



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2262

Introduced 2/10/2023, by Sen. Robert Peters

#### SYNOPSIS AS INTRODUCED:

210 ILCS 45/Art. IV heading new  
210 ILCS 45/4-101 new  
210 ILCS 45/4-105 new  
210 ILCS 45/4-110 new  
210 ILCS 45/4-115 new  
210 ILCS 45/4-120 new

Amends the Nursing Home Care Act. Requires the Department of Human Services to establish a New Directions for Nursing Home Resident Care Task Force to develop a 5-year plan to deinstitutionalize individuals who require long-term care consistent with the federal requirements of community integration. Provides that the Department shall provide administrative support to the Task Force. Provides that the Department shall, within 6 months after the amendatory Act's effective date, create the Facility Transition Housing Program to provide housing assistance payments to individuals who receive benefits under the federal Social Security Act, face placement in a facility, or leave a facility. Requires the Program to provide housing assistance payments sufficient to allow eligible individuals to live in the local community. Provides that, subject to appropriation, the Department shall establish the Facility Transition Housing Program Task Force to assist in the design of the Program. Requires the Department to create a program to provide nursing services and assistance with activities for daily living sufficient to allow individuals who otherwise qualify for placement in a facility to receive short-term services in their local communities. Provides that persons who receive specified federal benefits shall receive a personal needs allowance of \$90 per month, with the Department providing \$60 per month in addition to the amount provided under federal law. Contains provisions concerning retaliation against residents and employees for complaints against a facility. Contains other provisions.

LRB103 29010 CPF 55396 b

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 adding  
5 the heading of Article IV as follows:

6 (210 ILCS 45/Art. IV heading new)

7 ARTICLE IV. LONG-TERM CARE TRANSITION

8 (210 ILCS 45/4-101 new)

9 Sec. 4-101. Long-Term Care Transition Plan.

10 (a) The Department of Human Services shall establish a New  
11 Directions for Nursing Home Resident Care Task Force to  
12 develop a 5-year plan to deinstitutionalize individuals who  
13 require long-term care consistent with the requirements of  
14 community integration under the federal Americans with  
15 Disabilities Act of 1990 and the United States Supreme Court  
16 decision in Olmstead v. L.C. ex rel. Zimring, 527 U.S. 581  
17 (1999).

18 (b) The Task Force shall create a plan to reduce the  
19 nursing home population in Illinois by 50% in 5 years. To  
20 achieve that goal, the plan shall:

21 (1) specify timetables for numbers of transitions per  
22 6-month period necessary to achieve the goal;

1           (2) provide estimates of funding needed to meet the  
2 timetables under paragraph (1);

3           (3) identify programs that allow less congregated and  
4 less restrictive care than those currently available;

5           (4) identify gaps in program coordination that, if  
6 properly coordinated, could assist in achieving the goal;  
7 and

8           (5) specify a process for ensuring a just transition  
9 for nursing home staff displaced by the plan.

10 (c) The Task Force shall consist of:

11           (1) the Director of Aging or the Director's designee;

12           (2) the Secretary of Human Services or the Secretary's  
13 designee;

14           (3) the Attorney General or the Attorney General's  
15 designee;

16           (4) 2 members nominated by the Illinois chapter of the  
17 AFL-CIO;

18           (5) 3 members nominated by the Statewide Independent  
19 Living Council;

20           (6) 3 persons with disabilities nominated by the  
21 Statewide Independent Living Council;

22           (7) 3 senior citizens, or advocates for senior  
23 citizens, nominated by the Statewide Independent Living  
24 Council;

25           (8) one representative of the nursing home industry  
26 appointed by the Governor;

1           (9) one representative of a national network of  
2           advocates for independent living nominated by the  
3           Statewide Independent Living Council; and

4           (10) one representative from a protection and advocacy  
5           agency for people in Illinois.

6           (d) Task Force members shall elect a chairperson from  
7           among themselves. Task Force members shall serve without  
8           compensation but shall be reimbursed for reasonable expenses  
9           incurred in carrying out their duties as Task Force members.

10          (e) The Department of Human Services shall provide  
11          administrative support to the Task Force.

12          (f) The Department of Human Services shall establish the  
13          Task Force no later than 3 months after the effective date of  
14          this amendatory Act of the 103rd General Assembly. The Task  
15          Force shall issue the plan required under subsection (b) no  
16          later than one year after the Task Force is established.

17           (210 ILCS 45/4-105 new)

18          Sec. 4-105. Facility Transition Housing Program.

19          (a) Within 6 months after the effective date of this  
20          amendatory Act of the 103rd General Assembly, the Department  
21          of Human Services shall create the Facility Transition Housing  
22          Program to provide housing assistance payments to individuals  
23          who receive benefits under Title XVI of the federal Social  
24          Security Act, face placement in a facility, or leave a  
25          facility.

1       (b) The Facility Transition Housing Program shall provide  
2 housing assistance payments sufficient to allow eligible  
3 individuals to live in the local community but not less than  
4 the assistance provided through the federal Housing Choice  
5 Voucher Program established under 24 CFR Part 982.

6       (c) Subject to appropriation, the Department of Human  
7 Services shall establish the Facility Transition Housing  
8 Program Task Force to assist in the design of the Program. The  
9 Department of Human Services shall appoint advocates for  
10 persons with disabilities, advocates for senior citizens, and  
11 representatives from the Illinois Housing Development  
12 Authority as members of the Task Force. When designing the  
13 Program, the Task Force shall consider the savings of living  
14 in local communities compared to the expense of living in a  
15 facility.

16       (210 ILCS 45/4-110 new)

17       Sec. 4-110. Transitional and emergency home services.

18       Within 4 months after the effective date of this  
19 amendatory Act of the 103rd General Assembly, the Department  
20 of Human Services shall create a program to provide nursing  
21 services and assistance with activities for daily living  
22 sufficient to allow individuals who otherwise qualify for  
23 placement in a facility to receive short-term services in  
24 their local communities. The program shall provide (i)  
25 emergency home services when an individual receiving home

1 services has a temporary need for a substitute personal  
2 assistant and (ii) short-term services to bridge periods  
3 between release from medical or institutional settings and the  
4 establishment of long-term home services or other arrangements  
5 allowing an individual to live in the local community. To  
6 accomplish this goal, the program shall, subject to  
7 appropriation, at a minimum:

8 (1) determine eligibility for persons who are at risk  
9 of placement in a facility no more than 24 hours after  
10 requesting services under the program;

11 (2) provide every service available under any Illinois  
12 Medicaid waiver program, including, but not limited to,  
13 medication management, toileting, transferring,  
14 catheterization, and bathing;

15 (3) provide emergency services to recipients under any  
16 Illinois Medicaid waiver program who experience a  
17 temporary unanticipated interruption in services,  
18 regardless of the type of waiver received or the age of the  
19 recipient; and

20 (4) continue short-term services for an individual  
21 until a full assessment of Medicaid waiver eligibility is  
22 complete and there is either a finding of ineligibility  
23 for Medicaid waiver services or long-term services under  
24 the appropriate Medicaid waiver program have begun.

1       Sec. 4-115. Personal needs allowance.

2       (a) A person who receives benefits under Title XVI of the  
3 federal Social Security Act and resides in a facility shall  
4 receive a personal needs allowance of \$90 per month, with the  
5 Department of Human Services providing \$60 per month in  
6 addition to the amount provided under the federal provisions.

7       (b) Beginning January 1 of the year following the  
8 effective date of this amendatory Act of the 103rd General  
9 Assembly, and on or before January 1 of each year thereafter,  
10 and subject to appropriation for this specific purpose, the  
11 personal needs allowance shall be increased by the percentage  
12 adjusted for cost-of-living increases under the Old Age,  
13 Survivors, and Disability Social Security Benefits published  
14 by the federal Social Security Administration, subject to the  
15 maximum personal needs allowance permissible under the federal  
16 Social Security Act.

17       (210 ILCS 45/4-120 new)

18       Sec. 4-120. Prohibition on retaliation for resident or  
19 facility employee complaints.

20       (a) Facility owners, management, and employees are  
21 prohibited from retaliating against facility residents or  
22 employees who complain about facility services, including, but  
23 not limited to, a facility's physical condition, provision of  
24 medical care, social supports and services provided, access to  
25 visitation, time outside of the facility, and any other

1 attribute connected to a resident's experience of living in a  
2 facility.

3 (b) There is a rebuttable presumption of retaliation under  
4 this Section if a resident or employee experiences reduced  
5 access to services, neglect, selective restrictions,  
6 hostility, transfer to another facility, reduction of work  
7 hours, reassignment to less desirable hours, or a threat to  
8 take any of these actions within one year after the resident or  
9 employee:

10 (1) complains of a violation or problem applicable to  
11 the facility to a competent governmental agency, elected  
12 representative, or other individual responsible for  
13 enforcing any law applicable to the facility;

14 (2) complains of violations or problems applicable to  
15 the facility to a community organization or the news  
16 media;

17 (3) complains about violations or problems applicable  
18 to the facility;

19 (4) complains to any government official, ombudsman,  
20 or member of the public about building, health, or similar  
21 violations or an illegal facility practice;

22 (5) seeks the assistance from a community  
23 organization, union, or the news media to remedy a  
24 violation or improper practice;

25 (6) seeks assistance for himself, herself, or another  
26 resident or employee to transition to independent living;



1           (7) requests that the facility make repairs, address  
2           grievances, or meet other regulatory building, health, or  
3           other requirements;

4           (8) requests that the facility comply with a care  
5           plan;

6           (9) becomes a member of a resident council, resident  
7           union, employee union, or a similar organization;

8           (10) testifies in any court or administrative  
9           proceeding concerning the condition of the facility; or

10           (11) takes any other good faith action in support of  
11           any other right or remedy provided by law.

12           (c) A facility or facility management who retaliates in  
13           violation of this Section is liable for each offense and may be  
14           subject to any remedy available at law, including, but not  
15           limited to, compensation for future pecuniary losses,  
16           emotional pain, suffering, inconvenience, mental anguish, loss  
17           of enjoyment of life, and other nonpecuniary losses, plus  
18           attorney's fees and costs. In addition, where the facility or  
19           facility management is found to have retaliated in violation  
20           of this Section, the facility is liable to the complaining  
21           resident for an additional penalty in the amount of double the  
22           facility's monthly billing for that resident.

23           (d) A resident may allege retaliation as an affirmative  
24           defense to any action to remove or transfer the resident from a  
25           facility.

26           (e) A claim for retaliation under this Act may be filed in

1 any court of competent jurisdiction or any administrative  
2 hearing process operated by or through the State of Illinois  
3 or its agencies.

4 (f) The Office of the State Long Term Care Ombudsman shall  
5 have the power, either directly or by contract with another  
6 entity, to provide legal services or representation to  
7 residents who experience retaliation that is prohibited under  
8 this Section.

9 (g) The Attorney General may enjoin retaliation and seek  
10 payment of the penalty provided in subsection (c) when the  
11 retaliatory conduct impacts 3 or more residents or employees.