



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5849

Introduced 2/16/2012, by Rep. David R. Leitch

#### SYNOPSIS AS INTRODUCED:

210 ILCS 45/3-301

from Ch. 111 1/2, par. 4153-301

Amends the Nursing Home Care Act. Requires the Department of Public Health to establish a statewide central review team to review all alleged Type "AA" or Type "A" violations of the Act and all alleged violations, cited at the level of substandard quality of care, of federal rules concerning certification of long-term care facilities to participate in the Medicaid program. Requires such review before the Director of Public Health or his or her designee determines that a violation exists and serves a notice of violation. Requires the review team to analyze all available data and precedents for the purpose of ensuring that determinations of violations are consistent throughout the State. Provides that upon concluding a review of an alleged violation, the review team shall submit its written findings and recommendations to the Director. Effective January 1, 2013.

LRB097 17890 DRJ 65940 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 changing  
5 Section 3-301 as follows:

6 (210 ILCS 45/3-301) (from Ch. 111 1/2, par. 4153-301)

7 Sec. 3-301. Determination of violation; notice; review  
8 team.

9 (a) If after receiving the report specified in subsection  
10 (c) of Section 3-212 the Director or his designee determines  
11 that a facility is in violation of this Act or of any rule  
12 promulgated thereunder, then, except as provided in subsection  
13 (b), he shall serve a notice of violation upon the licensee  
14 within 10 days thereafter. Each notice of violation shall be  
15 prepared in writing and shall specify the nature of the  
16 violation, and the statutory provision or rule alleged to have  
17 been violated. The notice shall inform the licensee of any  
18 action the Department may take under the Act, including the  
19 requirement of a facility plan of correction under Section  
20 3-303; placement of the facility on a list prepared under  
21 Section 3-304; assessment of a penalty under Section 3-305; a  
22 conditional license under Sections 3-311 through 3-317; or  
23 license suspension or revocation under Section 3-119. The

1 Director or his designee shall also inform the licensee of  
2 rights to a hearing under Section 3-703.

3 (b) The Department shall establish a statewide central  
4 review team to review (i) all alleged Type "AA" or Type "A"  
5 violations of this Act or the rules promulgated thereunder and  
6 (ii) all alleged violations, cited at the level of substandard  
7 quality of care, of federal rules concerning certification of  
8 long-term care facilities to participate in the Medicaid  
9 program. The review team shall review all such alleged  
10 violations before the Director or his or her designee  
11 determines that a violation exists and serves a notice of  
12 violation under subsection (a). In conducting a review under  
13 this subsection, the review team shall analyze all available  
14 data and precedents for the purpose of ensuring that  
15 determinations of violations are consistent throughout the  
16 State. Upon concluding a review of an alleged violation, the  
17 review team shall submit its written findings and  
18 recommendations to the Director.

19 (Source: P.A. 85-1378.)

20 Section 99. Effective date. This Act takes effect January  
21 1, 2013.