



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2322

Introduced 2/10/2023, by Sen. Jil Tracy

SYNOPSIS AS INTRODUCED:

New Act

Creates the Essential Support Person Act. Provides that a resident or the resident's representative may designate a primary essential support person and a secondary essential support person who may visit 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 of Public Health to protect the health, safety, and well-being of residents. Tasks the Department with establishing a statewide policy for visitation with a resident. Requires the Office of State Long Term Care Ombudsman to perform specified duties. Contains other provisions. Effective immediately.

LRB103 26751 CPF 56407 b

1 AN ACT concerning regulation.

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

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

6 Section 5. Definitions. In this Act:

7 "Department" means the Department of Public Health.

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

10 (1) assistance with activities of daily living; and

11 (2) physical, emotional, psychological, and
12 socialization support for the resident.

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

1 Care Act; a MC/DD facility as defined in Section 1-113 of the
2 MC/DD Act; an ID/DD facility as defined in Section 1-113 of the
3 ID/DD Community Care Act; a hospice program as defined in
4 Section 3 of the Hospice Program Licensing Act; a Supportive
5 Residence as defined in Section 10 of the Supportive
6 Residences Licensing Act; a community-integrated living
7 arrangement as defined in Section 3 of the
8 Community-Integrated Living Arrangements Licensure and
9 Certification Act; a facility as defined in Section 1-102 of
10 the Specialized Mental Health Rehabilitation Act of 2013; a
11 home, institution, or other place operated by or under the
12 authority of the Department of Veterans' Affairs; an
13 Alzheimer's disease management center alternative health care
14 model under the Alternative Health Care Delivery Act; and a
15 home, institution, or other place that is a State-operated
16 mental health or developmental disability center or facility.

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

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

26 "Primary essential support person" means a person

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

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

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

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

23 Section 15. Statewide policy; disaster declaration.

24 (a) The Department shall establish a statewide policy for

1 visitation with a resident. The policy shall apply to all
2 facilities and shall incorporate a resident's need for health,
3 safety, and well-being, including, but not limited to, the
4 essential support provided by a primary essential support
5 person or secondary essential support person.

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

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

23 (A) outdoor visitation;

24 (B) the use of technologies to facilitate virtual
25 visitation when all other forms of visitation are
26 unavailable; and

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

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

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

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

21 (5) If a resident has not designated a primary
22 essential support person, a requirement that facility
23 staff work with the resident or the resident's
24 representative, a family member of the resident, or a Long
25 Term Care Ombudsman to identify a primary essential
26 support person and provide him or her access to the

1 resident.

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

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

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

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

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

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

23 (5) facilitate public comment on the laws, rules, or
24 policies of this Act or actions required under this Act.

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.