

## Legislative Update, 100<sup>th</sup> General Assembly

9/7/2017

### **HB 223      *Public Act 100-0293***

HB 223 amends how identification wristlets may be used by nursing homes. A nursing home may now require a resident of an Alzheimer's disease unit with a history of wandering to wear a wristlet, unless the resident's guardian or power of attorney directs that the wristlet be removed. Currently, a wristlet can be employed only on a resident as ordered by a physician. The wristlet shall include, at a minimum, the resident's name and the name, telephone number, and address of the facility issuing the wristlet. The need for the resident to wear a wristlet shall be documented in the resident's clinical record.

Effective Date: Jan. 1, 2018

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0293>

### **HB 2383      *Public Act 100-0050***

HB 2383 allows for "authorized direct care staff" to administer medications to participants in certified day programs for persons with developmental disabilities (previously this practice was only allowed in residential programs). The bill also expands training programs to cover direct care staff who work in day programs. Finally, the bill adds language to the MC/DD and ID/DD Community Care Act limiting possible penalties for violations cited against facilities resulting from the actions of direct care staff when administering medications.

The intent of this legislation is to make it easier for the Department of Human Services to conform with federal regulations that are seeking to integrate day program participants into community settings by allowing direct care staff to administer medication in the community.

Effective Date: Jan. 1, 2018

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0050>

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## ***HB 2452 Public Act 100-0058***

HB 2452 requires the Department of Human Services to conduct inspections of the records and premises of each Community-Integrated Living Arrangement(CILA) facility at least once every two years.

Effective Date: Immediately

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0058>

## ***HB 2762 Public Act 100-0306***

HB 2762 prohibits a hospital from maintaining a list of individuals who may not be admitted for treatment at that hospital. This bill would not prohibit a hospital from recommending an alternate provider, coordinating an appropriate transfer, or arranging access to care services that best meet the needs of an individual patient.

Effective Date: Jan. 1, 2018

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0306>

## ***HB 2814 Public Act 100-0380***

HB 2814 requires the Auditor General to report every three years to the General Assembly on DHS, HFS, and IDoA performance and compliance with federal Medicaid eligibility determinations for long-term care services and supports. At minimum, the Auditor General will review and evaluate compliance with furnishing services, timeliness of determinations, accuracy and completeness of reporting, and efficiency of staff completing determinations and issues affecting work by the Department of Human Services.

Prior to PA 100-0380, DHS and HFS were required to report monthly on the length of time applications, redeterminations, and appeals to long-term care eligibility are pending. The bill shortens the time period reported from every 90 days to 0-45 days and 46-90 days.

Effective Date: Immediately

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0380>

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## ***HB 3110    Public Act 100-0153***

HB 3110 creates the Social Services Contract Notice Act. Any contract between a State agency and an authorized service provider of social services may be terminated, suspended, or reduced by either party for any or no reason with 30 days prior written notice. Written notices issued by the state agency must include the date which a final invoice must be rendered. This does not prohibit the state agency from immediately terminating a contract for social services if the provider has made material misrepresentations or material omissions prohibited under state contracting requirements, for breach of contract, or if actions or inactions of the provider could jeopardize health, safety, or property.

If the state agency suspends, terminates, or reduces the amount of a contract due to the failure of appropriations available, the agency shall notify the Governor and General Assembly no less than 45 days prior to the contract changes. Failure to notify the Governor and General Assembly shall not prevent termination, suspension, or reduction of a contract entered prior to the effective date of this Act.

Effective Date: Immediately

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0153>

## ***HB 3502    Public Act 100-0184***

HB 3502 creates the Advisory Council on Early Identification and Treatment of Mental Health Conditions within the Department of Human Services. The council will review and identify evidence-based best practices for screening of mental health and substance abuse conditions in children and young adults, identify prevention initiatives and strategies to enable providers to implement regular screenings, identify barriers to regular screenings, and deliver recommendations and an action plan to the Governor and General Assembly. Members serve without compensation and the Council shall be dissolved upon delivery of the recommendations.

Effective Date: Jan. 1, 2018

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0184>

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**SB 42      Public Act 100-0023**

SB42 created the FY 2018 Budget Implementation Act. As part of its various amendments, it created the Community Care Program Services Task Force to review Community Care Program services for seniors and strategies to reduce costs without diminishing the level of care. The task force is chaired by the Director of the Department on Aging or her designee and other provisions set forth the composition of appointed members representing the Governor, caucuses of the General Assembly, human service agencies, and representatives for entities in the Aging Network. The task force is to hold at least four hearings and report its findings to the Governor and General Assembly no later than January 30, 2018. Various rate increases are also authorized under this BIMP.

Effective Date: Immediately

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0023&GA=100>

**SB 84      PA 100-0079**

SB 84 creates an "Intellectual and Developmental Disability Home and Community-Based Services Task Force". DHS, HFS, and other groups and organizations shall review current services provided in the State. The task force shall hold at least 4 hearings, members shall receive no compensation, and shall report to the General Assembly and Governor by July 1, 2018.

Effective Date: Immediately

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0079>

**SB 473      Public Act 100-0401**

SB 473 amends the Senior Citizens Homestead Property Tax Exemption to increase the maximum reduction from \$5,000 to \$8,000 in counties with 3,000,000 or more inhabitants for taxable year 2017 and thereafter. The bill also raises the maximum income limitation for FY 17 from \$55,000 to \$65,000 in counties with 3,000,000 or more inhabitants and \$55,000 for all other counties, and raises the maximum income limitation for FY 18 and after to \$65,000 in all counties.

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Lastly, the bill amends the General Homestead exemption by increasing the maximum reduction from \$7,000 to \$10,000 in counties with 3,000,000 or more inhabitants for taxable year 2017 and thereafter.

Effective Date: Immediately

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0401>

### ***SB 626      Public Act 100-0217***

SB 626 permits the Director of the Department of Public Health to waive certain nursing facility staffing requirements if the facility is able to demonstrate, to the Director's satisfaction, that the facility is unable, despite specified diligent efforts, to employ the required number of registered nurses, and that the waiver will not endanger the health or safety of residents. This does not apply to facilities that are Medicare-certified, or Medicare-certified and Medicaid-certified. Waivers shall be reviewed quarterly by the Department, including requiring a demonstration the facility has continued to make efforts to employ the required number of registered nurses. The facility must notify the State Long-term Care Ombudsman and residents of the facility, the residents' guardians, and the residents' representatives of the waiver.

Effective Date: Immediately

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0217>

### ***SB 707      Public Act 100-0412***

This bill amends the Personal Information Protection Act. In addition to other reporting requirements on data breaches, SB 707 requires state agencies to report the identity of the actor who perpetrates a breach to the General Assembly, provided it does not compromise security or an investigation. If an agency is subject to a single breach of more than 250 Illinois residents or an instance of aggravated computer tampering (720 ILCS 5/17-52), notice must be provided to the Office of the Chief Information Security Office of the Illinois Department of Innovation and Technology and the Attorney General within 72 hours following discovery of the incident. The Chief Officer at DoIT must then assess potential impacts of the breach, ensure the incident is contained, identify the root cause of the breach, provide assistance to the impacted

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agency to eradicate the threat, reduce risk of further compromise, and ensure return to normal operations.

Effective Date: Immediately

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0412>

### ***SB 1319    Public Act 100-0427***

SB 1319 amends the guardianship summons in the Probate Act, informing respondents to adult guardianship hearings, and their representatives, of existing hearing rights. These include the right to request a more convenient hearing venue, or to request testimony via video conference under existing state supreme court rule. Further, the bill reiterates the authority of local courts to adopt more specific rules governing the use of video conferencing in adult guardianship hearings, permitting that these rules do not contradict the supreme court rule.

Effective Date: Jan. 1, 2018

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0427>

### ***SB 1348    Public Act 100-0429***

SB 1348 updates the Medical Practice Act of 1987 by allowing the Department of Financial and Professional Regulations (IDFPR) to revoke, suspend, place on probation, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action as deemed proper, including imposing fines not to exceed \$10,00 for each violation, with regard to the license or permit issued to a person who (1) willfully fails to report to suspected abuse, neglect, financial exploitation, or self-neglect of an eligible adult under the Adult Protective Services Act or (2) is named as an abuser in a verified report upon clear and convincing evidence by the Department on Aging. The bill also requires medical license applicants to provide IDFPR with a valid address and email address at the time of application for licensure or renewal of a license, and thereafter notify IDFPR within 14 days after any changes.

Effective Date: Immediately

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0429>

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## ***SB 1400    Public Act 100-0432***

SB 1400 amends provisions in various statutes relating to the Health Care Worker Registry. The underlying authority for the Department of Public Health to administer and maintain this registry is moved from the Nursing Home Care Act (210 ILCS 45) to the Health Care Worker Background Check Act (225 ILCS 46). No health care employer or long term care facility may hire, employ, or retain a paid employee or volunteer in a position involving direct care if the individual employee/volunteer has a finding on the registry. The registry includes: (1) findings of abuse, neglect, misappropriation of property, or theft made by the Department of Public Health; (2) verified and substantiated findings of abuse, neglect, or financial exploitation identified within the Adult Protective Service Registry; and (3) findings of physical or sexual abuse, financial exploitation, or egregious neglect of an individual made by the Department of Human Services.

Effective Date: Immediately

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0432>

## ***SB 1479    Public Act 100-0442***

SB 1479 provides that grace period voter registration and changes of address shall be conducted for eligible residents in connection with voting at certain elder care facilities. These facilities include federally operated veterans' homes, hospitals, and facilities located in Illinois and facilities licensed or certified pursuant to the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act.

Effective Date: Immediately

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0442>

## ***SB 1544    Public Act 100-0449***

SB 1544 extends the time from 15 days to 45 days for long-term care facilities to submit required prescreen information and new admissions with associated admission documents on the Medical Electronic Data Interchange (MEDI) or the Recipient Eligibility Verification System (REV) to HFS or to use required admission forms submitted directly to DHS.

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Effective Date: Jan. 1, 2018

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0449>

## ***SB 1748    Public Act 100-0313***

SB 1748 addresses various reforms for Community Integrated Living Arrangement (CILA) facilities. For investigations concerning a State-operated facility or community agency, the Office of the Inspector General for the Department of Human Services is now required to provide a confidential report to the Secretary of Human Services and the director of the facility or agency if an allegation is unsubstantiated.

This bill also allows DHS to issue a temporary permit to an applicant for up to a 2-year period (instead of a 6-month period) for licensure as a community mental health or a developmental services agency to allow the permit holder reasonable time to become eligible for a license. It prohibits any public or private agency, association, partnership, corporation, or organization that has had a license revoked from reapplying or possessing a license under a different name. If such an agency's license is revoked, DHS shall have unimpeded, immediate, and full access to the individuals being served, including their records, medications, and possessions, to ensure a safe transition. The agency shall still be responsible for the health, safety, and welfare of those individuals during the transition period. The DHS Office of the Inspector General shall continue to have jurisdiction over an agency and the individuals it served for up to one year after the date the license was revoked.

The bill requires these agencies and individual service coordination agencies to collect, periodically update, and securely store specified identifying and contact information for each resident. Other changes address licensing requirements relating to fire inspections by the State Fire Marshal and local authorities.

Effective Date: Immediately

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0313>

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