October 6, 2014

Q: What is the status of the “distressed facility” designation that was part of the recent changes to the Nursing Home Care Act?

A: The “distressed facility” concept (state licensure equivalent to federal Special Focus Facilities) was included in SB 326 (PA 96-1372), effective July 29, 2010. This is one of several items included in PA 96-1372 that has not yet been implemented. IDPH is working on draft rulemaking for this, but they have not yet finalized it or made the draft available for our review. Once IDPH drafts the rule, it will need to go through the LTC Advisory Board and then go through the full JCAR rulemaking process. The earliest this rulemaking could be implemented would be mid-2015. As soon as we are forwarded a draft, we will share it with our members and solicit comments. The other major pieces of PA 96-1372 that are still in progress are Subpart S (certification of units for persons with mental illness), informed consent and behavioral unit requirements.