May 14, 2018

Q: At the IDPH Quarterly Provider Association Meeting on 4/25/18, an inquiry was made regarding 210 ILCS 45/2-110(d) (see below), and our belief that this paragraph applied to visitors (including family, POA’s, and Guardians), rather than residents. There is a “Denial of Access Request for Hearing” form on the IDPH website (click here). Could you please review and advise regarding if our understanding is correct?

(d) Notwithstanding paragraph (a) of this Section, the administrator of a facility may refuse access to the facility to any person if the presence of that person in the facility would be injurious to the health and safety of a resident or would threaten the security of the property of a resident or the facility, or if the person seeks access to the facility for commercial purposes. Any person refused access to a facility may within 10 days request a hearing under Section 3-703. In that proceeding, the burden of proof as to the right of the facility to refuse access under this Section shall be on the facility.

A: IDPH checked with their Legal unit and they responded that 210 ILCS 45/2-101(d) indeed applies to nonresidents of the facility.