



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3213

by Rep. Randy Frese

SYNOPSIS AS INTRODUCED:

See Index

Amends the Department of Veterans Affairs Act. Deletes language providing that the head of the Division of Women Veterans Affairs shall serve as an Assistant Director of Veterans' Affairs. Makes changes in the provision concerning the Department's powers and duties. Provides that a veteran or spouse, once admitted to an Illinois Veterans Home facility, is considered a resident for interfacility purposes. Provides that the Director of Veterans' Affairs may authorize a Veterans Home to conduct limited fundraising in accordance with applicable laws and regulations for which the sole purpose is to benefit the Veteran Home's member's benefits fund. Reduces the number of reports that the Department is to give to the General Assembly each year concerning veterans' homes from 2 to one each year. Permits the Department to operate cemeteries at the Manteno Veterans Home and the Quincy Veterans Home for interment of veterans or their spouses as identified by the Department. Amends the Nursing Home Care Act. Provides that before commencing construction of a new facility or specified types of alteration or additions to an existing long-term care facility involving major construction, as defined by rule by the Department of Public Health, with an estimated cost greater than \$100,000, architectural drawings and specifications for the facility shall be submitted to the Department for review. Sets forth provisions concerning applications and departmental review, inspections, and emergency repairs. Provides that for facilities operated by the Department of Veterans' Affairs, certain deadlines for correction of violations are subject to adherence to applicable State procurement laws and the availability of appropriations for the specific purpose. Makes other changes. Effective immediately.

LRB099 09058 KTG 29247 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Section 5. The Department of Veterans Affairs Act is
5 amended by changing Sections 1.2, 2, 2.01, 2.04, 2.07, and 3
6 and adding Section 2.12 as follows:

7 (20 ILCS 2805/1.2)

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

23 (Source: P.A. 96-94, eff. 7-27-09; 97-297, eff. 1-1-12.)

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

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

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

12 (1) Contact veterans, their survivors and dependents
13 and advise them of the benefits of state and federal laws
14 and assist them in obtaining such benefits;

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

17 (3) Create and maintain a volunteer field force. The
18 volunteer field force may include representatives from the
19 following without limitation: ~~of — accredited~~
20 representatives, — representing educational institutions,
21 labor organizations, veterans organizations, employers,
22 churches, and farm organizations;

23 (4) Conduct informational and training services;

24 (5) Conduct educational programs through newspapers,
25 periodicals, social media, television, and radio for the

1 specific purpose of disseminating information affecting
2 veterans and their dependents;

3 (6) Coordinate the services and activities of all state
4 departments having services and resources affecting
5 veterans and their dependents;

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

9 (8) Cooperate with veterans organizations and other
10 governmental agencies;

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

13 (10) Make and publish annual reports to the Governor
14 regarding the administration and general operation of the
15 Department;

16 (11) (Blank); and

17 (12) (Blank).

18 The Department may accept and hold on behalf of the State,
19 if for the public interest, a grant, gift, devise or bequest of
20 money or property to the Department made for the general
21 benefit of Illinois veterans, including the conduct of
22 informational and training services by the Department and other
23 authorized purposes of the Department. The Department shall
24 cause each grant, gift, devise or bequest to be kept as a
25 distinct fund and shall invest such funds in the manner
26 provided by the Public Funds Investment Act, as now or

1 hereafter amended, and shall make such reports as may be
2 required by the Comptroller concerning what funds are so held
3 and the manner in which such funds are invested. The Department
4 may make grants from these funds for the general benefit of
5 Illinois veterans. Grants from these funds, except for the
6 funds established under Sections 2.01a and 2.03, shall be
7 subject to appropriation.

8 The Department has the power to make grants, from funds
9 appropriated from the Korean War Veterans National Museum and
10 Library Fund, to private organizations for the benefit of the
11 Korean War Veterans National Museum and Library.

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

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

16 (20 ILCS 2805/2.01) (from Ch. 126 1/2, par. 67.01)

17 Sec. 2.01. Veterans Home admissions.

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

21 (b) The veteran must:

22 (1) have served in the armed forces of the United
23 States at least 1 day in World War II, the Korean Conflict,
24 the Viet Nam Campaign, or the Persian Gulf Conflict between
25 the dates recognized by the U.S. Department of Veterans

1 Affairs or between any other present or future dates
2 recognized by the U.S. Department of Veterans Affairs as a
3 war period, or have served in a hostile fire environment
4 and has been awarded a campaign or expeditionary medal
5 signifying his or her service, for purposes of eligibility
6 for domiciliary or nursing home care;

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

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

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

23 (5) have served on active duty in the armed forces of
24 the United States for 24 months of continuous service or
25 more, excluding active duty for training purposes only, and
26 enlisted after September 7, 1980, for purposes of

1 eligibility for domiciliary or nursing home care;

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

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

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

21 (c) The veteran must have service accredited to the State
22 of Illinois or have been a resident of this State for one year
23 immediately preceding the date of application.

24 (d) For admission to the Illinois Veterans Homes at Anna
25 and Quincy, the veteran must be disabled by disease, wounds, or
26 otherwise and because of the disability be incapable of earning

1 a living.

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

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

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

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

15 (20 ILCS 2805/2.04) (from Ch. 126 1/2, par. 67.04)

16 Sec. 2.04. There shall be established in the State Treasury
17 special funds known as (i) the LaSalle Veterans Home Fund, (ii)
18 the Anna Veterans Home Fund, (iii) the Manteno Veterans Home
19 Fund, and (iv) the Quincy Veterans Home Fund. All moneys
20 received by an Illinois Veterans Home from Medicare and from
21 maintenance charges to veterans, spouses, and surviving
22 spouses residing at that Home shall be paid into that Home's
23 Fund. All moneys received from the U.S. Department of Veterans
24 Affairs for patient care shall be transmitted to the Treasurer
25 of the State for deposit in the Veterans Home Fund for the Home

1 in which the veteran resides. Appropriations shall be made from
2 a Fund only for the needs of the Home, including capital
3 improvements, building rehabilitation, and repairs.

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

18 Upon request of the Department, the State's Attorney of the
19 county in which a resident or living former resident of an
20 Illinois Veterans Home who is liable under this Act for payment
21 of sums representing maintenance charges resides shall file an
22 action in a court of competent jurisdiction against any such
23 person who fails or refuses to pay such sums. The court may
24 order the payment of sums due to maintenance charges for such
25 period or periods of time as the circumstances require.

26 Upon the death of a person who is or has been a resident of

1 an Illinois Veterans Home who is liable for maintenance charges
2 and who is possessed of property, the Department may present a
3 claim for such sum or for the balance due in case less than the
4 rate prescribed under this Act has been paid. The claim shall
5 be allowed and paid as other lawful claims against the estate.

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

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

23 The Director of Central Management Services, with the
24 consent of the Director of Veterans' Affairs, is authorized and
25 empowered to lease or let any real property held by the
26 Department of Veterans' Affairs for an Illinois Veterans Home

1 to entities or persons upon terms and conditions which are
2 considered to be in the best interest of that Home. The real
3 property must not be needed for any direct or immediate purpose
4 of the Home. In any leasing or letting, primary consideration
5 shall be given to the use of real property for agricultural
6 purposes, and all moneys received shall be transmitted to the
7 Treasurer of the State for deposit in the appropriate Veterans
8 Home Fund.

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

10 (20 ILCS 2805/2.07) (from Ch. 126 1/2, par. 67.07)

11 Sec. 2.07. The Department shall employ and maintain
12 sufficient and qualified staff at the veterans' homes (i) to
13 fill all beds, subject to appropriation, and (ii) to fulfill
14 the requirements of this Act. The Department shall report to
15 the General Assembly, by ~~January 1~~ and July 1 of each year, the
16 number of staff employed in providing direct patient care at
17 their veterans' homes, the compliance or noncompliance with
18 staffing standards established by the United States Department
19 of Veterans Affairs for such care, and in the event of
20 noncompliance with such standards, the number of staff required
21 for compliance. For purposes of this Section, a nurse who has a
22 license application pending with the State shall not be deemed
23 unqualified by the Department if the nurse is in compliance
24 with Section 50-15 of the Nurse Practice Act.

25 (Source: P.A. 96-699, eff. 8-25-09; 97-297, eff. 1-1-12.)

1 (20 ILCS 2805/2.12 new)

2 Sec. 2.12. Cemeteries. The Department may operate
3 cemeteries at the Manteno Veterans Home and the Quincy Veterans
4 Home for interment of veterans or their spouses as identified
5 by the Department.

6 (20 ILCS 2805/3) (from Ch. 126 1/2, par. 68)

7 Sec. 3. The Department shall:

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

10 2. establish ~~Establish~~ such field offices as it shall find
11 necessary to enable it to perform its duties; and

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

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

17 Section 10. The Nursing Home Care Act is amended by
18 changing Sections 2-201.5, 3-101.5, and 3-303 and adding
19 Section 3-202.6 as follows:

20 (210 ILCS 45/2-201.5)

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

22 (a) All persons age 18 or older seeking admission to a

1 nursing facility must be screened to determine the need for
2 nursing facility services prior to being admitted, regardless
3 of income, assets, or funding source. Screening for nursing
4 facility services shall be administered through procedures
5 established by administrative rule. Screening may be done by
6 agencies other than the Department as established by
7 administrative rule. This Section applies on and after July 1,
8 1996. No later than October 1, 2010, the Department of
9 Healthcare and Family Services, in collaboration with the
10 Department on Aging, the Department of Human Services, and the
11 Department of Public Health, shall file administrative rules
12 providing for the gathering, during the screening process, of
13 information relevant to determining each person's potential
14 for placing other residents, employees, and visitors at risk of
15 harm.

16 (a-1) Any screening performed pursuant to subsection (a) of
17 this Section shall include a determination of whether any
18 person is being considered for admission to a nursing facility
19 due to a need for mental health services. For a person who
20 needs mental health services, the screening shall also include
21 an evaluation of whether there is permanent supportive housing,
22 or an array of community mental health services, including but
23 not limited to supported housing, assertive community
24 treatment, and peer support services, that would enable the
25 person to live in the community. The person shall be told about
26 the existence of any such services that would enable the person

1 to live safely and humanely and about available appropriate
2 nursing home services that would enable the person to live
3 safely and humanely, and the person shall be given the
4 assistance necessary to avail himself or herself of any
5 available services.

6 (a-2) Pre-screening for persons with a serious mental
7 illness shall be performed by a psychiatrist, a psychologist, a
8 registered nurse certified in psychiatric nursing, a licensed
9 clinical professional counselor, or a licensed clinical social
10 worker, who is competent to (i) perform a clinical assessment
11 of the individual, (ii) certify a diagnosis, (iii) make a
12 determination about the individual's current need for
13 treatment, including substance abuse treatment, and recommend
14 specific treatment, and (iv) determine whether a facility or a
15 community-based program is able to meet the needs of the
16 individual.

17 For any person entering a nursing facility, the
18 pre-screening agent shall make specific recommendations about
19 what care and services the individual needs to receive,
20 beginning at admission, to attain or maintain the individual's
21 highest level of independent functioning and to live in the
22 most integrated setting appropriate for his or her physical and
23 personal care and developmental and mental health needs. These
24 recommendations shall be revised as appropriate by the
25 pre-screening or re-screening agent based on the results of
26 resident review and in response to changes in the resident's

1 wishes, needs, and interest in transition.

2 Upon the person entering the nursing facility, the
3 Department of Human Services or its designee shall assist the
4 person in establishing a relationship with a community mental
5 health agency or other appropriate agencies in order to (i)
6 promote the person's transition to independent living and (ii)
7 support the person's progress in meeting individual goals.

8 (a-3) The Department of Human Services, by rule, shall
9 provide for a prohibition on conflicts of interest for
10 pre-admission screeners. The rule shall provide for waiver of
11 those conflicts by the Department of Human Services if the
12 Department of Human Services determines that a scarcity of
13 qualified pre-admission screeners exists in a given community
14 and that, absent a waiver of conflicts, an insufficient number
15 of pre-admission screeners would be available. If a conflict is
16 waived, the pre-admission screener shall disclose the conflict
17 of interest to the screened individual in the manner provided
18 for by rule of the Department of Human Services. For the
19 purposes of this subsection, a "conflict of interest" includes,
20 but is not limited to, the existence of a professional or
21 financial relationship between (i) a PAS-MH corporate or a
22 PAS-MH agent and (ii) a community provider or long-term care
23 facility.

24 (b) In addition to the screening required by subsection
25 (a), a facility, except for those licensed as long term care
26 for under age 22 facilities, shall, within 24 hours after

1 admission, request a criminal history background check
2 pursuant to the Uniform Conviction Information Act for all
3 persons age 18 or older seeking admission to the facility,
4 unless a background check was initiated by a hospital pursuant
5 to subsection (d) of Section 6.09 of the Hospital Licensing Act
6 or a pre-admission background check was conducted by the
7 Department of Veterans' Affairs 30 days prior to admittance
8 into an Illinois Veterans Home. Background checks conducted
9 pursuant to this Section shall be based on the resident's name,
10 date of birth, and other identifiers as required by the
11 Department of State Police. If the results of the background
12 check are inconclusive, the facility shall initiate a
13 fingerprint-based check, unless the fingerprint check is
14 waived by the Director of Public Health based on verification
15 by the facility that the resident is completely immobile or
16 that the resident meets other criteria related to the
17 resident's health or lack of potential risk which may be
18 established by Departmental rule. A waiver issued pursuant to
19 this Section shall be valid only while the resident is immobile
20 or while the criteria supporting the waiver exist. The facility
21 shall provide for or arrange for any required fingerprint-based
22 checks to be taken on the premises of the facility. If a
23 fingerprint-based check is required, the facility shall
24 arrange for it to be conducted in a manner that is respectful
25 of the resident's dignity and that minimizes any emotional or
26 physical hardship to the resident.

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

5 (1) Immediately notify the Department of State Police,
6 in the form and manner required by the Department of State
7 Police, in collaboration with the Department of Public
8 Health, that the resident is an identified offender.

9 (2) Within 72 hours, arrange for a fingerprint-based
10 criminal history record inquiry to be requested on the
11 identified offender resident. The inquiry shall be based on
12 the subject's name, sex, race, date of birth, fingerprint
13 images, and other identifiers required by the Department of
14 State Police. The inquiry shall be processed through the
15 files of the Department of State Police and the Federal
16 Bureau of Investigation to locate any criminal history
17 record information that may exist regarding the subject.
18 The Federal Bureau of Investigation shall furnish to the
19 Department of State Police, pursuant to an inquiry under
20 this paragraph (2), any criminal history record
21 information contained in its files.

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

24 All name-based and fingerprint-based criminal history
25 record inquiries shall be submitted to the Department of State
26 Police electronically in the form and manner prescribed by the

1 Department of State Police. The Department of State Police may
2 charge the facility a fee for processing name-based and
3 fingerprint-based criminal history record inquiries. The fee
4 shall be deposited into the State Police Services Fund. The fee
5 shall not exceed the actual cost of processing the inquiry.

6 (d) (Blank).

7 (e) The Department shall develop and maintain a
8 de-identified database of residents who have injured facility
9 staff, facility visitors, or other residents, and the attendant
10 circumstances, solely for the purposes of evaluating and
11 improving resident pre-screening and assessment procedures
12 (including the Criminal History Report prepared under Section
13 2-201.6) and the adequacy of Department requirements
14 concerning the provision of care and services to residents. A
15 resident shall not be listed in the database until a Department
16 survey confirms the accuracy of the listing. The names of
17 persons listed in the database and information that would allow
18 them to be individually identified shall not be made public.
19 Neither the Department nor any other agency of State government
20 may use information in the database to take any action against
21 any individual, licensee, or other entity, unless the
22 Department or agency receives the information independent of
23 this subsection (e). All information collected, maintained, or
24 developed under the authority of this subsection (e) for the
25 purposes of the database maintained under this subsection (e)
26 shall be treated in the same manner as information that is

1 subject to Part 21 of Article VIII of the Code of Civil
2 Procedure.

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

4 (210 ILCS 45/3-101.5)

5 Sec. 3-101.5. Illinois Veterans Homes. An Illinois
6 Veterans Home licensed under this Act and operated by the
7 Illinois Department of Veterans' Affairs is exempt from the
8 license fee provisions of Section 3-103 of this Act and the
9 provisions of Sections 3-104 through 3-106, 3-202.5, 3-208,
10 3-302, and 3-303, 3-401 through 3-423, 3-503 through 3-517, and
11 3-603 through 3-607 of this Act. A monitor or receiver shall be
12 placed in an Illinois Veterans Home only by court order or by
13 agreement between the Director of Public Health, the Director
14 of Veterans' Affairs, and the Secretary of the United States
15 Department of Veterans Affairs.

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

17 (210 ILCS 45/3-202.6 new)

18 Sec. 3-202.6. Department of Veterans' Affairs facility
19 plan review.

20 (a) Before commencing construction of a new facility or
21 specified types of alteration or additions to an existing
22 long-term care facility involving major construction, as
23 defined by rule by the Department, with an estimated cost
24 greater than \$100,000, architectural drawings and

1 specifications for the facility shall be submitted to the
2 Department for review. A facility may submit architectural
3 drawings and specifications for other construction projects
4 for Department review according to subsection (b) of this
5 Section that shall not be subject to fees under subsection (d)
6 of this Section. Review of drawings and specifications shall be
7 conducted by an employee of the Department meeting the
8 qualifications established by the Department of Central
9 Management Services class specifications for such an
10 individual's position or by a person contracting with the
11 Department who meets those class specifications.

12 (b) The Department shall inform an applicant in writing
13 within 10 working days after receiving drawings and
14 specifications from the applicant whether the applicant's
15 submission is complete or incomplete. Failure to provide the
16 applicant with this notice within 10 working days after
17 receiving drawings and specifications from the applicant shall
18 result in the submission being deemed complete for purposes of
19 initiating the 60-day review period under this Section. If the
20 submission is incomplete, the Department shall inform the
21 applicant of the deficiencies with the submission in writing.
22 If the submission is complete, the Department shall approve or
23 disapprove drawings and specifications submitted to the
24 Department no later than 60 days following receipt by the
25 Department. The drawings and specifications shall be of
26 sufficient detail, as provided by Department rule, to enable

1 the Department to render a determination of compliance with
2 design and construction standards under this Act. If the
3 Department finds that the drawings are not of sufficient detail
4 for it to render a determination of compliance, the plans shall
5 be determined to be incomplete and shall not be considered for
6 purposes of initiating the 60-day review period. If a
7 submission of drawings and specifications is incomplete, the
8 applicant may submit additional information. The 60-day review
9 period shall not commence until the Department determines that
10 a submission of drawings and specifications is complete or the
11 submission is deemed complete. If the Department has not
12 approved or disapproved the drawings and specifications within
13 60 days after receipt by the Department, the construction,
14 major alteration, or addition shall be deemed approved. If the
15 drawings and specifications are disapproved, the Department
16 shall state in writing, with specificity, the reasons for the
17 disapproval. The entity submitting the drawings and
18 specifications may submit additional information in response
19 to the written comments from the Department or request a
20 reconsideration of the disapproval. A final decision of
21 approval or disapproval shall be made within 45 days after the
22 receipt of the additional information or reconsideration
23 request. If denied, the Department shall state the specific
24 reasons for the denial.

25 (c) The Department shall provide written approval for
26 occupancy pursuant to subsection (e) of this Section and shall

1 not issue a violation to a facility as a result of a licensure
2 or complaint survey based upon the facility's physical
3 structure if:

4 (1) the Department reviewed and approved or is deemed
5 to have approved the drawings and specifications for
6 compliance with design and construction standards;

7 (2) the construction, major alteration, or addition
8 was built as submitted;

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

11 (4) the conditions at the facility indicate that there
12 is a reasonable degree of safety provided for the
13 residents.

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

16 (e) The Department shall conduct an on-site inspection of
17 the completed project no later than 30 days after notification
18 from the applicant that the project has been completed and all
19 certifications required by the Department have been received
20 and accepted by the Department. The Department shall provide
21 written approval for occupancy to the applicant within 5
22 working days after the Department's final inspection, provided
23 the applicant has demonstrated substantial compliance as
24 defined by Department rule. Occupancy of new major construction
25 is prohibited until Department approval is received, unless the
26 Department has not acted within the time frames provided in

1 this subsection (e), in which case the construction shall be
2 deemed approved. Occupancy shall be authorized after any
3 required health inspection by the Department has been
4 conducted.

5 (f) The Department shall establish, by rule, a procedure to
6 conduct interim on-site review of large or complex construction
7 projects.

8 (g) The Department shall establish, by rule, an expedited
9 process for emergency repairs or replacement of like equipment.

10 (h) Nothing in this Section shall be construed to apply to
11 maintenance, upkeep, or renovation that does not affect the
12 structural integrity of the building, does not add beds or
13 services over the number for which the long-term care facility
14 is licensed, and provides a reasonable degree of safety for the
15 residents.

16 (210 ILCS 45/3-303) (from Ch. 111 1/2, par. 4153-303)

17 Sec. 3-303. (a) The situation, condition or practice
18 constituting a Type "AA" violation or a Type "A" violation
19 shall be abated or eliminated immediately unless a fixed period
20 of time, not exceeding 15 days, as determined by the Department
21 and specified in the notice of violation, is required for
22 correction.

23 (b) At the time of issuance of a notice of a Type "B"
24 violation, the Department shall request a plan of correction
25 which is subject to the Department's approval. The facility

1 shall have 10 days after receipt of notice of violation in
2 which to prepare and submit a plan of correction. The
3 Department may extend this period up to 30 days where
4 correction involves substantial capital improvement. The plan
5 shall include a fixed time period not in excess of 90 days
6 within which violations are to be corrected. If the Department
7 rejects a plan of correction, it shall send notice of the
8 rejection and the reason for the rejection to the facility. The
9 facility shall have 10 days after receipt of the notice of
10 rejection in which to submit a modified plan. If the modified
11 plan is not timely submitted, or if the modified plan is
12 rejected, the facility shall follow an approved plan of
13 correction imposed by the Department.

14 (c) If the violation has been corrected prior to submission
15 and approval of a plan of correction, the facility may submit a
16 report of correction in place of a plan of correction. Such
17 report shall be signed by the administrator under oath.

18 (d) Upon a licensee's petition, the Department shall
19 determine whether to grant a licensee's request for an extended
20 correction time. Such petition shall be served on the
21 Department prior to expiration of the correction time
22 originally approved. The burden of proof is on the petitioning
23 facility to show good cause for not being able to comply with
24 the original correction time approved.

25 (e) If a facility desires to contest any Department action
26 under this Section it shall send a written request for a

1 hearing under Section 3-703 to the Department within 10 days of
2 receipt of notice of the contested action. The Department shall
3 commence the hearing as provided under Section 3-703. Whenever
4 possible, all action of the Department under this Section
5 arising out of a violation shall be contested and determined at
6 a single hearing. Issues decided after a hearing may not be
7 reheard at subsequent hearings under this Section.

8 (f) For facilities operated by the Department of Veterans'
9 Affairs, all deadlines contained in this Section for correction
10 of violations are subject to adherence to applicable provisions
11 of State procurement law and the availability of appropriations
12 for the specific purpose.

13 (Source: P.A. 96-1372, eff. 7-29-10.)

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

17 (730 ILCS 167/10)

18 Sec. 10. Definitions. In this Act:

19 "Combination Veterans and Servicemembers Court program"
20 means a court program that includes a pre-adjudicatory and a
21 post-adjudicatory Veterans and Servicemembers court program.

22 "Court" means Veterans and Servicemembers Court.

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

24 "Peer recovery coach" means a volunteer veteran mentor

1 assigned to a veteran or servicemember during participation in
2 a veteran treatment court program who has been trained and
3 certified by the court to guide and mentor the participant to
4 successfully complete the assigned requirements.

5 "Post-adjudicatory Veterans and Servicemembers Court
6 Program" means a program in which the defendant has admitted
7 guilt or has been found guilty and agrees, along with the
8 prosecution, to enter a Veterans and Servicemembers Court
9 program as part of the defendant's sentence.

10 "Pre-adjudicatory Veterans and Servicemembers Court
11 Program" means a program that allows the defendant with the
12 consent of the prosecution, to expedite the defendant's
13 criminal case before conviction or before filing of a criminal
14 case and requires successful completion of the Veterans and
15 Servicemembers Court programs as part of the agreement.

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

19 "VA" means the United States Department of Veterans'
20 Affairs.

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

24 "Veterans and Servicemembers Court professional" means a
25 member of the Veterans and Servicemembers Court team, including
26 but not limited to a judge, prosecutor, defense attorney,

1 probation officer, coordinator, treatment provider, or peer
2 recovery coach.

3 "Veterans and Servicemembers Court" means a court or
4 program with an immediate and highly structured judicial
5 intervention process for substance abuse treatment, mental
6 health, or other assessed treatment needs of eligible veteran
7 and servicemember defendants that brings together substance
8 abuse professionals, mental health professionals, VA
9 professionals, local social programs and intensive judicial
10 monitoring in accordance with the nationally recommended 10 key
11 components of drug courts.

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

13 (730 ILCS 167/25)

14 Sec. 25. Procedure.

15 (a) The Court shall order the defendant to submit to an
16 eligibility screening and an assessment through the VA and/or
17 the IDVA to provide information on the defendant's veteran or
18 servicemember status.

19 (b) The Court shall order the defendant to submit to an
20 eligibility screening and mental health and drug/alcohol
21 screening and assessment of the defendant by the VA or by the
22 IDVA to provide assessment services for Illinois Courts. The
23 assessment shall include a risks assessment and be based, in
24 part, upon the known availability of treatment resources
25 available to the Veterans and Servicemembers Court. The

1 assessment shall also include recommendations for treatment of
2 the conditions which are indicating a need for treatment under
3 the monitoring of the Court and be reflective of a level of
4 risk assessed for the individual seeking admission. An
5 assessment need not be ordered if the Court finds a valid
6 screening and/or assessment related to the present charge
7 pending against the defendant has been completed within the
8 previous 60 days.

9 (c) The judge shall inform the defendant that if the
10 defendant fails to meet the conditions of the Veterans and
11 Servicemembers Court program, eligibility to participate in
12 the program may be revoked and the defendant may be sentenced
13 or the prosecution continued as provided in the Unified Code of
14 Corrections for the crime charged.

15 (d) The defendant shall execute a written agreement with
16 the Court as to his or her participation in the program and
17 shall agree to all of the terms and conditions of the program,
18 including but not limited to the possibility of sanctions or
19 incarceration for failing to abide or comply with the terms of
20 the program.

21 (e) In addition to any conditions authorized under the
22 Pretrial Services Act and Section 5-6-3 of the Unified Code of
23 Corrections, the Court may order the defendant to complete
24 substance abuse treatment in an outpatient, inpatient,
25 residential, or jail-based custodial treatment program, order
26 the defendant to complete mental health counseling in an

1 inpatient or outpatient basis, comply with physicians'
2 recommendation regarding medications and all follow up
3 treatment. This treatment may include but is not limited to
4 post-traumatic stress disorder, traumatic brain injury and
5 depression.

6 (f) The Court may establish a mentorship program that
7 provides access and support to program participants by peer
8 recovery coaches. Courts shall be responsible to administer the
9 mentorship program with the support of volunteer veterans and
10 local veteran service organizations. Peer recovery coaches
11 shall be trained and certified by the Court prior to being
12 assigned to participants in the program.

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

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

1 INDEX

2 Statutes amended in order of appearance

3 20 ILCS 2805/1.2

4 20 ILCS 2805/2 from Ch. 126 1/2, par. 67

5 20 ILCS 2805/2.01 from Ch. 126 1/2, par. 67.01

6 20 ILCS 2805/2.04 from Ch. 126 1/2, par. 67.04

7 20 ILCS 2805/2.07 from Ch. 126 1/2, par. 67.07

8 20 ILCS 2805/2.12 new

9 20 ILCS 2805/3 from Ch. 126 1/2, par. 68

10 210 ILCS 45/2-201.5

11 210 ILCS 45/3-101.5

12 210 ILCS 45/3-202.6 new

13 210 ILCS 45/3-303 from Ch. 111 1/2, par. 4153-303

14 730 ILCS 167/10

15 730 ILCS 167/25