

AN ACT concerning regulation.

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

Section 5. The Nursing Home Care Act is amended by changing Sections 3-209 and 3-602 and by adding Sections 2-120 and 3-125 as follows:

(210 ILCS 45/2-120 new)

Sec. 2-120. Prohibition on retaliatory action against residents.

(a) In this Section, "retaliatory action" means an action that is taken in retaliation for a resident's involvement in one or more of the protected activities described in paragraphs (1) through (8) of subsection (b) and that interferes with a resident's quality of life at the facility or results in either the imposition of selective restrictions or the resident's neglect or reduced access to services.

(b) No facility, licensee of a facility, or employee of a facility shall threaten to take or take a retaliatory action against a resident of the facility because the resident does any one or more of the following:

(1) complains, discloses, or threatens to disclose, to a supervisor, a public body, including, but not limited to, the Office of the State Long Term Care Ombudsman, or

any other person with regulatory authority, an activity, inaction, policy, or practice implemented by a licensee or facility that the resident reasonably believes violates a law, rule, or regulation;

(2) provides information to or testifies before a public body conducting an investigation, hearing, or inquiry into a violation of a law, rule, or regulation by an administrator of the facility;

(3) assists or participates in a proceeding to enforce the provisions of this Act, including a grievance procedure under Section 2-112;

(4) seeks assistance for the resident to transition to independent living or another setting outside of the resident's current facility;

(5) makes a request of the facility related to the resident's care;

(6) becomes a member of a residents' advisory council as described in Section 2-203, a resident union, or a similar organization;

(7) engages in activity protected in Section 3-608; or

(8) takes any other good faith action in support of any other right or remedy provided by law.

(c) A resident of a facility who alleges a violation of subsection (b) by a facility, the licensee of a facility, or an employee of a facility may bring a civil action for damages against the facility, the licensee who is responsible for the

facility, or both, within 2 years after the date of the last violation of subsection (b) that is alleged in the resident's complaint. A violation of subsection (b) may be established upon a finding that (i) the facility, the licensee of the facility, or the employee of the facility engaged in conduct described in subsection (b) and (ii) this conduct was a contributing factor in the retaliatory action alleged by the resident.

(d) For each claimed violation of subsection (b) by a facility, a licensee of a facility, or an employee of a facility, the facility, the licensee who is responsible for the facility, or both may also be liable to the resident for additional damages in an amount equal to the average monthly billing rate for Medicaid recipients in the facility.

(e) A copy of any complaint filed under this Section shall be filed with the Department.

(f) To ensure compliance with the requirements of this Section, each licensee shall annually provide to the residents of its facility and their next of kin, a document containing a description of the retaliation complaint procedures and remedies established under this Act. The licensee shall file this document in the resident's document file. This document shall also be made available to the resident, the resident's representative, the Department, or the Office of the State Long Term Care Ombudsman upon request.

(210 ILCS 45/3-125 new)

Sec. 3-125. Retaliation-prevention training. The administrators of a facility licensed under this Act shall ensure that all staff of the facility receive annual in-service training designed to prevent retaliatory actions from being taken against residents of the facility. Administrators shall ensure that the person who conducts the in-service training at a facility is familiar with the specific needs of the resident population at the facility. With the advice and consent of the Office of the State Long Term Care Ombudsman, the Department shall adopt rules that set forth the training parameters and subjects which will ensure that the in-service training conducted by administrators under this Section includes, at a minimum, a discussion of the following topics:

(1) a resident's right to file complaints and voice grievances in the event of retaliation;

(2) examples of what might constitute retaliation against a resident; and

(3) methods of preventing employee retaliation against residents and alleviating a resident's fear of retaliation.

(210 ILCS 45/3-209) (from Ch. 111 1/2, par. 4153-209)

Sec. 3-209. Required posting of information.

(a) Every facility shall conspicuously post for display in

an area of its offices accessible to residents, employees, and visitors the following:

- (1) Its current license;
- (2) A description, provided by the Department, of complaint procedures established under this Act and the name, address, and telephone number of a person authorized by the Department to receive complaints;
- (3) A copy of any order pertaining to the facility issued by the Department or a court;
- (4) A list of the material available for public inspection under Section 3-210;
- (5) Phone numbers and websites for rights protection services must be posted in common areas and at the main entrance and provided upon entry and at the request of residents or the resident's representative in accordance with 42 CFR 483.10(j)(4); ~~and~~
- (6) The statement "The Illinois Long-Term Care Ombudsman Program is a free resident advocacy service available to the public."; ~~and~~
- (7) A description of the retaliation complaint procedures and the remedies established under this Act.

In accordance with F574 of the State Operations Manual for Long-Term Care Facilities, the administrator shall post for all residents and at the main entrance the name, address, and telephone number of the appropriate State governmental office where complaints may be lodged in language the resident can

understand, which must include notice of the grievance procedure of the facility or program as well as addresses and phone numbers for the Office of Health Care Regulation and the Long-Term Care Ombudsman Program and a website showing the information of a facility's ownership. The facility shall include a link to the Long-Term Care Ombudsman Program's website on the home page of the facility's website.

(b) A facility that has received a notice of violation for a violation of the minimum staffing requirements under Section 3-202.05 shall display, during the period of time the facility is out of compliance, a notice stating in Calibri (body) font and 26-point type in black letters on an 8.5 by 11 inch white paper the following:

"Notice Dated: .....

This facility does not currently meet the minimum staffing ratios required by law. Posted at the direction of the Illinois Department of Public Health."

The notice must be posted, at a minimum, at all publicly used exterior entryways into the facility, inside the main entrance lobby, and next to any registration desk for easily accessible viewing. The notice must also be posted on the main page of the facility's website. The Department shall have the discretion to determine the gravity of any violation and, taking into account mitigating and aggravating circumstances and facts,

may reduce the requirement of, and amount of time for, posting the notice.

(Source: P.A. 101-10, eff. 6-5-19; 102-1080, eff. 1-1-23.)

(210 ILCS 45/3-602) (from Ch. 111 1/2, par. 4153-602)

Sec. 3-602. The licensee shall pay the actual damages and costs and attorney's fees to a facility resident whose rights, as specified in Part 1 of Article II of this Act, including, but not limited to, the rights under Section 2-120, are violated.

(Source: P.A. 89-197, eff. 7-21-95.)