



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### SB3112

Introduced 2/2/2024, by Sen. Bill Cunningham

#### SYNOPSIS AS INTRODUCED:

210 ILCS 45/2-204  
210 ILCS 47/2-204

from Ch. 111 1/2, par. 4152-204

Amends the Nursing Home Care Act. Provides that an affirmative vote of a simple majority of a quorum of the Board shall be necessary for Board action (instead of an affirmative vote of 6 members of the Board). Provides that a quorum shall be a majority in attendance of voting members. Provides that all draft rules and documents shall be provided at least 7 days prior to a meeting for all Board members to review. Provides that all Board meetings shall be conducted within 90 days of a request for advice from the Department of Public Health or the 90-day window shall be extended to ensure the Board has had an opportunity to act upon the proposed rules. Amends the ID/DD Community Care Act. Provides that an affirmative vote of a simple majority of a quorum of the Board shall be necessary for Board action (instead of an affirmative vote of 6 members of the Board). Provides that a quorum shall be a majority in attendance of voting members. Provides that all draft rules and documents shall be provided at least 7 days prior to a meeting for all Board members to review. Provides that all Board meetings shall be conducted within 90 days of a request for advice from the Department of Public Health or the 90-day window shall be extended to ensure the Board has had an opportunity to act upon the proposed rules.

LRB103 37124 CES 67243 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 5. The Nursing Home Care Act is amended by  
5 changing Section 2-204 as follows:

6 (210 ILCS 45/2-204) (from Ch. 111 1/2, par. 4152-204)

7 Sec. 2-204. The Director shall appoint a Long-Term Care  
8 Facility Advisory Board to consult with the Department and the  
9 residents' advisory councils created under Section 2-203.

10 (a) The Board shall be comprised of the following persons:

11 (1) The Director who shall serve as chairman, ex  
12 officio and nonvoting; and

13 (2) One representative each of the Department of  
14 Healthcare and Family Services, the Department of Human  
15 Services, the Department on Aging, and the Office of the  
16 State Fire Marshal, all nonvoting members;

17 (2.5) One member who represents local health  
18 departments who is a nonvoting member;

19 (3) One member who shall be a physician licensed to  
20 practice medicine in all its branches;

21 (4) One member who shall be a registered nurse  
22 selected from the recommendations of professional nursing  
23 associations;

1           (5) Four members who shall be selected from the  
2           recommendations by organizations whose membership consists  
3           of facilities;

4           (6) Two members who shall represent the general public  
5           who are not members of a residents' advisory council  
6           established under Section 2-203 and who have no  
7           responsibility for management or formation of policy or  
8           financial interest in a facility;

9           (7) One member who is a member of a residents'  
10          advisory council established under Section 2-203 and is  
11          capable of actively participating on the Board; and

12          (8) One member who shall be selected from the  
13          recommendations of consumer organizations which engage  
14          solely in advocacy or legal representation on behalf of  
15          residents and their immediate families.

16          (b) The terms of those members of the Board appointed  
17          prior to the effective date of this amendatory Act of 1988  
18          shall expire on December 31, 1988. Members of the Board  
19          created by this amendatory Act of 1988 shall be appointed to  
20          serve for terms as follows: 3 for 2 years, 3 for 3 years and 3  
21          for 4 years. The member of the Board added by this amendatory  
22          Act of 1989 shall be appointed to serve for a term of 4 years.  
23          Each successor member shall be appointed for a term of 4 years.  
24          Any member appointed to fill a vacancy occurring prior to the  
25          expiration of the term for which his predecessor was appointed  
26          shall be appointed for the remainder of such term. The Board

1 shall meet as frequently as the chairman deems necessary, but  
2 not less than 4 times each year. Upon request by 4 or more  
3 members the chairman shall call a meeting of the Board. The  
4 affirmative vote of a simple majority of a quorum ~~6 members~~ of  
5 the Board shall be necessary for Board action. A quorum shall  
6 be a majority in attendance of voting members. A member of the  
7 Board can designate a replacement to serve at the Board  
8 meeting and vote in place of the member by submitting a letter  
9 of designation to the chairman prior to or at the Board  
10 meeting. The Board members shall be reimbursed for their  
11 actual expenses incurred in the performance of their duties.

12 (c) The Advisory Board shall advise the Department of  
13 Public Health on all aspects of its responsibilities under  
14 this Act and the Specialized Mental Health Rehabilitation Act  
15 of 2013, including the format and content of any rules  
16 promulgated by the Department of Public Health. All draft  
17 rules and documents shall be provided at least 7 days prior to  
18 a meeting for all board members to review. Any such rules,  
19 except emergency rules promulgated pursuant to Section 5-45 of  
20 the Illinois Administrative Procedure Act, promulgated without  
21 obtaining the advice of the Advisory Board are null and void.  
22 In the event that the Department fails to follow the advice of  
23 the Board, the Department shall, prior to the promulgation of  
24 such rules, transmit a written explanation of the reason  
25 thereof to the Board. During its review of rules, the Board  
26 shall analyze the economic and regulatory impact of those

1 rules. If the Advisory Board, having been asked for its  
2 advice, fails to advise the Department within 90 days, the  
3 rules shall be considered acted upon. In order to provide  
4 appropriate feedback, board meetings shall be conducted within  
5 the 90-day window, or the 90 days shall be extended to ensure  
6 the Board has had an opportunity to act upon the proposed  
7 rules.

8 (Source: P.A. 102-432, eff. 8-20-21.)

9 Section 10. The ID/DD Community Care Act is amended by  
10 changing Section 2-204 as follows:

11 (210 ILCS 47/2-204)

12 Sec. 2-204. DD Facility Advisory Board. The Director shall  
13 appoint a DD Facility Advisory Board to consult with the  
14 Department and the residents' advisory councils created under  
15 Section 2-203.

16 (a) The Advisory Board shall be composed of the following  
17 persons:

18 (1) the Director who shall serve as chairperson, ex  
19 officio, and nonvoting;

20 (2) one representative each of the Department of  
21 Healthcare and Family Services, the Department of Human  
22 Services, and the Office of the State Fire Marshal, all  
23 nonvoting members;

24 (3) one member who shall be a physician licensed to

1 practice medicine in all its branches;

2 (4) one member who shall be a behavioral specialist  
3 selected from the recommendations of the Department of  
4 Human Services;

5 (5) three members who shall be selected from the  
6 recommendations by organizations whose membership consists  
7 of facilities;

8 (6) two members who shall represent the general public  
9 who are not members of a residents' advisory council  
10 established under Section 2-203 and who have no  
11 responsibility for management or formation of policy or  
12 financial interest in a facility;

13 (7) one member who is a member of a residents'  
14 advisory council established under Section 2-203 and is  
15 capable of actively participating on the Advisory Board;  
16 and

17 (8) one member who shall be selected from the  
18 recommendations of consumer organizations that engage  
19 solely in advocacy or legal representation on behalf of  
20 residents and their immediate families.

21 (b) The Advisory Board shall meet as frequently as the  
22 chairperson deems necessary, but not less than 4 times each  
23 year. Upon request by 4 or more members, the chairperson shall  
24 call a meeting of the Advisory Board. The affirmative vote of a  
25 simple majority of a quorum ~~6 members~~ of the Advisory Board  
26 shall be necessary for Advisory Board action. A quorum shall

1 be a majority in attendance of voting members. A member of the  
2 Advisory Board may designate a replacement to serve at the  
3 Advisory Board meeting and vote in place of the member by  
4 submitting a letter of designation to the chairperson prior to  
5 or at the Advisory Board meeting. The Advisory Board members  
6 shall be reimbursed for their actual expenses incurred in the  
7 performance of their duties.

8 (c) The Advisory Board shall advise the Department of  
9 Public Health on all aspects of its responsibilities under  
10 this Act, including the format and content of any rules  
11 promulgated by the Department of Public Health. All draft  
12 rules and documents shall be provided at least 7 days prior to  
13 a meeting for all board members to review. Any such rules,  
14 except emergency rules promulgated pursuant to Section 5-45 of  
15 the Illinois Administrative Procedure Act, promulgated without  
16 obtaining the advice of the Advisory Board are null and void.  
17 If the Department fails to follow the advice of the Advisory  
18 Board, the Department shall, prior to the promulgation of such  
19 rules, transmit a written explanation of the reason therefor  
20 to the Advisory Board. During its review of rules, the  
21 Advisory Board shall analyze the economic and regulatory  
22 impact of those rules. If the Advisory Board, having been  
23 asked for its advice, fails to advise the Department within 90  
24 days, the rules shall be considered acted upon. In order to  
25 provide appropriate feedback, board meetings shall be  
26 conducted within the 90-day window, or the 90 days shall be

1 extended to ensure the Board has had an opportunity to act upon  
2 the proposed rules.

3 (Source: P.A. 96-339, eff. 7-1-10; 96-1146, eff. 7-21-10.)