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**MADIGAN PRAISES LEGISLATURE FOR PASSING REFORM MEASURE TO CRACK DOWN ON NURSING HOME NEGLECT*****Attorney General's Legislation Would Create Criminal Penalties for  
Negligent Nursing Home Operators***

Springfield — Attorney General Lisa Madigan today applauded the General Assembly for passing a reform measure that will provide greater protections for nursing home residents and make it easier to detect fraud by nursing home owners. The bill, sponsored by Senator Jacqueline Collins and Representative Harry Osterman, now goes to the Governor for his signature.

"Nursing homes should provide safe, caring environments for residents and peace of mind for their family members," Madigan said. "This new measure strengthens the law to enable prosecutors to crack down on negligent nursing home operators who fail to protect our most vulnerable adults."

The legislation, SB2863, expands the definition of the crime of criminal neglect in nursing homes by making it a Class 4 felony for any nursing home employee or owner to engage in conduct that puts a resident's health at risk or exacerbates a pre-existing condition. In the event that neglectful care results in a nursing home resident's death, the penalty would increase to a Class 3 felony.

"This important legislation ensures that nursing home residents are served by a reliable staff that is cognizant of the fact that their first priority is to provide care and assistance in a professional manner," said Senator Collins.

To make it easier for law enforcement to investigate potential fraud by nursing home owners, the bill also requires Medicaid-funded nursing home owners to disclose any interest they have in vendors that do business with their facility. Under the bill, a nursing home owner who fails to make this disclosure could be charged with a Class A misdemeanor. Subsequent violations would subject the owner to a potential Class 4 felony.

"Clearly violence among patients, gross neglect and mismanagement of nursing homes has been a major problem. These reforms will help ensure that we provide a safe and healthy environment for some of our most vulnerable citizens," said Representative Osterman.

Madigan's office crafted the legislation based on findings made during "Operation Guardian," in which Attorney General's office investigators and local law enforcement officials conduct checks of nursing homes that include unannounced visits to review safety and compliance issues. In addition to the compliance checks, Madigan's office also conducts unannounced warrant sweeps in nursing homes to ensure that dangerous fugitives are not living among vulnerable adults.

This bill was only one component of Madigan's work in this legislative session to protect nursing home residents. Attorney General Madigan worked with the Nursing Home Task Force to enhance the background check requirements for nursing home residents to ensure greater protections for vulnerable adults. The legislation also creates a pilot project targeted at increased screening for mixed population facilities in Cook and Will counties.

Madigan has long worked to protect vulnerable residents and hold nursing homes more accountable. Over the last year, the Attorney General has repeatedly called state agencies to step up their enforcement efforts. In February, for instance, Madigan sent a letter to the directors of the Illinois State Police, the Illinois Department of Public Health (IDPH), the Illinois Department on Aging and the Office of the Long-Term Care Ombudsman, urging the agencies to join her office's "Operation Guardian" to protect Illinois' vulnerable adults living in nursing homes. And last fall, Madigan singled out IDPH for failing to regulate nursing home facilities that continually flout state law.

In addition to these recent efforts, in 2005 following her work to close Emerald Park Nursing Home, Madigan worked to require background checks and criminal history analyses to identify nursing home residents that might pose a threat to others. The Attorney General also passed a law, known as the Resident's Right to Know Act that now requires nursing homes to complete an annual Consumer Choice Information Report about facilities' standard of care, service and security issues to provide better information to residents and their families.

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