



Rep. Elgie R. Sims, Jr.

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09900HB3841ham002

LRB099 09358 RPS 33301 a

1 AMENDMENT TO HOUSE BILL 3841

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3841 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Nursing Home Care Act is amended by  
5 changing Section 2-201.5 as follows:

6 (210 ILCS 45/2-201.5)

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

8 (a) All persons age 18 or older seeking admission to a  
9 nursing facility must be screened to determine the need for  
10 nursing facility services prior to being admitted, regardless  
11 of income, assets, or funding source. Screening for nursing  
12 facility services shall be administered through procedures  
13 established by administrative rule. Screening may be done by  
14 agencies other than the Department as established by  
15 administrative rule. This Section applies on and after July 1,  
16 1996. No later than October 1, 2010, the Department of

1 Healthcare and Family Services, in collaboration with the  
2 Department on Aging, the Department of Human Services, and the  
3 Department of Public Health, shall file administrative rules  
4 providing for the gathering, during the screening process, of  
5 information relevant to determining each person's potential  
6 for placing other residents, employees, and visitors at risk of  
7 harm.

8 (a-1) Any screening performed pursuant to subsection (a) of  
9 this Section shall include a determination of whether any  
10 person is being considered for admission to a nursing facility  
11 due to a need for mental health services. For a person who  
12 needs mental health services, the screening shall also include  
13 an evaluation of whether there is permanent supportive housing,  
14 or an array of community mental health services, including but  
15 not limited to supported housing, assertive community  
16 treatment, and peer support services, that would enable the  
17 person to live in the community. The person shall be told about  
18 the existence of any such services that would enable the person  
19 to live safely and humanely and about available appropriate  
20 nursing home services that would enable the person to live  
21 safely and humanely, and the person shall be given the  
22 assistance necessary to avail himself or herself of any  
23 available services.

24 (a-2) Pre-screening for persons with a serious mental  
25 illness shall be performed by a psychiatrist, a psychologist, a  
26 registered nurse certified in psychiatric nursing, a licensed

1 clinical professional counselor, or a licensed clinical social  
2 worker, who is competent to (i) perform a clinical assessment  
3 of the individual, (ii) certify a diagnosis, (iii) make a  
4 determination about the individual's current need for  
5 treatment, including substance abuse treatment, and recommend  
6 specific treatment, and (iv) determine whether a facility or a  
7 community-based program is able to meet the needs of the  
8 individual.

9 For any person entering a nursing facility, the  
10 pre-screening agent shall make specific recommendations about  
11 what care and services the individual needs to receive,  
12 beginning at admission, to attain or maintain the individual's  
13 highest level of independent functioning and to live in the  
14 most integrated setting appropriate for his or her physical and  
15 personal care and developmental and mental health needs. These  
16 recommendations shall be revised as appropriate by the  
17 pre-screening or re-screening agent based on the results of  
18 resident review and in response to changes in the resident's  
19 wishes, needs, and interest in transition.

20 Upon the person entering the nursing facility, the  
21 Department of Human Services or its designee shall assist the  
22 person in establishing a relationship with a community mental  
23 health agency or other appropriate agencies in order to (i)  
24 promote the person's transition to independent living and (ii)  
25 support the person's progress in meeting individual goals.

26 (a-3) The Department of Human Services, by rule, shall

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

16 (b) In addition to the screening required by subsection  
17 (a), a facility, except for those licensed as long term care  
18 for under age 22 facilities, shall, within 24 hours after  
19 admission, request a criminal history background check  
20 pursuant to the Uniform Conviction Information Act for all  
21 persons age 18 or older seeking admission to the facility,  
22 unless (i) a background check was initiated by a hospital  
23 pursuant to subsection (d) of Section 6.09 of the Hospital  
24 Licensing Act or (ii) a background check was completed by the  
25 facility the resident resided at prior to seeking admission to  
26 the facility and the resident was transferred to the facility

1 with no time passing during which the resident was not  
2 institutionalized. If item (ii) of this subsection (b) applies,  
3 the prior facility shall provide a copy of its background check  
4 of the resident and all supporting documentation, including,  
5 when applicable, the criminal history report and the security  
6 assessment, to the facility to which the resident is being  
7 transferred. Background checks conducted pursuant to this  
8 Section shall be based on the resident's name, date of birth,  
9 and other identifiers as required by the Department of State  
10 Police. If the results of the background check are  
11 inconclusive, the facility shall initiate a fingerprint-based  
12 check, unless the fingerprint check is waived by the Director  
13 of Public Health based on verification by the facility that the  
14 resident is completely immobile or that the resident meets  
15 other criteria related to the resident's health or lack of  
16 potential risk which may be established by Departmental rule. A  
17 waiver issued pursuant to this Section shall be valid only  
18 while the resident is immobile or while the criteria supporting  
19 the waiver exist. The facility shall provide for or arrange for  
20 any required fingerprint-based checks to be taken on the  
21 premises of the facility. If a fingerprint-based check is  
22 required, the facility shall arrange for it to be conducted in  
23 a manner that is respectful of the resident's dignity and that  
24 minimizes any emotional or physical hardship to the resident.

25 (c) If the results of a resident's criminal history  
26 background check reveal that the resident is an identified

1 offender as defined in Section 1-114.01, the facility shall do  
2 the following:

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

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

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

22 All name-based and fingerprint-based criminal history  
23 record inquiries shall be submitted to the Department of State  
24 Police electronically in the form and manner prescribed by the  
25 Department of State Police. The Department of State Police may  
26 charge the facility a fee for processing name-based and

1 fingerprint-based criminal history record inquiries. The fee  
2 shall be deposited into the State Police Services Fund. The fee  
3 shall not exceed the actual cost of processing the inquiry.

4 (d) (Blank).

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

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