

Bill to require nursing home insurance fails

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by [Steve Horrell](#)

A bill that would have required Illinois nursing homes to carry liability insurance has suffered the same fate as a similar bill introduced in the Illinois General Assembly four years ago: it died in committee.

“The bill failed to advance out of the Rules Committee due to stiff opposition from the nursing home industry,” said state Rep. Kelly Cassidy, D-Chicago, who introduced the bill in January.

Cassidy said she will “continue to work with advocates on behalf of nursing home residents to press for all of the reforms in the bill.”

Under Illinois law, nursing homes are under no obligation to carry liability insurance, and attorneys who represent injured nursing home residents in court say that it’s a little known fact that too few families with aging parents are aware of.

Many facilities are underinsured, if they carry any insurance at all.

While relatively few nursing homes carry no insurance at all, plaintiff’s attorneys said recently that many are drastically underinsured.

Several defense attorneys and nursing home representatives declined to comment. But plaintiff’s attorney Robert Gregory, of East Alton, said that when families discover that a nursing home has little or no insurance, they may decide that the expense of pursuing the case outweighs the possible benefits.

It isn’t a new issue. Chicago attorney Jonathan Rosenfeld, in a blog four years ago titled “Support Mandatory Nursing Home Insurance,” wrote that the state does not require insurance coverage for nursing homes, assisted living facilities or long-term care facilities. “It is up to the facility to decide if they want insurance and if so, how much coverage they desire. Many victims of nursing home abuse go uncompensated for injuries sustained due to the fault of the staff because of the failure of Illinois to require insurance coverage,” he wrote.

At the time, a bill introduced by state Rep. John Bradley, D-Marion was pending in the state legislature. SB 3445 would have amended the Nursing Home Care Act, and the state Mandate Act, and would have:

- required nursing homes to carry at least \$1 million of coverage per year;
- allowed the Illinois Department of Public Health to revoke nursing home license for owners without the necessary coverage;
- forced disclosure of each nursing home’s policy to the public;
- forced a nursing home licensee to pay three times the actual damages, or \$500, whichever is greater, and costs of attorney’s fees to a resident whose rights have been violated.

The bill was assigned to the Rules Committee, where it died.

On Tuesday, Gregory said he was “bitterly disappointed” to learn that HB 5668 had also died in the Rules Committee.

Among other things, HB 5668 would have allowed the Illinois Department of Public Health to deny a license application if the applicant does not have proof of liability insurance. It would also have allowed the IDPH to suspend, revoke or renew a license if the facility fails to maintain its liability insurance. It would have also required nursing homes to carry at least \$1 million of coverage per year.

“It is astonishing to me that each of us has to have auto insurance to operate a car and yet a nursing home can operate a facility with 100 to 150 residents” and not be required to have liability insurance, Gregory said.

“We should, as a society, place greater emphasis on the protection of the elderly who are, through no fault of their own, under the care of nursing home facilities,” he said.

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