

AN ACT concerning regulation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Essential Support Person Act.

Section 5. Definitions. In this Act:

"Department" means the Department of Public Health.

"Essential support" means support that includes, but is not limited to:

- (1) assistance with activities of daily living; and
- (2) physical, emotional, psychological, and socialization support for the resident.

"Facility" means any of the following: a facility as defined in Section 10 of the Alzheimer's Disease and Related Dementias Special Care Disclosure Act; an assisted living establishment or shared housing establishment as defined in Section 10 of the Assisted Living and Shared Housing Act; a Community Living Facility as defined in Section 3 of the Community Living Facilities Licensing Act; a facility as defined in Section 2 of the Life Care Facilities Act; a continuum of care facility as defined in Section 10 of the Continuum of Care Services for the Developmentally Disabled Act; a facility as defined in Section 1-113 of the Nursing Home

Care Act; a MC/DD facility as defined in Section 1-113 of the MC/DD Act; an ID/DD facility as defined in Section 1-113 of the ID/DD Community Care Act; a hospice program as defined in Section 3 of the Hospice Program Licensing Act; a Supportive Residence as defined in Section 10 of the Supportive Residences Licensing Act; a facility as defined in Section 1-102 of the Specialized Mental Health Rehabilitation Act of 2013; a home, institution, or other place operated by or under the authority of the Department of Veterans' Affairs; an Alzheimer's disease management center alternative health care model under the Alternative Health Care Delivery Act; and a home, institution, or other place that is a State-operated mental health or developmental disability center or facility. "Facility" does not include a hospital as defined in the Hospital Licensing Act or any hospital authorized under the University of Illinois Hospital Act. "Facility" does not include any facility that the Department of Public Health or the Department of Veterans' Affairs does not regulate.

"Office" means the Office of State Long Term Care Ombudsman.

"Person-centered care plan" means a care plan for a resident developed by the resident or resident's representative in consultation with health professionals that focuses on the resident's physical, emotional, psychological, and socialization needs and describes the resident's right to designate a primary essential support person or secondary

essential support person.

"Primary essential support person" means a person designated by a resident, or the resident's representative, who has access to the resident in accordance with rules set by the Department to provide essential support according to the resident's person-centered care plan.

"Resident" means a person who is living in a facility or is seeking admission to a facility. "Resident" includes a guardian of the person or an agent for the person under a power of attorney.

"Secondary essential support person" means a person designated by the resident, or the resident's representative, to serve as a backup to a primary essential support person.

Section 10. Essential support persons. A resident or the resident's representative may designate a primary essential support person and a secondary essential support person who shall have access to the resident despite general visitation restrictions imposed on other visitors, provided that the primary essential support person or secondary essential support person complies with any rules adopted by the Department under Section 15 to protect the health, safety, and well-being of residents. A facility must explain to a resident or the resident's representative what a primary essential support person and a secondary essential support person are.

Section 15. Statewide policy; disaster declaration.

(a) The Department shall establish a statewide policy for visitation with a resident. The policy shall apply to all facilities and shall incorporate a resident's need for health, safety, and well-being, including, but not limited to, the essential support provided by a primary essential support person or secondary essential support person.

(b) If the Governor issues a proclamation under Section 7 of the Illinois Emergency Management Agency Act declaring that a disaster relating to a public health emergency exists, the Department shall, in accordance with applicable federal requirements and guidance, set forth requirements for access to a resident, provided that the requirements shall incorporate a resident's need for essential support provided by a primary essential support person or secondary essential support person. The requirements shall include, but need not be limited to, the circumstances, if any, under which a facility may restrict visitors, including, but not limited to, primary essential support persons and secondary essential support persons designated by a resident. The requirements shall address, at a minimum, the following:

(1) Arrangements for regular visitation by visitors and other residents through various means, including, but not limited to:

(A) outdoor visitation;

(B) the use of technologies to facilitate virtual

visitation when all other forms of visitation are unavailable; and

(C) indoor visitation, including, but not limited to, indoor visitation 24 hours per day, 7 days per week when the resident is nearing the end of his or her life as determined by any one or more of the resident's attending health care professionals.

(2) The needs of a resident for physical, emotional, psychological, and socialization support based on the resident's person-centered care plan.

(3) Safety protocols for all visitors to a facility, including, but not limited to, primary essential support persons or secondary essential support persons, if the Governor issues a proclamation under Section 7 of the Illinois Emergency Management Agency Act declaring that a disaster relating to a public health emergency exists.

(4) Allow access to a resident by a primary essential support person or secondary essential support person despite general visitation restrictions, provided that the primary essential support person or secondary essential support person complies with safety protocols established by the Department.

(5) If a resident has not designated a primary essential support person, a requirement that facility staff work with the resident or the resident's representative, a family member of the resident, or a Long

Term Care Ombudsman to identify a primary essential support person and provide him or her access to the resident.

Section 20. Office of State Long Term Care Ombudsman requirements.

(a) The Office of State Long Term Care Ombudsman shall:

(1) identify, investigate, and resolve complaints that relate to an action, inaction, or decision that may adversely affect the health, safety, welfare, or rights of residents, including the welfare and rights of residents with respect to primary essential support persons and secondary essential support persons.

(2) provide services to protect the health, safety, welfare, and rights of residents, including, but not limited to, services designed to address the impact of socialization, visitation, and the role of primary essential support persons or secondary essential support persons in the health, safety, and well-being of residents;

(3) inform residents of available means of obtaining the services described in paragraph (2);

(4) recommend any changes in the laws, rules, or policies of this Act or actions required under this Act that the Office determines to be appropriate; and

(5) facilitate public comment on the laws, rules, or

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policies of this Act or actions required under this Act.

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