

1 AN ACT concerning regulation.

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

4 Section 5. The Nursing Home Care Act is amended by
5 changing Section 3-401 as follows:

6 (210 ILCS 45/3-401) (from Ch. 111 1/2, par. 4153-401)

7 Sec. 3-401. A facility may involuntarily transfer or
8 discharge a resident only for one or more of the following
9 reasons:

10 (a) for medical reasons;

11 (b) for the resident's physical safety;

12 (c) for the physical safety of other residents, the
13 facility staff or facility visitors; or

14 (d) for either late payment or nonpayment for the
15 resident's stay, except as prohibited by Titles XVIII and
16 XIX of the federal Social Security Act. For purposes of
17 this Section, "late payment" means non-receipt of payment
18 after submission of a bill.

19 (1) If payment is not received within 45 days
20 after submission of a bill, a facility may send a
21 notice to the resident and responsible party
22 requesting payment within 30 days. If payment is not
23 received within such 30 days, the facility may

1 thereupon institute transfer or discharge proceedings
2 by sending a notice of transfer or discharge to the
3 resident and responsible party by registered or
4 certified mail. The notice shall state, in addition to
5 the requirements of Section 3-403 of this Act, that
6 the responsible party has the right to pay the amount
7 of the bill in full up to the date the transfer or
8 discharge is to be made and then the resident shall
9 have the right to remain in the facility. Such payment
10 shall terminate the transfer or discharge proceedings.
11 This subsection does not apply to those residents
12 whose care is provided for under the Illinois Public
13 Aid Code. The Department shall adopt rules setting
14 forth the criteria and procedures to be applied in
15 cases of involuntary transfer or discharge permitted
16 under this Section.

17 (2) A facility may submit to a resident or a
18 resident's legal representative a bill for all charges
19 for which payment was not made during the COVID-19
20 pandemic. If payment is not made or if the resident or
21 the resident's legal representative does not contact
22 the facility to set up a payment schedule acceptable
23 to the facility within 45 days after submission of a
24 bill, the facility may submit a request for payment.
25 Thirty days after receipt of the request for payment,
26 the facility may initiate an involuntary transfer or

1 discharge of the resident pursuant to this Section. If
2 the resident or the resident's legal representative
3 submits evidence of the resident's financial inability
4 to cover all charges, the facility shall make
5 application on behalf of the resident for Medicaid
6 services. Upon approval of the resident's application,
7 the State shall pay the resident's bill, retroactive
8 to the date the resident failed to make payment. A
9 resident's discharge prior to this action does not
10 eliminate a resident's responsibility to pay for all
11 services rendered. This paragraph (2) does not apply
12 to a resident whose care is provided for under the
13 Illinois Public Aid Code or who has submitted an
14 application for care to be provided under the Illinois
15 Public Aid Code.

16 (Source: P.A. 91-357, eff. 7-29-99.)

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