

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.)