

LONG TERM CARE & SENIOR LIVING BLOG

Illinois State Representative Introduces Nursing Home Care Act Amendment Removing Costs and Attorney's Fees

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Rep. Elaine Nekritz (D-Buffalo Grove) Introduced HB 3300 to the Illinois General Assembly on February 26, 2015, amending the Nursing Home Care Act by removing the provision permitting the award of costs and attorney's fees. Under the current statute, 210 ILCS 45/3-602, facility residents who prevail on a claim asserting a violation of their rights are entitled to recover costs and attorney's fees, in addition to actual damages. Under HB 300, facility residents would only be permitted to recover actual damages.

At least one personal injury attorney has raised concerns the proposed legislation will remove the incentive for attorneys to accept representation of nursing home residents who have sustained injury as a result of nursing home neglect or abuse, thereby also causing the quality of care delivered to nursing home residents to suffer.

After being assigned to the Judiciary-Civil Committee on March 10, 2015, the proposed legislation was referred back to the Rules Committee on March 27, 2015. Should the House approve the legislation, the legislation will still need to be approved by the Senate, and the potentially competing versions between the two houses reconciled, before being presented to Governor Bruce Rauner. We will continue to keep you advised as to the status of the proposed litigation.

By Nicole C. Larch

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