



Sen. Edward D. Maloney

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1 AMENDMENT TO HOUSE BILL 3508

2 AMENDMENT NO. _____. Amend House Bill 3508 on page 6, line
3 1, after "facilities", by inserting ", assisted living or
4 shared housing establishments, and supportive living
5 facilities"; and

6 on page 6, line 5, after "facility", by inserting ", assisted
7 living or shared housing establishment, and supportive living
8 facility"; and

9 on page 6, lines 24 and 25, after "facility" each time it
10 appears, by inserting "or establishment"; and

11 on page 10, after line 12, by inserting the following:

12 "Section 8. The Assisted Living and Shared Housing Act is
13 amended by changing Section 110 and by adding Section 117 as
14 follows:

1 (210 ILCS 9/110)

2 Sec. 110. Powers and duties of the Department.

3 (a) The Department shall conduct an annual unannounced
4 on-site visit at each assisted living and shared housing
5 establishment to determine compliance with applicable
6 licensure requirements and standards. Submission of an
7 establishment's current Consumer Choice Information Report
8 required by Section 117 shall be verified at time of
9 inspection. Additional visits may be conducted without prior
10 notice to the assisted living or shared housing establishment.

11 (b) Upon receipt of information that may indicate the
12 failure of the assisted living or shared housing establishment
13 or a service provider to comply with a provision of this Act,
14 the Department shall investigate the matter or make appropriate
15 referrals to other government agencies and entities having
16 jurisdiction over the subject matter of the possible violation.
17 The Department may also make referrals to any public or private
18 agency that the Department considers available for appropriate
19 assistance to those involved. The Department may oversee and
20 coordinate the enforcement of State consumer protection
21 policies affecting residents residing in an establishment
22 licensed under this Act.

23 (c) The Department shall establish by rule complaint
24 receipt, investigation, resolution, and involuntary residency
25 termination procedures. Resolution procedures shall provide

1 for on-site review and evaluation of an assisted living or
2 shared housing establishment found to be in violation of this
3 Act within a specified period of time based on the gravity and
4 severity of the violation and any pervasive pattern of
5 occurrences of the same or similar violations.

6 (d) The Governor shall establish an Assisted Living and
7 Shared Housing Standards and Quality of Life Advisory Board.

8 (e) The Department shall by rule establish penalties and
9 sanctions, which shall include, but need not be limited to, the
10 creation of a schedule of graduated penalties and sanctions to
11 include closure.

12 (f) The Department shall by rule establish procedures for
13 disclosure of information to the public, which shall include,
14 but not be limited to, ownership, licensure status, frequency
15 of complaints, disposition of substantiated complaints, and
16 disciplinary actions.

17 (g) (Blank).

18 (h) Beginning January 1, 2000, the Department shall begin
19 drafting rules necessary for the administration of this Act.

20 (Source: P.A. 93-1003, eff. 8-23-04.)

21 (210 ILCS 9/117 new)

22 Sec. 117. Consumer Choice Information Reports.

23 (a) Every establishment shall complete a Consumer Choice
24 Information Report and shall file it with the Office of State
25 Long Term Care Ombudsman electronically as prescribed by the

1 Office. The Report shall be filed annually and upon request of
2 the Office of State Long Term Care Ombudsman. The first
3 Consumer Choice Information Report is due to the Office of
4 State Long Term Care Ombudsman on July 1, 2009. The Consumer
5 Choice Information Report must be completed by the
6 establishment in full.

7 (b) A violation of any of the provisions of this Section
8 constitutes an unlawful practice under the Consumer Fraud and
9 Deceptive Business Practices Act. All remedies, penalties, and
10 authority granted to the Attorney General by the Consumer Fraud
11 and Deceptive Business Practices Act shall be available to him
12 or her for the enforcement of this Section.

13 (c) The Department of Public Health shall include
14 verification of the submission of an establishment's current
15 Consumer Choice Information Report when conducting an annual
16 on-site visit under Section 110."; and

17 on page 10, line 22, after the period, by inserting "The first
18 Consumer Choice Information Report is due to the Office of
19 State Long Term Care Ombudsman on July 1, 2009."; and

20 on page 11, line 25, by replacing "and" with "~~and~~"; and

21 on page 12, line 2, by replacing "." with "; ~~and~~"; and

22 on page 16, after line 20, by inserting the following:

1 "Section 12. The Illinois Public Aid Code is amended by
2 changing Section 5-5.01a as follows:

3 (305 ILCS 5/5-5.01a)

4 Sec. 5-5.01a. Supportive living facilities program;
5 Consumer Choice Information Reports.

6 (a) The Department shall establish and provide oversight
7 for a program of supportive living facilities that seek to
8 promote resident independence, dignity, respect, and
9 well-being in the most cost-effective manner.

10 A supportive living facility is either a free-standing
11 facility or a distinct physical and operational entity within a
12 nursing facility. A supportive living facility integrates
13 housing with health, personal care, and supportive services and
14 is a designated setting that offers residents their own
15 separate, private, and distinct living units.

16 Sites for the operation of the program shall be selected by
17 the Department based upon criteria that may include the need
18 for services in a geographic area, the availability of funding,
19 and the site's ability to meet the standards.

20 The Department may adopt rules to implement this Section.
21 Rules that establish or modify the services, standards, and
22 conditions for participation in the program shall be adopted by
23 the Department in consultation with the Department on Aging,
24 the Department of Rehabilitation Services, and the Department

1 of Mental Health and Developmental Disabilities (or their
2 successor agencies).

3 Facilities or distinct parts of facilities which are
4 selected as supportive living facilities and are in good
5 standing with the Department's rules are exempt from the
6 provisions of the Nursing Home Care Act and the Illinois Health
7 Facilities Planning Act.

8 (b) Consumer Choice Information Reports.

9 (1) Every supportive living facility shall complete a
10 Consumer Choice Information Report and shall file it with
11 the Office of State Long Term Care Ombudsman electronically
12 as prescribed by the Office. The Report shall be filed
13 annually and upon request of the Office of State Long Term
14 Care Ombudsman. The first Consumer Choice Information
15 Report is due to the Office of State Long Term Care
16 Ombudsman on July 1, 2009. The Consumer Choice Information
17 Report must be completed by the facility in full.

18 (2) A violation of any of the provisions of this
19 subsection constitutes an unlawful practice under the
20 Consumer Fraud and Deceptive Business Practices Act. All
21 remedies, penalties, and authority granted to the Attorney
22 General by the Consumer Fraud and Deceptive Business
23 Practices Act shall be available to him or her for the
24 enforcement of this subsection.

25 (3) The Department of Healthcare and Family Services
26 shall include verification of the submission of a

1 facility's current Consumer Choice Information Report when
2 conducting an inspection.

3 (Source: P.A. 94-342, eff. 7-26-05.); and

4 on page 16, line 24, after "facility", by inserting ", assisted
5 living or shared housing establishment, supportive living
6 facility"; and

7 on page 17, line 2, after "Act", by inserting ", an assisted
8 living or shared housing establishment that fails to comply
9 with Section 117 of the Assisted Living and Shared Housing Act,
10 or a supportive living facility that fails to comply with
11 subsection (b) of Section 5-5.01a of the Illinois Public Aid
12 Code".