



Illinois Department on Aging

LEGISLATION UPDATE

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Resident and Family Support Council Meeting
June 2024

Illinois Department on Aging

<https://ilaging.illinois.gov/>

Our **MISSION:**

- **serve and advocate** for older Illinoisans and their caregivers;
- administer **quality and culturally appropriate** programs;
- promote **partnerships; AND**
- encourage **independence, dignity, and quality of life**



Respect for yesterday. Support for Today. Planning for tomorrow.



Why Laws Change . . .

- Audit Findings
- Community Awareness
- Court Cases
- Economic Issues
- Political Reasons
- Public Health, Safety, and Welfare Needs
- Social Justice Concerns
- Social Mores, Norms, and Values Shift
- Technological Innovation

Lobbying → Laws → Economic Security, Predictability, Public Health, and Social Order

103rd General Assembly

Leadership:

President of the Senate

Don Harmon (D)

Since January 19, 2020

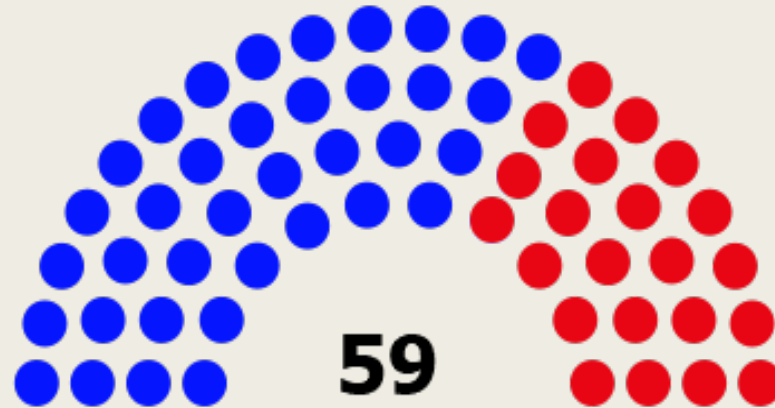
Speaker of the House

Emanuel “Chris” Welch (D)

Since January 13, 2021



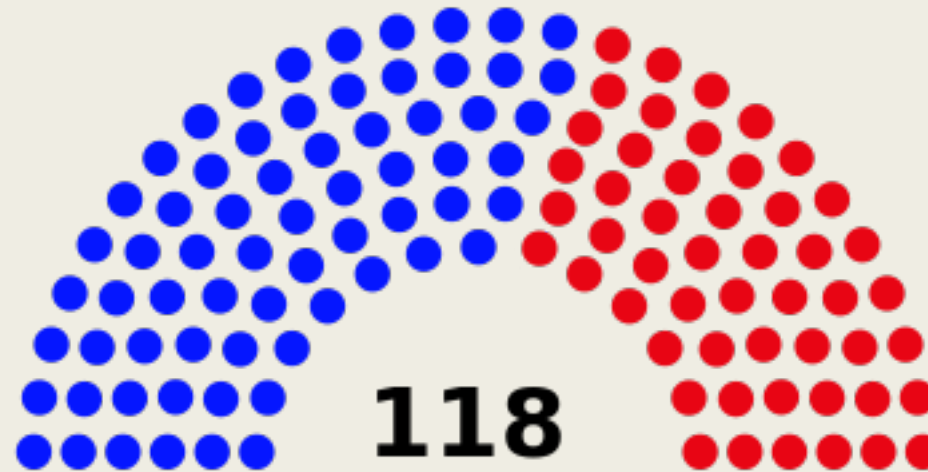
Senate Structure



Senate political groups

- [Democratic](#): 40
- [Republican](#): 19

House Structure



House political groups

- [Democratic](#): 78
- [Republican](#): 40

SESSION SCHEDULE

SENATE
Not In Today

HOUSE
Not In Today

Search the 103rd General Assembly

By Number

(example: HB0001)

Go Search Tips

By Keyword

Go Search Tips

Advanced Search



Legislation & Laws

Bills & Resolutions
Public Acts

Senate

Members
Schedules
Committees
Request for Remote Testimony
Journals
Transcripts
Rules
Audio/Video
FOIA Information
Senate Employment Opportunities
Media Guidelines

Reports & Inquiry

Legislative Reports
Special Reports
My Legislation
FTP Site
GA Dashboard
Previous General Assemblies
Legislator Lookup
Capitol Complex Phone Numbers

ADA Accessibility for Persons with Disabilities (click here)

Illinois Compiled Statutes
Illinois Constitution

House

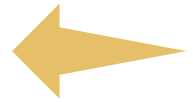
Members
Schedules
Committees
Submit testimony for House Committees
Journals
Transcripts
Rules
Audio/Video
FOIA Information
House Employment Opportunities

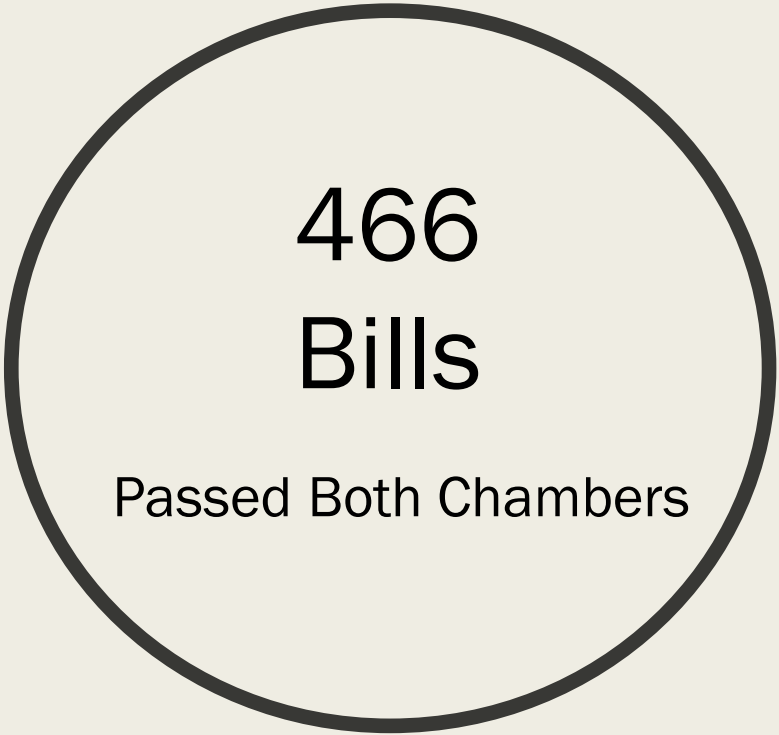
Additional Resources

Legislative Support Services
Legislative Support Services Employment Opportunities
Ethics and Harassment & Discrimination Prevention Training for Legislative Branch
Harassment & Discrimination Reporting Information
Legislative Inspector General

Rules & Regulations

Illinois Register
Administrative Rules





466

Bills

Passed Both Chambers



Process – Bills Passed Both Chambers

- Present to the Governor within 30 calendar days after passage
- 60 calendar days for action by the Governor:
 - approve
 - amendatory veto (return with recommendations for change)
 - line-item or reduction veto (appropriations)
 - veto
- 15 calendar days for each chamber to vote:
 - accept recommendations
 - restore appropriations
 - override a veto
- Supermajority vote (3/5)



Ombudsman Program Legislative Initiatives

In the Senate:

- SB 2715
Protection of Records
- SB 2957
Facility Incident Reports

In the House:

- HB 4427
Assisted Living Advisory Board
- HB 5095
Distinct Part Notification
- HB 5151
Nursing Home Involuntary
Discharges*



Senate Bill 2715

- Amends the Illinois Act on the Aging (20 ILCS 120).
- Clarifies that all records containing resident, participant, and complainant information collected by the Long-Term Care Ombudsman Program are confidential.
- Prohibits disclosure of program records without a lawful subpoena or permission of the State Ombudsman.
- Link: [Illinois General Assembly - Bill Status for SB2715 \(ilga.gov\)](http://ilga.gov)



Senate Bill 2957

- Amends the Illinois Act on the Aging (20 ILCS 120).
- Requires facilities to permit Long-Term Care Ombudsmen to have access to facility incident reports.
- Clarifies that consent to access records may be given in writing as well as orally, visually, or through use of auxiliary aids and services that is contemporaneously documented by an Ombudsman.
- Link: [Illinois General Assembly - Bill Status for SB2957 \(ilga.gov\)](http://ilga.gov)



House Bill 4427

- Amends the Assisted Living and Shared Housing Act (210 ILCS 9).
- Adds requirement that one member of the Assisted Living and Shared Housing Advisory Board be a resident of an assisted living or shared housing establishment.
- Link: [Illinois General Assembly - Bill Status for HB4427 \(ilga.gov\)](https://ilga.gov/legislation/101/bills/0400/0427/0427.htm)

House Bill 5095

Specific to nursing homes with Distinct Part.


- Amends the Nursing Home Care Act (210 ILCS 45).
- If Medicare coverage will end prior to the full 100-day benefit period, this bill requires the nursing home to provide a minimum of 5 days' notification to the resident and their representative.
- Specifies that a resident will not be required to move until the end of this notification period.

NOTE: Notification period will typically be 5 days but could also be a minimum of 2 days (if shorter time frame due to inaccurate reporting by an outside entity).

- Link: [Illinois General Assembly - Bill Status for HB5095 \(ilga.gov\)](https://www.ilga.gov/bills-tracks/track-bills.aspx?BillID=13474)

House Bill 5151

- Involuntary Discharge and Termination of Residency
- Originally in HB 5012 and SB 3723.
- Did not pass both chambers but could still move in veto session.
- Modifications to the Assisted Living and Shared Housing Act:
 - Include notification of a resident and resident representative of a significant change affecting the establishment's ability to meet the resident's needs.
 - Add a requirement to notify IDPH of a facility-initiated termination of residency.
 - Provide clarification that a termination of residency due to an emergency must not be initiated if the resident's physician, the establishment's manager, and the establishment's director of nursing state returning to the establishment would not create an imminent danger or serious harm to a resident or the emergency can be negated by changes in activities, health care, personal care, or rooming accommodations consistent with the license
 - Clarify the establishment may be fined if they refuse to readmit a resident after IDPH rules in favor of a resident in an administrative hearing for discharge.
 - Require establishments to provide a listing of rights prepared by the State Ombudsman Program which is consistent with other types of facilities.



House Bill 5151 (continued)

- Modifications to the Nursing Home Care Act:
 - Clarify a nursing home may be fined \$2,500 if they refuse to readmit a resident after an administrative law judge rules in favor of a resident in a discharge hearing.
 - Require a nursing home to provide notice to IDPH that a resident has been readmitted following an administrative law judge's ruling.
 - Allow IDPH to take the above-mentioned notice into consideration in an investigation.
 - Provide for a 30-day notice of involuntary transfer or discharge rather than 21 days to be consistent with federal law.
 - Require notification of transfer or discharge be sent to an MCO, when applicable.

Department on Aging Legislative Initiatives

In the Senate:

- SB 2799
Adult Protective Services Program

In the House:

- HB 4346
Community Care Program



Senate Bill 2799

- Amends the Open Meetings Act (5 ILCS 120) **and** the Adult Protective Services Act (320 ILCS 20).
- Expands definition of the term “abuse” to mean subjecting an eligible adult to an environment which creates a likelihood of harm to the eligible adult's health, physical and emotional well-being, or welfare.
- Addresses various responsibilities of the Department on Aging, including legal assistance funding for eligible adults; assessment procedures and rules for casework and follow-up services in self-neglect cases; and eligible adult consent for providing notice of findings to others in a case.
- Makes other changes.
- Revises definition of the term “public body” to expressly exclude regional interagency fatality review teams and the Illinois Fatality Review Team Advisory Council.
- Link:
<https://ilga.gov/legislation/BillStatus.asp?DocNum=2799&GAID=17&DocTypeID=SB&LegId=151587&SessionID=112&GA=103>



House Bill 4346

- Amends the Illinois Act on the Aging (20 ILCS 105).
- Clarifies definition for the term “Greatest Social Need”.
- Updates provision relating to awards for the Senior Hall of Fame.
- Removes various obsolete and outdated provisions relating to the Community Care Program (CCP).
- Permits authorization of CCP services pending outcome of Medicaid eligibility determinations.
- Codifies payment of an enhanced for in-home service providers that offer health insurance coverage to direct services workers.
- Provides that all final administrative decisions of the Department on Aging are subject to judicial review.
- Makes other changes.
- Link: [Illinois General Assembly - Bill Status for HB4346 \(ilga.gov\)](https://www.ilga.gov/Bills/2019/04346)

Your Voice Matters

- Speak up on the issues you care about with elected representatives and public bodies.
 - In-person Visit
 - By Telephone
 - In Writing (By Letter and Email)
- Resources:
 - <https://theconsumervoice.org/issues/for-advocates/advocacy-toolkit>
 - <https://www.ncoa.org/advocates/public-policy/advocacy-basics>
- Find elected officials using your address: <https://www.usa.gov/elected-officials>

Action Alert – National Consumer Voice

- Urge Congress to keep the minimum staffing standard for nursing homes!
- Congress will be considering legislation and a joint resolution to prevent implementation and permanently bar any federal rule about nursing home staffing.
- Visit: [Nursing Home Residents Need Your Help. Keep the Minimum Staffing Standard! - The National Consumer Voice for Quality Long-Term Care \(convio.net\)](http://www.convio.net)



Action Alert – National Council on Aging

The National Council on Aging is advocating for several policies to improve aging services at the federal level:

- Letting Medicare Part D cover FDA-approved anti-obesity medications through the Treat and Reduce Obesity Act.
- Enhancing senior center support, older worker employment opportunities, healthy aging services, and the direct care workforce through reauthorization of the Older Americans Act.
- Helping low-income older adults afford Medicare costs through permanent funding for Medicare low-income beneficiary outreach and enrollment efforts.
- Investing in community-level aging services such as falls prevention, home modification grants, and evidence-based education programs.

Visits: [Tell Congress There's Nationwide Support for Better Aging Policies \(ncoa.org\)](https://www.ncoa.org).

Helpful Resources

- Department of Aging Senior HelpLine: 1-800-242-8966 (711 TRS)
- Eldercare Locator: 1-800-677-1116 or visit: <https://eldercare.acl.gov/Public/index.aspx>
- Public Benefits:
<https://benefitscheckup.org/>

<https://ilaging.illinois.gov/content/dam/soi/en/web/aging/resources/newsandpublications/publications/documents/youhaverights.pdf>
- *25 Common Nursing Home Problems*
https://justiceinaging.org/wp-content/uploads/2024/02/25-Common-Nursing-Home-Problems-and-How-to-Resolve-Them_-02132024.pdf
- Advance Planning:
<https://www.nia.nih.gov/health/advance-care-planning/getting-your-affairs-order-checklist-documents-prepare-future>

https://www.ihl.org/sites/default/files/2023-09/IHI_Age_Friendly_What_Matters_to_Older_Adults_Toolkit.pdf

https://files.consumerfinance.gov/f/documents/cfpb_planning-for-diminished-capacity-and-illness_consumer-advisory-bulletin.pdf

[Planning After a Dementia Diagnosis \(alzheimers.gov\)](https://www.alzheimers.gov/advance-care-planning/advance-care-planning-after-a-dementia-diagnosis)

Helpful Resources

- Power of Attorney Forms:

<https://dph.illinois.gov/topics-services/health-care-regulation/nursing-homes/advance-directives.html>

<https://www.illinoislegalaid.org>

- *Disaster Preparedness Guide for Caregivers*
[FEMA Disaster Preparedness Guide for Caregivers \(ready.gov\)](https://www.ready.gov/fema-disaster-preparedness-guide-for-caregivers)
- Illinois Department of Public Health
<https://dph.illinois.gov/topics-services/health-care-regulation/complaints.html>
- Managing Someone Else's Money
<https://www.consumerfinance.gov/consumer-tools/managing-someone-elses-money/>
- Medicare – Nursing Home Care Compare
<https://www.medicare.gov/care-compare/?redirect=true&providerType=NursingHome>
- Senior Health Insurance Program: 1-800-252- 8966 (711 TRS) or visit: <https://ilaging.illinois.gov/ship.html>



Resident and Family Support Council Meeting Virtual Forum

To view past presentations, visit:

<https://ilaging.illinois.gov/programs/ltcombudsman/resident-and-family-support-council.html>

https://www.youtube.com/channel/UCCrBVZjLs65Fn_6X9AHcrbw