



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1611

Introduced 2/22/2007, by Rep. Kathleen A. Ryg - Joseph M. Lyons

SYNOPSIS AS INTRODUCED:

210 ILCS 9/35
210 ILCS 9/45

Amends the Assisted Living and Shared Housing Act. Provides that the Department of Public Health may renew a license under the Act for a 2-year period if a licensee has not committed a Type 1 or Type 2 violation within the preceding 24 months and has not had an inspection, review, or evaluation that resulted in a finding of 10 or more Type 3 violations in the preceding 24 months. Provides that if a licensee whose license has been renewed for 2 years fails to meet any of those conditions, then, in addition to any other sanctions that the Department may impose, the Department shall revoke the 2-year license and replace it with a one-year license until the licensee again meets all of those conditions. Effective immediately.

LRB095 08901 DRJ 29088 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Assisted Living and Shared Housing Act is
5 amended by changing Sections 35 and 45 as follows:

6 (210 ILCS 9/35)

7 Sec. 35. Issuance of license.

8 (a) Upon receipt and review of an application for a license
9 and review of the applicant establishment, the Director may
10 issue a license if he or she finds:

11 (1) that the individual applicant, or the corporation,
12 partnership, or other entity if the applicant is not an
13 individual, is a person responsible and suitable to operate
14 or to direct or participate in the operation of an
15 establishment by virtue of financial capacity, appropriate
16 business or professional experience, a record of lawful
17 compliance with lawful orders of the Department and lack of
18 revocation of a license issued under this Act or the
19 Nursing Home Care Act during the previous 5 years;

20 (2) that the establishment is under the supervision of
21 a full-time director who is at least 21 years of age with
22 ability, training, and education appropriate to meet the
23 needs of the residents and to manage the operations of the

1 establishment and who participates in ongoing training for
2 these purposes;

3 (3) that the establishment has staff sufficient in
4 number with qualifications, adequate skills, education,
5 and experience to meet the 24 hour scheduled and
6 unscheduled needs of residents and who participate in
7 ongoing training to serve the resident population;

8 (4) that direct care staff meet the requirements of the
9 Health Care Worker Background Check Act;

10 (5) that the applicant is in substantial compliance
11 with this Act and such other requirements for a license as
12 the Department by rule may establish under this Act;

13 (6) that the applicant pays all required fees;

14 (7) that the applicant has provided to the Department
15 an accurate disclosure document in accordance with the
16 Alzheimer's Special Care Disclosure Act and in substantial
17 compliance with Section 150 of this Act.

18 Any license issued by the Director shall state the physical
19 location of the establishment, the date the license was issued,
20 and the expiration date. All licenses shall be valid for one
21 year, except as provided in Sections ~~Section~~ 40 and 45. Each
22 license shall be issued only for the premises and persons named
23 in the application, and shall not be transferable or
24 assignable.

25 (Source: P.A. 93-141, eff. 7-10-03.)

1 (210 ILCS 9/45)

2 Sec. 45. Renewal of licenses. At least 120 days, but not
3 more than 150 days prior to license expiration, the licensee
4 shall submit an application for renewal of the license in such
5 form and containing such information as the Department
6 requires. If the application is approved, and if the licensee
7 (i) has not committed a Type 1 violation in the preceding 24
8 months, (ii) has not committed a Type 2 violation in the
9 preceding 24 months, and (iii) has not had an inspection,
10 review, or evaluation that resulted in a finding of 10 or more
11 Type 3 violations in the preceding 24 months, the Department
12 may renew the license for an additional period of 2 years. If a
13 licensee whose license has been renewed for 2 years under this
14 Section subsequently fails to meet any of the conditions set
15 forth in items (i), (ii), and (iii), then, in addition to any
16 other sanctions that the Department may impose under this Act,
17 the Department shall revoke the 2-year license and replace it
18 with a one-year license until the licensee again meets all of
19 the conditions set forth in items (i), (ii), and (iii) ~~the~~
20 ~~license shall be renewed for an additional one-year period.~~ If
21 appropriate, the renewal application shall not be approved
22 unless the applicant has provided to the Department an accurate
23 disclosure document in accordance with the Alzheimer's Special
24 Care Disclosure Act. If the application for renewal is not
25 timely filed, the Department shall so inform the licensee.

26 (Source: P.A. 91-656, eff. 1-1-01.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.