencies or departments.

(11) Physical illness, mental illness, or other impairment or disability, including, but not limited to, deterioration through the aging process, or loss of motor skill that results in the inability to practice the profession with reasonable judgment, skill or safety.

(12) Disregard or violation of this Act or of any rule issued pursuant to this Act.

(13) Aiding or abetting another in the violation of this Act or any rule adopted ~~or regulation issued~~ pursuant to this Act.

(14) Allowing one's license to be used by an unlicensed person.

(15) (Blank).

(16) Professional incompetence in the practice of nursing home administration.

(17) Conviction of a violation of Section 12-19 or subsection (a) of Section 12-4.4a of the Criminal Code of 1961 or the Criminal Code of 2012 for the abuse and criminal neglect of a long term care facility resident.

(18) Violation of the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act or of any rule issued under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act. A final adjudication of a Type "AA" violation of the Nursing Home Care Act made by the Illinois Department of Public Health, as identified by rule, relating to the hiring, training, planning, organizing, directing, or supervising the operation of a nursing home and a licensee's failure to comply with this Act or the rules adopted under this Act, shall create a

rebuttable presumption of a violation of this subsection.

(19) Failure to report to the Department any adverse final action taken against the licensee by a licensing authority of another state, territory of the United States, or foreign country; or by any governmental or law enforcement agency; or by any court for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under this Section.

(20) Failure to report to the Department the surrender of a license or authorization to practice as a nursing home administrator in another state or jurisdiction for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under this Section.

(21) Failure to report to the Department any adverse judgment, settlement, or award arising from a liability claim related to acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under this Section.

(22) Failure to submit any required report under Section 80-10 of the Nurse Practice Act.

(23) Willfully failing to report an instance of suspected abuse, neglect, financial exploitation, or self-neglect of an eligible adult as defined in and required by the Adult Protective Services Act.

(24) Being named as an abuser in a verified report by the Department on Aging under the Adult Protective Services

Act and upon proof by clear and convincing evidence that the licensee abused, neglected, or financially exploited an eligible adult as defined in the Adult Protective Services Act.

All proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license on any of the foregoing grounds, must be commenced within 5 years next after receipt by the Department of (i) a complaint alleging the commission of or notice of the conviction order for any of the acts described herein or (ii) a referral for investigation under Section 3-108 of the Nursing Home Care Act.

The entry of an order or judgment by any circuit court establishing that any person holding a license under this Act is a person in need of mental treatment operates as a suspension of that license. That person may resume their practice only upon the entry of a Department order based upon a finding by the Board that they have been determined to be recovered from mental illness by the court and upon the Board's recommendation that they be permitted to resume their practice.

The Department, upon the recommendation of the Board, may adopt rules which set forth standards to be used in determining what constitutes:

- (i) when a person will be deemed sufficiently rehabilitated to warrant the public trust;
- (ii) dishonorable, unethical or unprofessional conduct

of a character likely to deceive, defraud, or harm the public;

(iii) immoral conduct in the commission of any act related to the licensee's practice; and

(iv) professional incompetence in the practice of nursing home administration.

However, no such rule shall be admissible into evidence in any civil action except for review of a licensing or other disciplinary action under this Act.

In enforcing this Section, the Department or Board, upon a showing of a possible violation, may compel any individual licensed to practice under this Act, or who has applied for licensure pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physician or physicians shall be those specifically designated by the Department or Board. The Department or Board may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any individual to submit to mental or physical examination, when directed, shall be

grounds for suspension of his or her license until such time as the individual submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department or Board finds an individual unable to practice because of the reasons set forth in this Section, the Department or Board shall require such individual to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or in lieu of care, counseling, or treatment, the Department may file, or the Board may recommend to the Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. Any individual whose license was granted pursuant to this Act or continued, reinstated, renewed, disciplined or supervised, subject to such terms, conditions or restrictions who shall fail to comply with such terms, conditions or restrictions shall be referred to the Secretary for a determination as to whether the licensee shall have his or her license suspended immediately, pending a hearing by the Department. In instances in which the Secretary immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Board within 30 days after such suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject administrator's

record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act, affected under this Section, shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(b) Any individual or organization acting in good faith, and not in a willful ~~wilful~~ and wanton manner, in complying with this Act by providing any report or other information to the Department, or assisting in the investigation or preparation of such information, or by participating in proceedings of the Department, or by serving as a member of the Board, shall not, as a result of such actions, be subject to criminal prosecution or civil damages.

(c) Members of the Board, and persons retained under contract to assist and advise in an investigation, shall be indemnified by the State for any actions occurring within the scope of services on or for the Board, done in good faith and not willful ~~wilful~~ and wanton in nature. The Attorney General shall defend all such actions unless he or she determines either that there would be a conflict of interest in such representation or that the actions complained of were not in good faith or were willful ~~wilful~~ and wanton.

Should the Attorney General decline representation, a person entitled to indemnification under this Section shall have the right to employ counsel of his or her choice, whose fees shall be provided by the State, after approval by the Attorney General, unless there is a determination by a court that the member's actions were not in good faith or were willful ~~wilful~~ and wanton.

A person entitled to indemnification under this Section must notify the Attorney General within 7 days of receipt of notice of the initiation of any action involving services of the Board. Failure to so notify the Attorney General shall constitute an absolute waiver of the right to a defense and indemnification.

The Attorney General shall determine within 7 days after receiving such notice, whether he or she will undertake to represent a person entitled to indemnification under this Section.

(d) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, as amended, operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the patient; and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume

his or her practice.

(e) The Department shall ~~may~~ refuse to issue or ~~may~~ suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(f) The Department of Public Health shall transmit to the Department a list of those facilities which receive an "A" violation as defined in Section 1-129 of the Nursing Home Care Act.

(Source: P.A. 98-104, eff. 7-22-13; 98-990, eff. 8-18-14; 99-180, eff. 7-29-15.)

(225 ILCS 70/17.1)

(Section scheduled to be repealed on January 1, 2028)

Sec. 17.1. Reports of violations of Act or other conduct.

(a) The owner or licensee of a long term care facility licensed under the Nursing Home Care Act who employs or contracts with a licensee under this Act shall report to the Department any instance of which he or she has knowledge arising in connection with operations of the health care institution, including the administration of any law by the institution, in which a licensee under this Act has either committed an act or acts which may constitute a violation of

this Act or unprofessional conduct related directly to patient care, or which may indicate that the licensee may have a mental or physical disability that may endanger patients under that licensee's care. Additionally, every nursing home shall report to the Department any instance when a licensee is terminated for cause which would constitute a violation of this Act. The Department may take disciplinary or non-disciplinary action if the termination is based upon unprofessional conduct related to planning, organizing, directing, or supervising the operation of a nursing home as defined by this Act or other conduct by the licensee that would be a violation of this Act or rules.

For the purposes of this subsection, "owner" does not mean the owner of the real estate or physical plant who does not hold management or operational control of the licensed long term care facility.

(b) Any insurance company that offers policies of professional liability insurance to licensees, or any other entity that seeks to indemnify the professional liability of a licensee, shall report the settlement of any claim or adverse final judgment rendered in any action that alleged negligence in planning, organizing, directing, or supervising the operation of a nursing home by the licensee.

(c) The State's Attorney of each county shall report to the Department each instance in which a licensee is convicted of or enters a plea of guilty or nolo contendere to any crime that is a felony, or of which an essential element is dishonesty, or

that is directly related to the practice of the profession of nursing home administration.

(d) Any agency, board, commission, department, or other instrumentality of the government of the State of Illinois shall report to the Department any instance arising in connection with the operations of the agency, including the administration of any law by the agency, in which a licensee under this Act has either committed an act or acts which may constitute a violation of this Act or unprofessional conduct related directly to planning, organizing, directing or supervising the operation of a nursing home, or which may indicate that a licensee may have a mental or physical disability that may endanger others.

(e) All reports required by items (19), (20), and (21) of subsection (a) of Section 17 and by this Section 17.1 shall be submitted to the Department in a timely fashion. The reports shall be filed in writing within 60 days after a determination that a report is required under this Section. All reports shall contain the following information:

(1) The name, address, and telephone number of the person making the report.

(2) The name, address, and telephone number of the person who is the subject of the report.

(3) The name and date of birth of any person or persons whose treatment is a subject of the report, or other means of identification if that information is not available, and

identification of the nursing home facility where the care at issue in the report was rendered.

(4) A brief description of the facts which gave rise to the issuance of the report, including the dates of any occurrences deemed to necessitate the filing of the report.

(5) If court action is involved, the identity of the court in which the action is filed, along with the docket number and the date the action was filed.

(6) Any further pertinent information that the reporting party deems to be an aid in evaluating the report.

If the Department receives a written report concerning an incident required to be reported under item (19), (20), or (21) of subsection (a) of Section 17, then the licensee's failure to report the incident to the Department within 60 days may not be the sole ground for any disciplinary action against the licensee.

(f) Any individual or organization acting in good faith, and not in a willful ~~wilful~~ and wanton manner, in complying with this Section by providing any report or other information to the Department, by assisting in the investigation or preparation of such information, by voluntarily reporting to the Department information regarding alleged errors or negligence by a licensee, or by participating in proceedings of the Department, shall not, as a result of such actions, be subject to criminal prosecution or civil damages.

(g) Upon the receipt of any report required by this Section, the Department shall notify in writing, by certified mail, the person who is the subject of the report. The notification shall be made within 30 days after the Department's receipt of the report.

The notification shall include a written notice setting forth the person's right to examine the report. The notification shall also include the address at which the file is maintained, the name of the custodian of the file, and the telephone number at which the custodian may be reached. The person who is the subject of the report shall submit a written statement responding, clarifying, adding to, or proposing the amending of the report previously filed. The statement shall become a permanent part of the file and must be received by the Department no more than 30 days after the date on which the person was notified by the Department of the existence of the original report.

The Department shall review a report received by it, together with any supporting information and responding statements submitted by the person who is the subject of the report. The review by the Department shall be in a timely manner, but in no event shall the Department's initial review of the material contained in each disciplinary file last less than 61 days nor more than 180 days after the receipt of the initial report by the Department.

When the Department makes its initial review of the

materials contained within its disciplinary files, the Department shall, in writing, make a determination as to whether there are sufficient facts to warrant further investigation or action. Failure to make such a determination within the time provided shall be deemed to be a determination that there are not sufficient facts to warrant further investigation or action. The Department shall notify the person who is the subject of the report of any final action on the report.

(h) A violation of this Section is a Class A misdemeanor.

(i) If any person or entity violates this Section, then an action may be brought in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, for an order enjoining the violation or for an order enforcing compliance with this Section. Upon filing of a verified petition in the court, the court may issue a temporary restraining order without notice or bond and may preliminarily or permanently enjoin the violation. If it is established that the person or entity has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this subsection (i) shall be in addition to, and not in lieu of, all other remedies and penalties provided for by this Section.

(Source: P.A. 99-143, eff. 7-27-15.)

(225 ILCS 70/19) (from Ch. 111, par. 3669)

(Section scheduled to be repealed on January 1, 2028)

Sec. 19. Investigation; notice and hearing. ~~hearing notification.~~

(a) The Department may investigate the actions of any applicant or of any person holding or claiming to hold a license under this Act.

(b) The Department shall, before disciplining an applicant or licensee, at least 30 days prior to the date set for the hearing: (i) notify, in writing, the accused of the charges made and the time and place for the hearing on the charges, (ii) direct him or her to file a written answer to the charges under oath within 20 days after service of the notice, and (iii) inform the applicant or licensee that failure to file an answer will result in a default being entered against the applicant or licensee.

(c) Written or electronic notice, and any notice in the subsequent proceeding, may be served by personal delivery, by email, or by mail to the applicant or licensee at his or her address of record or email address of record.

(d) At the time and place fixed in the notice, the Board or hearing officer appointed by the Secretary shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any statement, testimony, evidence, and argument as may be pertinent to the charges or to their defense. The Board or hearing officer may continue the hearing from time to time.

(e) In case the person, after receiving the notice, fails to file an answer, his or her license may, in the discretion of the Secretary, having first received the recommendation of the Board, be suspended, revoked, or placed on probationary status, or be subject to whatever disciplinary action the Secretary considers proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without hearing, if the act or acts charged constitute sufficient grounds for that action under this Act.

~~Upon the motion of either the Department or the Board or upon the verified complaint in writing of any person setting forth facts that, if proven, would constitute grounds for suspension or revocation under Section 17 of this Act, the Department shall investigate the actions of any person, so accused, who holds or represents that he or she holds a license. Such a person is hereinafter called the accused.~~

~~The Department shall, before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license at least 30 days prior to the date set for the hearing, notify the accused in writing of any charges made and the time and place for a hearing of the charges before the Board, direct them to file their written answer to such notice to the Board under oath within 30 days after the service on them of such notice and inform them that if they fail to file such answer default will be taken against them and their license may be suspended,~~

~~revoked, placed on probationary status, or have other disciplinary action, including limiting the scope, nature or extent of their practice, as the Department may deem proper taken with regard thereto.~~

~~Written notice may be served by personal delivery or by registered or certified mail to the applicant or licensee at his or her last address of record with the Department.~~

(Source: P.A. 95-703, eff. 12-31-07.)

(225 ILCS 70/20.1)

(Section scheduled to be repealed on January 1, 2028)

Sec. 20.1. Summary suspension. The Secretary may summarily suspend the license of a nursing home administrator without a hearing, simultaneously with the institution of proceedings for a hearing provided under this Act if the Secretary finds that evidence in his or her possession indicates that a licensee's ~~an administrator's~~ continuation in practice would constitute an immediate danger to the public. If the Secretary summarily suspends the license ~~of an administrator~~ without a hearing, a hearing shall be held within 30 calendar days after the suspension has occurred.

(Source: P.A. 95-703, eff. 12-31-07.)

(225 ILCS 70/21) (from Ch. 111, par. 3671)

(Section scheduled to be repealed on January 1, 2028)

Sec. 21. Appointment of hearing officer. Notwithstanding

any other provision of this Act, the ~~The~~ Secretary ~~has~~ shall have the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or ~~7~~ renew a license, ~~7~~ or discipline a licensee ~~license~~. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and to the Secretary. ~~The Board shall have 60 days after receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Secretary. If the Board fails to present its report to the Secretary within the 60 day period, the respondent may request in writing a direct appeal to the Secretary, in which case the Secretary shall, within 7 calendar days after the request, issue an order directing the Board to issue its findings of fact, conclusions of law, and recommendations to the Secretary within 30 calendar days after such order. If the Board fails to issue its findings of fact, conclusions of law, and recommendations within that time frame to the Secretary after the entry of such order, the Secretary shall, within 30 calendar days thereafter, issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order. If (i) a direct appeal is requested, (ii) the Board fails to issue its~~

~~findings of fact, conclusions of law, and recommendations within the 30-day mandate from the Secretary or the Secretary fails to order the Board to do so, and (iii) the Secretary fails to issue an order within 30 calendar days thereafter, then the hearing officer's report is deemed accepted and a final decision of the Secretary. Notwithstanding any other provision of this Section, if the Secretary, upon review, determines that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license or other disciplinary action taken as the result of the entry of the hearing officer's report, the Secretary may order a rehearing by the same or other examiners. If the Secretary disagrees with the recommendation of the Board or the hearing officer, the Secretary may issue an order in contravention of the Board's report. The Secretary shall promptly provide a written explanation to the Board on any such disagreement.~~

(Source: P.A. 95-703, eff. 12-31-07.)

(225 ILCS 70/23) (from Ch. 111, par. 3673)

(Section scheduled to be repealed on January 1, 2028)

Sec. 23. Record of proceedings; transcript. The Department, at its expense, shall preserve a record of all proceedings at the ~~any~~ formal hearing of any case. The notice of hearing, complaint, all other documents in the nature of pleadings, ~~and~~ written motions filed in the proceedings, the transcript of testimony, the report of the Board, and the

orders of the Department shall be the record of the proceedings. The Department shall furnish a transcript of the record to any person interested in such hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115).

(Source: P.A. 90-61, eff. 12-30-97; 91-239, eff. 1-1-00.)

(225 ILCS 70/24) (from Ch. 111, par. 3674)

(Section scheduled to be repealed on January 1, 2028)

Sec. 24. Hearing; motion ~~Motion~~ for rehearing.

(a) The Board or the hearing officer appointed by the Secretary shall hear evidence in support of the formal charges and evidence produced by the licensee. At the conclusion of the hearing, the ~~The~~ Board or the hearing officer shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. If the Board fails to present its report, the applicant or licensee may request in writing a direct appeal to the Secretary, in which case the Secretary may issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order.

(b) At the conclusion of the hearing, a ~~A~~ copy of the Board's or hearing officer's ~~such~~ report shall be served upon the applicant or licensee ~~accused person~~, either personally or as provided in this Act for the service of the notice of

hearing by certified mail. Within 20 days after such service, the applicant or licensee ~~accused person~~ may present to the Department a motion, in writing, for a rehearing that ~~, which~~ shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 calendar days after its service on the Department. If no motion for a rehearing is filed, then upon the expiration of the time specified for filing such a motion, or upon denial of a motion for rehearing, the Secretary may enter an order in accordance with recommendations of the Board or hearing officer. If the applicant or licensee ~~If the accused person~~ orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which a motion may be filed shall commence upon delivery of the transcript to the applicant or licensee ~~as provided in Section 23, the time elapsing thereafter and before such transcript is ready for delivery to them shall not be counted as part of such 30 days.~~

(c) If the Secretary disagrees in any regard with the report of the Board or hearing officer, the Secretary may issue an order contrary to the report.

(d) Whenever the Secretary is not satisfied that substantial justice has been done, the Secretary may order a rehearing by the same or another hearing officer.

(e) At any point in any investigation or disciplinary proceeding provided for in this Act, both parties may agree to

a negotiated consent order. The consent order shall be final upon signature of the Secretary.

(Source: P.A. 95-703, eff. 12-31-07.)

(225 ILCS 70/25) (from Ch. 111, par. 3675)

(Section scheduled to be repealed on January 1, 2028)

Sec. 25. Administrative review; certification of record.

(a) All final administrative decisions of the Department are subject to judicial review pursuant to the Administrative Review Law and all its rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(b) Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides; but if the party is not a resident of this State, the venue shall be in Sangamon County.

(c) The Department shall not be required to certify any record to the court or file any answer in court or to otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff ~~there is filed in the court, with the complaint, a receipt from the Department acknowledging~~ payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. ~~Exhibits shall be certified without cost.~~ Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action. During the pendency and

hearing of any and all judicial proceedings incident to a disciplinary action the sanctions imposed upon the accused by the Department shall remain in full force and effect.

(Source: P.A. 87-1031.)

(225 ILCS 70/26.5 new)

Sec. 26.5. Confidentiality. All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department shall not disclose the information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee by the Department or any order issued by the Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law.

(225 ILCS 70/32) (from Ch. 111, par. 3682)

(Section scheduled to be repealed on January 1, 2028)

Sec. 32. Restoration.At any time after the successful completion of a term of probation, suspension, or revocation of any license under this Act, the Department may, ~~upon the recommendation of the Board,~~ restore the license to the licensee upon the written recommendation of the Board ~~it to the accused person,~~ unless after an investigation and a hearing, the Board or Department determines ~~upon the recommendation of the Board~~ that restoration is not in the public interest. Where circumstances of suspension or revocation so indicate, the Department may require an examination of the licensee prior to restoring his or her license. No person whose license has been revoked as authorized in this Act may apply for restoration of that license or permit until such time as provided for in the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(Source: P.A. 85-932.)

(225 ILCS 70/33) (from Ch. 111, par. 3683)

(Section scheduled to be repealed on January 1, 2028)

Sec. 33. Surrender of license. Upon the revocation or suspension of any license, the licensee shall immediately ~~forthwith~~ surrender the license to the Department and if the licensee fails to do so, the Department shall have the right to seize the license.

(Source: P.A. 85-932.)

(225 ILCS 70/35) (from Ch. 111, par. 3685)

(Section scheduled to be repealed on January 1, 2028)

Sec. 35. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation or renewal of the license is specifically excluded. ~~For the purpose of this Act the notice required under Section 10-25 of the Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.~~

(Source: P.A. 88-45.)

(225 ILCS 70/20 rep.)

(225 ILCS 70/24.1 rep.)

(225 ILCS 70/28 rep.)

(225 ILCS 70/31 rep.)

Section 15. The Nursing Home Administrators Licensing and Disciplinary Act is amended by repealing Sections 20, 24.1, 28, and 31.

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

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225 ILCS 70/5	from Ch. 111, par. 3655
225 ILCS 70/5.1	
225 ILCS 70/6	from Ch. 111, par. 3656
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225 ILCS 70/16	from Ch. 111, par. 3666
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