



Rep. Eddie Lee Jackson, Sr.

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LRB097 06489 RPM 56371 a

1 AMENDMENT TO SENATE BILL 1968

2 AMENDMENT NO. _____. Amend Senate Bill 1968 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Act on the Aging is amended by
5 changing Sections 4.02c and 8.08 as follows:

6 (20 ILCS 105/4.02c)

7 Sec. 4.02c. Comprehensive Care in Residential Settings
8 Demonstration Project.

9 (a) The Department may establish and fund a demonstration
10 program of bundled services designed to support the specialized
11 needs of clients who qualify for Community Care Program
12 services and reside in projects designated by the Department as
13 Comprehensive Care Residential Settings. Designated projects
14 must hold a valid certificate ~~license~~, which remains
15 unsuspended, unrevoked, and unexpired, under the provisions of
16 the Assisted Living and Shared Housing Act.

1 (b) The designated projects in the demonstration program
2 must include, at a minimum:

- 3 (1) 3 meals per day;
- 4 (2) routine housekeeping services;
- 5 (3) 24-hour-a-day security;
- 6 (4) an emergency response system;
- 7 (5) personal laundry and linen service;
- 8 (6) assistance with activities of daily living;
- 9 (7) medication management; and
- 10 (8) money management.

11 Optional services, such as transportation and social
12 activities, may be provided.

13 (c) Reimbursement for the program shall be based on the
14 client's level of need and functional impairment, as determined
15 by the Department. Clients must meet all eligibility
16 requirements established by rule. The Department may establish
17 a capitated reimbursement mechanism based on the client's level
18 of need and functional impairment. Reimbursement for program
19 must be made to the Department-contracted provider delivering
20 the services.

21 (d) The Department shall adopt rules and provide oversight
22 for the project, with assistance and advice provided by the
23 Community Care Program Advisory Committee.

24 The project may be funded through the Department
25 appropriations that may include Medicaid waiver funds.

26 (Source: P.A. 96-918, eff. 6-9-10; 96-1538, eff. 3-4-11.)

1 (20 ILCS 105/8.08)

2 Sec. 8.08. Older direct care worker recognition. The
3 Department shall present one award annually to older direct
4 care workers in each of the following categories: Older
5 American Act Services, Home Health Services, Community Care
6 Program Services, Nursing Homes, and programs that provide
7 housing with services licensed or certified by the State. The
8 Department shall solicit nominations from associations
9 representing providers of the named services or settings and
10 trade associations representing applicable direct care
11 workers. Nominations shall be presented in a format designated
12 by the Department. Direct care workers honored with this award
13 must be 55 years of age or older and shall be recognized for
14 their dedication and commitment to improving the quality of
15 aging in Illinois above and beyond the confines of their job
16 description. Award recipients shall be honored in conjunction
17 with the Senior Illinoisans Hall of Fame awards ~~before their~~
18 ~~peers at the Governor's Conference on Aging or at a similar~~
19 ~~venue~~, shall have their pictures displayed on the Department's
20 website with their permission, and shall receive a letter of
21 commendation from the Governor. The Department shall include
22 the recipients of these awards in all Senior Hall of Fame
23 displays required by the Act on Aging. Except as otherwise
24 prohibited by law, the Department may solicit private sector
25 funding to underwrite the cost of all awards and recognition

1 materials and shall request that all associations representing
2 providers of the named services or settings and trade
3 associations applicable to direct care workers publicize the
4 awards and the award recipients in communications with their
5 members. The Department shall request nominations no later than
6 July 1, 2011, and every May 1 thereafter.

7 (Source: P.A. 96-376, eff. 8-13-09; 96-918, eff. 6-9-10.)

8 Section 10. The Assisted Living and Shared Housing Act is
9 amended by changing Sections 5, 10, 20, 25, 30, 32, 35, 40, 45,
10 55, 60, 65, 75, 90, 100, 110, 120, 140, 145, 150, and 155 as
11 follows:

12 (210 ILCS 9/5)

13 Sec. 5. Legislative purpose. The purpose of this Act is to
14 permit the development and availability of assisted living
15 establishments and shared housing establishments based on a
16 social model that promotes the dignity, individuality,
17 privacy, independence, autonomy, and decision-making ability
18 and the right to negotiated risk of those persons; to provide
19 for the health, safety, and welfare of those residents residing
20 in assisted living and shared housing establishments in this
21 State; to promote continuous quality improvement in assisted
22 living; and to encourage the development of innovative and
23 affordable assisted living establishments and shared housing
24 with service establishments for elderly persons of all income

1 levels. It is the public policy of this State that assisted
2 living is an important part of the continuum of long term care.
3 In support of the goal of aging in place within the parameters
4 established by this Act, assisted living and shared housing
5 establishments shall be operated as residential environments
6 with supportive services designed to meet the individual
7 resident's changing needs and preferences. The residential
8 environment shall be designed to encourage family and community
9 involvement. The services available to residents, either
10 directly or through contracts or agreements, are intended to
11 help residents remain as independent as possible. Assisted
12 living, which promotes resident choice, autonomy, and decision
13 making, should be based on a contract model designed to result
14 in a negotiated agreement between the resident or the
15 resident's representative and the provider, clearly
16 identifying the services to be provided. This model assumes
17 that residents are able to direct services provided for them
18 and will designate a representative to direct these services if
19 they themselves are unable to do so. This model supports the
20 principle that there is an acceptable balance between consumer
21 protection and resident willingness to accept risk and that
22 most consumers are competent to make their own judgments about
23 the services they are obtaining. Regulation of assisted living
24 establishments and shared housing establishments must be
25 sufficiently flexible to allow residents to age in place within
26 the parameters of this Act. The administration of this Act and

1 services provided must therefore ensure that the residents have
2 the rights and responsibilities to direct the scope of services
3 they receive and to make individual choices based on their
4 needs and preferences. These establishments shall be operated
5 in a manner that provides the least restrictive and most
6 homelike environment and that promotes independence, autonomy,
7 individuality, privacy, dignity, and the right to negotiated
8 risk in residential surroundings. It is not the intent of the
9 State that certified establishments ~~licensed~~ under this Act be
10 used as halfway houses for alcohol and substance abusers.

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

12 (210 ILCS 9/10)

13 Sec. 10. Definitions. For purposes of this Act:

14 "Activities of daily living" means eating, dressing,
15 bathing, toileting, transferring, or personal hygiene.

16 "Assisted living establishment" or "establishment" means a
17 home, building, residence, or any other place where sleeping
18 accommodations are provided for at least 3 unrelated adults, at
19 least 80% of whom are 55 years of age or older and where the
20 following are provided consistent with the purposes of this
21 Act:

22 (1) services consistent with a social model that is
23 based on the premise that the resident's unit in assisted
24 living and shared housing is his or her own home;

25 (2) community-based residential care for persons who

1 need assistance with activities of daily living, including
2 personal, supportive, and intermittent health-related
3 services available 24 hours per day, if needed, to meet the
4 scheduled and unscheduled needs of a resident;

5 (3) mandatory services, whether provided directly by
6 the establishment or by another entity arranged for by the
7 establishment, with the consent of the resident or
8 resident's representative; and

9 (4) a physical environment that is a homelike setting
10 that includes the following and such other elements as
11 established by the Department: individual living units
12 each of which shall accommodate small kitchen appliances
13 and contain private bathing, washing, and toilet
14 facilities, or private washing and toilet facilities with a
15 common bathing room readily accessible to each resident.
16 Units shall be maintained for single occupancy except in
17 cases in which 2 residents choose to share a unit.
18 Sufficient common space shall exist to permit individual
19 and group activities.

20 "Assisted living establishment" or "establishment" does
21 not mean any of the following:

22 (1) A home, institution, or similar place operated by
23 the federal government or the State of Illinois.

24 (2) A long term care facility licensed under the
25 Nursing Home Care Act or a facility licensed under the
26 MR/DD Community Care Act. However, a facility licensed

1 under either of those Acts may convert distinct parts of
2 the facility to assisted living. If the facility elects to
3 do so, the facility shall retain the Certificate of Need
4 for its nursing and sheltered care beds that were
5 converted.

6 (3) A hospital, sanitarium, or other institution, the
7 principal activity or business of which is the diagnosis,
8 care, and treatment of human illness and that is required
9 to be licensed under the Hospital Licensing Act.

10 (4) A facility for child care as defined in the Child
11 Care Act of 1969.

12 (5) A community living facility as defined in the
13 Community Living Facilities Licensing Act.

14 (6) A nursing home or sanitarium operated solely by and
15 for persons who rely exclusively upon treatment by
16 spiritual means through prayer in accordance with the creed
17 or tenants of a well-recognized church or religious
18 denomination.

19 (7) A facility licensed by the Department of Human
20 Services as a community-integrated living arrangement as
21 defined in the Community-Integrated Living Arrangements
22 Licensure and Certification Act.

23 (8) A supportive residence licensed under the
24 Supportive Residences Licensing Act.

25 (9) The portion of a life care facility as defined in
26 the Life Care Facilities Act not licensed as an assisted

1 living establishment under this Act; a life care facility
2 may apply under this Act to convert sections of the
3 community to assisted living.

4 (10) A free-standing hospice facility licensed under
5 the Hospice Program Licensing Act.

6 (11) A shared housing establishment.

7 (12) A supportive living facility as described in
8 Section 5-5.01a of the Illinois Public Aid Code.

9 "Department" means the Department of Public Health.

10 "Director" means the Director of Public Health.

11 "Emergency situation" means imminent danger of death or
12 serious physical harm to a resident of an establishment.

13 "Certificate License" means any of the following types of
14 certificates licenses issued ~~to an applicant or licensee~~ by the
15 Department:

16 (1) "Probationary certificate license" means a
17 certificate license issued to an applicant or the holder of
18 a certificate licensee that has not held a certificate or
19 license under this Act prior to its application or pursuant
20 to a license transfer in accordance with Section 50 of this
21 Act.

22 (2) "Regular certification license" means a
23 certificate license issued by the Department to an
24 applicant or the holder of a certificate licensee that is
25 in substantial compliance with this Act and any rules
26 promulgated under this Act.

1 "Holder of a certificate ~~Licensee~~" means a person, agency,
2 association, corporation, partnership, or organization that
3 has been issued a certificate ~~license~~ to operate an assisted
4 living or shared housing establishment.

5 "Licensed health care professional" means a registered
6 professional nurse, an advanced practice nurse, a physician
7 assistant, and a licensed practical nurse.

8 "Mandatory services" include the following:

9 (1) 3 meals per day available to the residents prepared
10 by the establishment or an outside contractor;

11 (2) housekeeping services including, but not limited
12 to, vacuuming, dusting, and cleaning the resident's unit;

13 (3) personal laundry and linen services available to
14 the residents provided or arranged for by the
15 establishment;

16 (4) security provided 24 hours each day including, but
17 not limited to, locked entrances or building or contract
18 security personnel;

19 (5) an emergency communication response system, which
20 is a procedure in place 24 hours each day by which a
21 resident can notify building management, an emergency
22 response vendor, or others able to respond to his or her
23 need for assistance; and

24 (6) assistance with activities of daily living as
25 required by each resident.

26 "Negotiated risk" is the process by which a resident, or

1 his or her representative, may formally negotiate with
2 providers what risks each are willing and unwilling to assume
3 in service provision and the resident's living environment. The
4 provider assures that the resident and the resident's
5 representative, if any, are informed of the risks of these
6 decisions and of the potential consequences of assuming these
7 risks.

8 "Owner" means the individual, partnership, corporation,
9 association, or other person who owns an assisted living or
10 shared housing establishment. In the event an assisted living
11 or shared housing establishment is operated by a person who
12 leases or manages the physical plant, which is owned by another
13 person, "owner" means the person who operates the assisted
14 living or shared housing establishment, except that if the
15 person who owns the physical plant is an affiliate of the
16 person who operates the assisted living or shared housing
17 establishment and has significant control over the day to day
18 operations of the assisted living or shared housing
19 establishment, the person who owns the physical plant shall
20 incur jointly and severally with the owner all liabilities
21 imposed on an owner under this Act.

22 "Physician" means a person licensed under the Medical
23 Practice Act of 1987 to practice medicine in all of its
24 branches.

25 "Resident" means a person residing in an assisted living or
26 shared housing establishment.

1 "Resident's representative" means a person, other than the
2 owner, agent, or employee of an establishment or of the health
3 care provider unless related to the resident, designated in
4 writing by a resident to be his or her representative. This
5 designation may be accomplished through the Illinois Power of
6 Attorney Act, pursuant to the guardianship process under the
7 Probate Act of 1975, or pursuant to an executed designation of
8 representative form specified by the Department.

9 "Self" means the individual or the individual's designated
10 representative.

11 "Shared housing establishment" or "establishment" means a
12 publicly or privately operated free-standing residence for 16
13 or fewer persons, at least 80% of whom are 55 years of age or
14 older and who are unrelated to the owners and one manager of
15 the residence, where the following are provided:

16 (1) services consistent with a social model that is
17 based on the premise that the resident's unit is his or her
18 own home;

19 (2) community-based residential care for persons who
20 need assistance with activities of daily living, including
21 housing and personal, supportive, and intermittent
22 health-related services available 24 hours per day, if
23 needed, to meet the scheduled and unscheduled needs of a
24 resident; and

25 (3) mandatory services, whether provided directly by
26 the establishment or by another entity arranged for by the

1 establishment, with the consent of the resident or the
2 resident's representative.

3 "Shared housing establishment" or "establishment" does not
4 mean any of the following:

5 (1) A home, institution, or similar place operated by
6 the federal government or the State of Illinois.

7 (2) A long term care facility licensed under the
8 Nursing Home Care Act or a facility licensed under the
9 MR/DD Community Care Act. A facility licensed under either
10 of those Acts may, however, convert sections of the
11 facility to assisted living. If the facility elects to do
12 so, the facility shall retain the Certificate of Need for
13 its nursing beds that were converted.

14 (3) A hospital, sanitarium, or other institution, the
15 principal activity or business of which is the diagnosis,
16 care, and treatment of human illness and that is required
17 to be licensed under the Hospital Licensing Act.

18 (4) A facility for child care as defined in the Child
19 Care Act of 1969.

20 (5) A community living facility as defined in the
21 Community Living Facilities Licensing Act.

22 (6) A nursing home or sanitarium operated solely by and
23 for persons who rely exclusively upon treatment by
24 spiritual means through prayer in accordance with the creed
25 or tenants of a well-recognized church or religious
26 denomination.

1 (7) A facility licensed by the Department of Human
2 Services as a community-integrated living arrangement as
3 defined in the Community-Integrated Living Arrangements
4 Licensure and Certification Act.

5 (8) A supportive residence licensed under the
6 Supportive Residences Licensing Act.

7 (9) A life care facility as defined in the Life Care
8 Facilities Act; a life care facility may apply under this
9 Act to convert sections of the community to assisted
10 living.

11 (10) A free-standing hospice facility licensed under
12 the Hospice Program Licensing Act.

13 (11) An assisted living establishment.

14 (12) A supportive living facility as described in
15 Section 5-5.01a of the Illinois Public Aid Code.

16 "Total assistance" means that staff or another individual
17 performs the entire activity of daily living without
18 participation by the resident.

19 (Source: P.A. 95-216, eff. 8-16-07; 96-339, eff. 7-1-10;
20 96-975, eff. 7-2-10.)

21 (210 ILCS 9/20)

22 Sec. 20. Construction and operating standards. The
23 Department shall prescribe minimum standards for
24 establishments. These standards shall include:

25 (1) the location and construction of the

1 establishment, including plumbing, heating, lighting,
2 ventilation, and other physical conditions which shall
3 ensure the health, safety, and comfort of residents and
4 their protection from fire hazards; these standards shall
5 include, at a minimum, compliance with the residential
6 board and care occupancies chapter of the National Fire
7 Protection Association's Life Safety Code, local and State
8 building codes for the building type, and accessibility
9 standards of the Americans with Disabilities Act;

10 (2) the number and qualifications of all personnel
11 having responsibility for any part of the services provided
12 for residents;

13 (3) all sanitary conditions within the establishment
14 and its surroundings, including water supply, sewage
15 disposal, food handling, infection control, and general
16 hygiene, which shall ensure the health and comfort of
17 residents;

18 (4) a program for adequate maintenance of physical
19 plant and equipment;

20 (5) adequate accommodations, staff, and services for
21 the number and types of residents for whom the
22 establishment is certified ~~licensed~~;

23 (6) the development of evacuation and other
24 appropriate safety plans for use during weather, health,
25 fire, physical plant, environmental, and national defense
26 emergencies; and

1 (7) the maintenance of minimum financial and other
2 resources necessary to meet the standards established
3 under this Section and to operate the establishment in
4 accordance with this Act.

5 (Source: P.A. 96-975, eff. 7-2-10.)

6 (210 ILCS 9/25)

7 Sec. 25. Certification ~~License~~ requirement. No person may
8 establish, operate, maintain, or offer an establishment as an
9 assisted living establishment or shared housing establishment
10 as defined by the Act within this State unless and until he or
11 she obtains a valid certificate ~~license~~, which remains
12 unsuspended, unrevoked, and unexpired. No public official,
13 agent, or employee may place any person in, or recommend that
14 any person be placed in, or directly or indirectly cause any
15 person to be placed in any establishment that meets the
16 definition under this Act that is being operated without a
17 valid certificate ~~license~~. No public official, agent, or
18 employee may place the name of an uncertified ~~unlicensed~~
19 establishment that is required to be certified ~~licensed~~ under
20 this Act on a list of programs. An entity that operates as an
21 assisted living or shared housing establishment as defined by
22 this Act without being certified ~~a license~~ shall be subject to
23 the provisions, including penalties, of the Nursing Home Care
24 Act. No entity shall use in its name or advertise "assisted
25 living" unless certified ~~licensed~~ as an assisted living

1 establishment under this Act or as a shelter care facility
2 under the Nursing Home Care Act that also meets the definition
3 of an assisted living establishment under this Act, except a
4 shared housing establishment certified ~~licensed~~ under this Act
5 may advertise assisted living services. A valid license issued
6 pursuant to this Act prior to the effective date of this
7 amendatory Act of the 97th General Assembly shall be deemed a
8 valid certificate pursuant to this Act subject to all renewal,
9 suspension, revocation, and disciplinary provisions of this
10 Act until such time as the Department shall establish means for
11 certification under this Act.

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

13 (210 ILCS 9/30)

14 Sec. 30. Certification ~~Licensing~~.

15 (a) The Department shall establish by rule forms,
16 procedures, and fees for the annual certification ~~licensing~~ of
17 assisted living and shared housing establishments; shall
18 establish and enforce sanctions and penalties for operating in
19 violation of this Act, as provided in Section 135 of this Act
20 and rules adopted under Section 110 of this Act. The Department
21 shall conduct an annual on-site review for each establishment
22 covered by this Act, which shall include, but not be limited
23 to, compliance with this Act and rules adopted hereunder, focus
24 on solving resident issues and concerns, and the quality
25 improvement process implemented by the establishment to

1 address resident issues. The quality improvement process
2 implemented by the establishment must benchmark performance,
3 be customer centered, be data driven, and focus on resident
4 satisfaction.

5 (b) An establishment shall provide the following
6 information to the Department to be considered for
7 certification licensure:

8 (1) the business name, street address, mailing
9 address, and telephone number of the establishment;

10 (2) the name and mailing address of the owner or owners
11 of the establishment and if the owner or owners are not
12 natural persons, identification of the type of business
13 entity of the owners, and the names and addresses of the
14 officers and members of the governing body, or comparable
15 persons for partnerships, limited liability companies, or
16 other types of business organizations;

17 (3) financial information, content and form to be
18 determined by rules which may provide different standards
19 for assisted living establishments and shared housing
20 establishments, establishing that the project is
21 financially feasible;

22 (4) the name and mailing address of the managing agent
23 of the establishment, whether hired under a management
24 agreement or lease agreement, if different from the owner
25 or owners, and the name of the full-time director;

26 (5) verification that the establishment has entered or

1 will enter into a service delivery contract as provided in
2 Section 90, as required under this Act, with each resident
3 or resident's representative;

4 (6) the name and address of at least one natural person
5 who shall be responsible for dealing with the Department on
6 all matters provided for in this Act, on whom personal
7 service of all notices and orders shall be made, and who
8 shall be authorized to accept service on behalf of the
9 owner or owners and the managing agent. Notwithstanding a
10 contrary provision of the Code of Civil Procedure, personal
11 service on the person identified pursuant to this
12 subsection shall be considered service on the owner or
13 owners and the managing agent, and it shall not be a
14 defense to any action that personal service was not made on
15 each individual or entity;

16 (7) the signature of the authorized representative of
17 the owner or owners;

18 (8) proof of an ongoing quality improvement program in
19 accordance with rules adopted by the Department;

20 (9) information about the number and types of units,
21 the maximum census, and the services to be provided at the
22 establishment, proof of compliance with applicable State
23 and local residential standards, and a copy of the standard
24 contract offered to residents;

25 (10) documentation of adequate liability insurance;
26 and

1 (11) other information necessary to determine the
2 identity and qualifications of an applicant or the holder
3 of a certificate ~~licensee~~ to operate an establishment in
4 accordance with this Act as required by the Department by
5 rule.

6 (c) The information in the statement of ownership shall be
7 public information and shall be available from the Department.

8 (Source: P.A. 96-975, eff. 7-2-10.)

9 (210 ILCS 9/32)

10 Sec. 32. Floating certification ~~license~~. An establishment
11 (i) in which 80% of the residents are at least 55 years of age
12 or older, (ii) that is operated as housing for the elderly, and
13 (iii) that meets the construction and operating standards
14 contained in Section 20 of this Act may request a floating
15 assisted living certificate ~~license~~ for any number of
16 individual living units within the establishment up to, but not
17 including, total capacity. An establishment requesting a
18 floating assisted living certificate ~~license~~ must specify the
19 number of individual living units within the establishment to
20 be certified ~~licensed~~. Living units designated by the
21 establishment as a certified assisted ~~licensed~~ living unit
22 shall, for the purposes of this Section, be referred to as a
23 certified assisted ~~licensed~~ living unit. An establishment
24 utilizing a floating assisted living certificate ~~license~~ must
25 have staff adequate to meet the scheduled and unscheduled needs

1 of the residents residing in certified assisted ~~licensed~~ living
2 units within the establishment. All staff providing services to
3 certified assisted ~~licensed~~ living units must meet the
4 requirements of this Act and its rules. A living unit may only
5 be designated as a certified assisted living ~~licensed~~ unit if
6 the living unit and the living unit's resident meet the
7 requirements of this Act and its rules. All mandatory services
8 must be made available to residents of certified assisted
9 ~~licensed~~ living units, and residents of certified assisted
10 ~~licensed~~ living units may receive any optional services
11 permitted under the establishment's assisted living
12 certificate ~~license~~. Establishments may only provide services
13 under this Act in the individual living units designated as
14 certified assisted living ~~licensed~~ units. Designation as a
15 certified assisted living ~~licensed~~ unit may be temporary to
16 accommodate a resident's changing needs without requiring the
17 resident to move.

18 An establishment with a floating assisted living
19 certification ~~license~~ must keep a current written list of those
20 units designated under the floating assisted living
21 certificate ~~license~~. If a resident elects to receive services
22 in a unit that is not certified ~~licensed~~ and the unit qualifies
23 for assisted living certification ~~licensure~~, the establishment
24 must notify the resident that the unit must be certified as an
25 assisting living unit ~~licensed~~ and the requirements of this Act
26 must be met before services can be provided to residents in

1 that unit. Upon the initiation of an initial assisted living
2 certification ~~licensing~~ inspection, annual inspection, or
3 complaint investigation, the establishment shall provide to
4 the Department a list of the units designated under the
5 floating assisted living certification ~~license~~ in which
6 residents are receiving services subject to this Act.

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

8 (210 ILCS 9/35)

9 Sec. 35. Issuance of certification ~~license~~.

10 (a) Upon receipt and review of an application for a
11 certificate ~~license~~ and review of the applicant establishment,
12 the Director may issue a certificate ~~license~~ if he or she
13 finds:

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

24 (2) that the establishment is under the supervision of
25 a full-time director who is at least 21 years of age and

1 has a high school diploma or equivalent plus either:

2 (A) 2 years of management experience or 2 years of
3 experience in positions of progressive responsibility
4 in health care, housing with services, or adult day
5 care or providing similar services to the elderly; or

6 (B) 2 years of management experience or 2 years of
7 experience in positions of progressive responsibility
8 in hospitality and training in health care and housing
9 with services management as defined by rule;

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

15 (4) that all employees who are subject to the Health
16 Care Worker Background Check Act meet the requirements of
17 that Act;

18 (5) that the applicant is in substantial compliance
19 with this Act and such other requirements for a certificate
20 ~~license~~ as the Department by rule may establish under this
21 Act;

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

23 (7) that the applicant has provided to the Department
24 an accurate disclosure document in accordance with the
25 Alzheimer's Disease and Related Dementias Special Care
26 Disclosure Act and in substantial compliance with Section

1 150 of this Act.

2 In addition to any other requirements set forth in this
3 Act, as a condition of certification ~~licensure~~ under this Act,
4 the director of an establishment must participate in at least
5 20 hours of training every 2 years to assist him or her in
6 better meeting the needs of the residents of the establishment
7 and managing the operation of the establishment.

8 Any certificate ~~license~~ issued by the Director shall state
9 the physical location of the establishment, the date the
10 certificate ~~license~~ was issued, and the expiration date. All
11 certificates ~~licenses~~ shall be valid for one year, except as
12 provided in Sections 40 and 45. Each certificate ~~license~~ shall
13 be issued only for the premises and persons named in the
14 application, and shall not be transferable or assignable.

15 (Source: P.A. 95-79, eff. 8-13-07; 95-590, eff. 9-10-07;
16 95-628, eff. 9-25-07; 95-876, eff. 8-21-08; 96-339, eff.
17 7-1-10; 96-990, eff. 7-2-10.)

18 (210 ILCS 9/40)

19 Sec. 40. Probationary certification ~~licenses~~. If the
20 applicant has not been previously certified or licensed under
21 this Act or if the establishment is not in operation at the
22 time the application is made and if the Department determines
23 that the applicant meets the certification ~~licensure~~
24 requirements of this Act, the Department shall issue a
25 probationary certificate ~~license~~. A probationary certificate

1 ~~license~~ shall be valid for 120 days unless sooner suspended or
2 revoked. Within 30 days prior to the termination of a
3 probationary certificate license, the Department shall fully
4 and completely review the establishment and, if the
5 establishment meets the applicable requirements for
6 certification licensure, shall issue a certificate license. If
7 the Department finds that the establishment does not meet the
8 requirements for certification licensure, but has made
9 substantial progress toward meeting those requirements, the
10 certificate license may be renewed once for a period not to
11 exceed 120 days from the expiration date of the initial
12 probationary certificate license.

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

14 (210 ILCS 9/45)

15 Sec. 45. Renewal of certification licenses. At least 120
16 days, but not more than 150 days prior to the license
17 expiration of a certificate, the holder of a certificate
18 licensee shall submit an application for renewal of the
19 certificate license in such form and containing such
20 information as the Department requires. If the application is
21 approved, and if the holder of a certificate licensee (i) has
22 not committed a Type 1 violation in the preceding 24 months,
23 (ii) has not committed a Type 2 violation in the preceding 24
24 months, (iii) has not had an inspection, review, or evaluation
25 that resulted in a finding of 10 or more Type 3 violations in

1 the preceding 24 months, and (iv) has not admitted or retained
2 a resident in violation of Section 75 of this Act in the
3 preceding 24 months, the Department may renew the certificate
4 ~~license~~ for an additional period of 2 years at the request of
5 the holder of a certificate licensee. If a holder of a
6 certificate licensee whose certificate license has been
7 renewed for 2 years under this Section subsequently fails to
8 meet any of the conditions set forth in items (i), (ii), and
9 (iii), then, in addition to any other sanctions that the
10 Department may impose under this Act, the Department shall
11 revoke the 2-year certificate license and replace it with a
12 one-year certificate license until the holder of a certificate
13 ~~licensee~~ again meets all of the conditions set forth in items
14 (i), (ii), and (iii). If appropriate, the renewal application
15 shall not be approved unless the applicant has provided to the
16 Department an accurate disclosure document in accordance with
17 the Alzheimer's Disease and Related Dementias Special Care
18 Disclosure Act. If the application for renewal is not timely
19 filed, the Department shall so inform the holder of a
20 certificate licensee.

21 (Source: P.A. 95-590, eff. 9-10-07; 95-876, eff. 8-21-08;
22 96-990, eff. 7-2-10; 96-1275, eff. 7-26-10; revised 9-2-10.)

23 (210 ILCS 9/55)

24 Sec. 55. Grounds for denial of a certificate license. An
25 application for a certificate license may be denied for any of

1 the following reasons:

2 (1) failure to meet any of the standards set forth in
3 this Act or by rules adopted by the Department under this
4 Act;

5 (2) conviction of the applicant, or if the applicant is
6 a firm, partnership, or association, of any of its members,
7 or if a corporation, the conviction of the corporation or
8 any of its officers or stockholders, or of the person
9 designated to manage or supervise the establishment, of a
10 felony or of 2 or more misdemeanors involving moral
11 turpitude during the previous 5 years as shown by a
12 certified copy of the record of the court of conviction;

13 (3) personnel insufficient in number or unqualified by
14 training or experience to properly care for the residents;

15 (4) insufficient financial or other resources to
16 operate and conduct the establishment in accordance with
17 standards adopted by the Department under this Act;

18 (5) revocation of a certificate or license during the
19 previous 5 years, if such prior certificate or license was
20 issued to the individual applicant, a controlling owner or
21 controlling combination of owners of the applicant; or any
22 affiliate of the individual applicant or controlling owner
23 of the applicant and such individual applicant,
24 controlling owner of the applicant or affiliate of the
25 applicant was a controlling owner of the prior certificate
26 or license; provided, however, that the denial of an

1 application for a certificate ~~license~~ pursuant to this
2 Section must be supported by evidence that the prior
3 revocation renders the applicant unqualified or incapable
4 of meeting or maintaining an establishment in accordance
5 with the standards and rules adopted by the Department
6 under this Act; or

7 (6) the establishment is not under the direct
8 supervision of a full-time director, as defined by rule.

9 The Department shall deny an application for a certificate
10 ~~license~~ if 6 months after submitting its initial application
11 the applicant has not provided the Department with all of the
12 information required for review and approval or the applicant
13 is not actively pursuing the processing of its application. In
14 addition, the Department shall determine whether the applicant
15 has violated any provision of the Nursing Home Care Act or the
16 MR/DD Community Care Act.

17 (Source: P.A. 96-339, eff. 7-1-10.)

18 (210 ILCS 9/60)

19 Sec. 60. Notice of denial; request for hearing; hearing.

20 (a) Immediately upon the denial of any application or
21 reapplication for a certificate ~~license~~ under this Act, the
22 Department shall notify the applicant in writing. Notice of
23 denial shall include a clear and concise statement of the
24 violations of this Act on which the denial is based and notice
25 of the opportunity for a hearing. If the applicant or the

1 holder of a certificate licensee wishes to contest the denial
2 of a certificate license, it shall provide written notice to
3 the Department of a request for a hearing within 10 days after
4 receipt of the notice of denial. The Department shall commence
5 a hearing under this Section.

6 (b) A request for a hearing by aggrieved persons shall be
7 taken to the Department as follows:

8 (1) Upon the receipt of a request in writing for a
9 hearing, the Director or a person designated in writing by
10 the Director to act as a hearing officer shall conduct a
11 hearing to review the decision.

12 (2) Before the hearing is held notice of the hearing
13 shall be sent by the Department to the person making the
14 request for the hearing and to the person making the
15 decision which is being reviewed. In the notice the
16 Department shall specify the date, time, and place of the
17 hearing, which shall be held not less than 10 days after
18 the notice is mailed or delivered. The notice shall
19 designate the decision being reviewed. The notice may be
20 served by delivering it personally to the parties or their
21 representatives or by mailing it by certified mail to the
22 parties' addresses.

23 (3) The Department shall commence the hearing within 30
24 days after the receipt of request for hearing. The hearing
25 shall proceed as expeditiously as practicable, but in all
26 cases shall conclude within 90 days after commencement.

1 (c) The Director or hearing officer shall permit any party
2 to appear in person and to be represented by counsel at the
3 hearing, at which time the applicant or the holder of a
4 certificate ~~licensee~~ shall be afforded an opportunity to
5 present all relevant matter in support of his or her position.
6 In the event of the inability of any party or the Department to
7 procure the attendance of witnesses to give testimony or
8 produce books and papers, any party or the Department may take
9 the deposition of witnesses in accordance with the provisions
10 of the laws of this State. All testimony shall be reduced to
11 writing, and all testimony and other evidence introduced at the
12 hearing shall be a part of the record of the hearing.

13 (d) The Director or hearing officer shall make findings of
14 fact in the hearing, and the Director shall render his or her
15 decision within 30 days after the termination of the hearing,
16 unless additional time not to exceed 90 days is required by him
17 or her for a proper disposition of the matter. When the hearing
18 has been conducted by a hearing officer, the Director shall
19 review the record and findings of fact before rendering a
20 decision. All decisions rendered by the Director shall be
21 binding upon and complied with by the Department, the
22 establishment, or the persons involved in the hearing, as
23 appropriate to each case.

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

1 Sec. 65. Revocation, suspension, or refusal to renew
2 certificate license.

3 (a) The Department, after notice to the applicant or the
4 holder of a certificate licensee, may suspend, revoke, or
5 refuse to renew a certificate license in any case in which the
6 Department finds any of the following:

7 (1) that there has been a substantial failure to comply
8 with this Act or the rules promulgated by the Department
9 under this Act;

10 (2) that there has been a conviction of the the holder
11 of a certificate licensee, or of the person designated to
12 manage or supervise the establishment, of a felony or of 2
13 or more misdemeanors involving moral turpitude during the
14 previous 5 years as shown by a certified copy of the record
15 of the court of conviction;

16 (3) that the personnel is insufficient in number or
17 unqualified by training or experience to properly care for
18 the number and type of residents served by the
19 establishment;

20 (4) that the financial or other resources are
21 insufficient to conduct and operate the establishment in
22 accordance with standards promulgated by the Department
23 under this Act; or

24 (5) that the establishment is not under the direct
25 supervision of a full-time director, as defined by rule.

26 (b) Notice under this Section shall include a clear and

1 concise statement of the violations on which the nonrenewal or
2 revocation is based, the statute or rule violated, and notice
3 of the opportunity for a hearing under Section 60.

4 (c) If an establishment desires to contest the nonrenewal
5 or revocation of a certificate license, the establishment
6 shall, within 10 days after receipt of notice under subsection
7 (b) of this Section, notify the Department in writing of its
8 request for a hearing under Section 60. Upon receipt of the
9 request the Department shall send notice to the establishment
10 and hold a hearing as provided under Section 60.

11 (d) The effective date of nonrenewal or revocation of a
12 certificate license by the Department shall be any of the
13 following:

14 (1) until otherwise ordered by the circuit court,
15 revocation is effective on the date set by the Department
16 in the notice of revocation, or upon final action after
17 hearing under Section 60, whichever is later;

18 (2) until otherwise ordered by the circuit court,
19 nonrenewal is effective on the date of expiration of any
20 existing certificate or license, or upon final action after
21 hearing under Section 60, whichever is later; however, a
22 certificate or license shall not be deemed to have expired
23 if the Department fails to timely respond to a timely
24 request for renewal under this Act or for a hearing to
25 contest nonrenewal; or

26 (3) the Department may extend the effective date of

1 certificate ~~license~~ revocation or expiration in any case in
2 order to permit orderly removal and relocation of
3 residents.

4 (e) The Department may refuse to issue or may suspend the
5 certificate ~~license~~ of any person who fails to file a return,
6 or to pay the tax, penalty or interest shown in a filed return,
7 or to pay any final assessment of tax, penalty or interest, as
8 required by any tax Act administered by the Illinois Department
9 of Revenue, until such time as the requirements of any such tax
10 Act are satisfied.

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

12 (210 ILCS 9/75)

13 Sec. 75. Residency Requirements.

14 (a) No individual shall be accepted for residency or remain
15 in residence if the establishment cannot provide or secure
16 appropriate services, if the individual requires a level of
17 service or type of service for which the establishment is not
18 certificated ~~licensed~~ or which the establishment does not
19 provide, or if the establishment does not have the staff
20 appropriate in numbers and with appropriate skill to provide
21 such services.

22 (b) Only adults may be accepted for residency.

23 (c) A person shall not be accepted for residency if:

24 (1) the person poses a serious threat to himself or
25 herself or to others;

1 (2) the person is not able to communicate his or her
2 needs and no resident representative residing in the
3 establishment, and with a prior relationship to the person,
4 has been appointed to direct the provision of services;

5 (3) the person requires total assistance with 2 or more
6 activities of daily living;

7 (4) the person requires the assistance of more than one
8 paid caregiver at any given time with an activity of daily
9 living;

10 (5) the person requires more than minimal assistance in
11 moving to a safe area in an emergency;

12 (6) the person has a severe mental illness, which for
13 the purposes of this Section means a condition that is
14 characterized by the presence of a major mental disorder as
15 classified in the Diagnostic and Statistical Manual of
16 Mental Disorders, Fourth Edition (DSM-IV) (American
17 Psychiatric Association, 1994), where the individual is
18 substantially disabled due to mental illness in the areas
19 of self-maintenance, social functioning, activities of
20 community living and work skills, and the disability
21 specified is expected to be present for a period of not
22 less than one year, but does not mean Alzheimer's disease
23 and other forms of dementia based on organic or physical
24 disorders;

25 (7) the person requires intravenous therapy or
26 intravenous feedings unless self-administered or

1 administered by a qualified, licensed health care
2 professional;

3 (8) the person requires gastrostomy feedings unless
4 self-administered or administered by a licensed health
5 care professional;

6 (9) the person requires insertion, sterile irrigation,
7 and replacement of catheter, except for routine
8 maintenance of urinary catheters, unless the catheter care
9 is self-administered or administered by a licensed health
10 care professional;

11 (10) the person requires sterile wound care unless care
12 is self-administered or administered by a licensed health
13 care professional;

14 (11) the person requires sliding scale insulin
15 administration unless self-performed or administered by a
16 licensed health care professional;

17 (12) the person is a diabetic requiring routine insulin
18 injections unless the injections are self-administered or
19 administered by a licensed health care professional;

20 (13) the person requires treatment of stage 3 or stage
21 4 decubitus ulcers or exfoliative dermatitis;

22 (14) the person requires 5 or more skilled nursing
23 visits per week for conditions other than those listed in
24 items (13) and (15) of this subsection for a period of 3
25 consecutive weeks or more except when the course of
26 treatment is expected to extend beyond a 3 week period for

1 rehabilitative purposes and is certified as temporary by a
2 physician; or

3 (15) other reasons prescribed by the Department by
4 rule.

5 (d) A resident with a condition listed in items (1) through
6 (15) of subsection (c) shall have his or her residency
7 terminated.

8 (e) Residency shall be terminated when services available
9 to the resident in the establishment are no longer adequate to
10 meet the needs of the resident. This provision shall not be
11 interpreted as limiting the authority of the Department to
12 require the residency termination of individuals.

13 (f) Subsection (d) of this Section shall not apply to
14 terminally ill residents who receive or would qualify for
15 hospice care and such care is coordinated by a hospice program
16 licensed under the Hospice Program Licensing Act or other
17 licensed health care professional employed by a licensed home
18 health agency and the establishment and all parties agree to
19 the continued residency.

20 (g) Items (3), (4), (5), and (9) of subsection (c) shall
21 not apply to a quadriplegic, paraplegic, or individual with
22 neuro-muscular diseases, such as muscular dystrophy and
23 multiple sclerosis, or other chronic diseases and conditions as
24 defined by rule if the individual is able to communicate his or
25 her needs and does not require assistance with complex medical
26 problems, and the establishment is able to accommodate the

1 individual's needs. The Department shall prescribe rules
2 pursuant to this Section that address special safety and
3 service needs of these individuals.

4 (h) For the purposes of items (7) through (10) of
5 subsection (c), a licensed health care professional may not be
6 employed by the owner or operator of the establishment, its
7 parent entity, or any other entity with ownership common to
8 either the owner or operator of the establishment or parent
9 entity, including but not limited to an affiliate of the owner
10 or operator of the establishment. Nothing in this Section is
11 meant to limit a resident's right to choose his or her health
12 care provider.

13 (i) Subsection (h) is not applicable to residents admitted
14 to an assisted living establishment under a life care contract
15 as defined in the Life Care Facilities Act if the life care
16 facility has both an assisted living establishment and a
17 skilled nursing facility. A licensed health care professional
18 providing health-related or supportive services at a life care
19 assisted living or shared housing establishment must be
20 employed by an entity licensed by the Department under the
21 Nursing Home Care Act or the Home Health, Home Services, and
22 Home Nursing Agency Licensing Act.

23 (Source: P.A. 94-256, eff. 7-19-05; 94-570, eff. 8-12-05;
24 95-216, eff. 8-16-07; 95-331, eff. 8-21-07.)

1 Sec. 90. Contents of service delivery contract. A contract
2 between an establishment and a resident must be entitled
3 "assisted living establishment contract" or "shared housing
4 establishment contract" as applicable, shall be printed in no
5 less than 12 point type, and shall include at least the
6 following elements in the body or through supporting documents
7 or attachments:

8 (1) the name, street address, and mailing address of
9 the establishment;

10 (2) the name and mailing address of the owner or owners
11 of the establishment and, if the owner or owners are not
12 natural persons, the type of business entity of the owner
13 or owners;

14 (3) the name and mailing address of the managing agent
15 of the establishment, whether hired under a management
16 agreement or lease agreement, if the managing agent is
17 different from the owner or owners;

18 (4) the name and address of at least one natural person
19 who is authorized to accept service on behalf of the owners
20 and managing agent;

21 (5) a statement describing the certificate ~~license~~
22 status of the establishment and the license status of all
23 providers of health-related or supportive services to a
24 resident under arrangement with the establishment;

25 (6) the duration of the contract;

26 (7) the base rate to be paid by the resident and a

1 description of the services to be provided as part of this
2 rate;

3 (8) a description of any additional services to be
4 provided for an additional fee by the establishment
5 directly or by a third party provider under arrangement
6 with the establishment;

7 (9) the fee schedules outlining the cost of any
8 additional services;

9 (10) a description of the process through which the
10 contract may be modified, amended, or terminated;

11 (11) a description of the establishment's complaint
12 resolution process available to residents and notice of the
13 availability of the Department on Aging's Senior Helpline
14 for complaints;

15 (12) the name of the resident's designated
16 representative, if any;

17 (13) the resident's obligations in order to maintain
18 residency and receive services including compliance with
19 all assessments required under Section 15;

20 (14) the billing and payment procedures and
21 requirements;

22 (15) a statement affirming the resident's freedom to
23 receive services from service providers with whom the
24 establishment does not have a contractual arrangement,
25 which may also disclaim liability on the part of the
26 establishment for those services;

1 (16) a statement that medical assistance under Article
2 V or Article VI of the Illinois Public Aid Code is not
3 available for payment for services provided in an
4 establishment, excluding contracts executed with residents
5 residing in certified ~~licensed~~ establishments
6 participating in the Department on Aging's Comprehensive
7 Care in Residential Settings Demonstration Project;

8 (17) a statement detailing the admission, risk
9 management, and residency termination criteria and
10 procedures;

11 (18) a statement listing the rights specified in
12 Section 95 and acknowledging that, by contracting with the
13 assisted living or shared housing establishment, the
14 resident does not forfeit those rights;

15 (19) a statement detailing the Department's annual
16 on-site review process including what documents contained
17 in a resident's personal file shall be reviewed by the
18 on-site reviewer as defined by rule; and

19 (20) a statement outlining whether the establishment
20 charges a community fee and, if so, the amount of the fee
21 and whether it is refundable; if the fee is refundable, the
22 contract must describe the conditions under which it is
23 refundable and how the amount of the refund is determined.

24 (Source: P.A. 93-775, eff. 1-1-05; 94-256, eff. 7-19-05.)

1 Sec. 100. Notice of closure. An owner of an establishment
2 certified ~~licensed~~ under this Act shall give 90 days notice
3 prior to voluntarily closing the establishment or prior to
4 closing any part of the establishment if closing the part will
5 require residency termination. The notice shall be given to the
6 Department, to any resident who must have their residency
7 terminated, the resident's representative, and to a member of
8 the resident's family, where practicable. The notice shall
9 state the proposed date of closing and the reason for closing.
10 The establishment shall offer to assist the resident in
11 securing an alternative placement and shall advise the resident
12 on available alternatives. Where the resident is unable to
13 choose an alternative placement and is not under guardianship,
14 the Department shall be notified of the need for relocation
15 assistance. The establishment shall comply with all applicable
16 laws and rules until the date of closing, including those
17 related to residency termination.

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

19 (210 ILCS 9/110)

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

21 (a) The Department shall conduct an annual unannounced
22 on-site visit at each assisted living and shared housing
23 establishment to determine compliance with applicable
24 certification ~~licensure~~ requirements and standards. Additional
25 visits may be conducted without prior notice to the assisted

1 living or shared housing establishment.

2 (b) Upon receipt of information that may indicate the
3 failure of the assisted living or shared housing establishment
4 or a service provider to comply with a provision of this Act,
5 the Department shall investigate the matter or make appropriate
6 referrals to other government agencies and entities having
7 jurisdiction over the subject matter of the possible violation.
8 The Department may also make referrals to any public or private
9 agency that the Department considers available for appropriate
10 assistance to those involved. The Department may oversee and
11 coordinate the enforcement of State consumer protection
12 policies affecting residents residing in an establishment
13 certified ~~licensed~~ under this Act.

14 (c) The Department shall establish by rule complaint
15 receipt, investigation, resolution, and involuntary residency
16 termination procedures. Resolution procedures shall provide
17 for on-site review and evaluation of an assisted living or
18 shared housing establishment found to be in violation of this
19 Act within a specified period of time based on the gravity and
20 severity of the violation and any pervasive pattern of
21 occurrences of the same or similar violations.

22 (d) (Blank).

23 (e) The Department shall by rule establish penalties and
24 sanctions, which shall include, but need not be limited to, the
25 creation of a schedule of graduated penalties and sanctions to
26 include closure.

1 (f) The Department shall by rule establish procedures for
2 disclosure of information to the public, which shall include,
3 but not be limited to, ownership, certification ~~licensure~~
4 status, frequency of complaints, disposition of substantiated
5 complaints, and disciplinary actions.

6 (g) (Blank).

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

9 (Source: P.A. 96-975, eff. 7-2-10.)

10 (210 ILCS 9/120)

11 Sec. 120. Consent to review. A holder of a certificate
12 ~~licensee~~ or applicant for a certificate ~~license~~ shall be deemed
13 to have given consent to any authorized officer, employee, or
14 agent of the Department to enter and review the establishment
15 in accordance with this Act, except that entrance to individual
16 rooms shall only be given with the consent of the resident or
17 the resident's representative. Refusal to permit entry or
18 review shall constitute grounds for denial, nonrenewal, or
19 revocation of a certificate ~~license~~.

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

21 (210 ILCS 9/140)

22 Sec. 140. State and private funding. Nothing in this Act
23 shall:

24 (1) require or authorize the State agency responsible

1 for the administration of the medical assistance program
2 established under Article V and Article VI of the Illinois
3 Public Aid Code to approve, supply, or cover services
4 provided in an assisted living or shared housing
5 establishment, with the exception of certified licensed
6 facilities that participate in the Department on Aging's
7 Comprehensive Care in Residential Settings Demonstration
8 Project, which may be covered under provisions of the
9 Illinois Public Aid Code;

10 (2) require an agency or a managed care organization to
11 approve, supply, or cover services provided in an assisted
12 living or shared housing establishment; or

13 (3) require any other third party payer to approve,
14 supply or cover medically necessary home care services
15 provided in an assisted living establishment.

16 (4) authorize a certified establishment, other than
17 one participating in the Department on Aging's
18 Comprehensive Care in Residential Settings Demonstration
19 Project, to participate in the federal food stamp program.

20 (Source: P.A. 93-775, eff. 1-1-05.)

21 (210 ILCS 9/145)

22 Sec. 145. Conversion of facilities. Entities licensed as
23 facilities under the Nursing Home Care Act or the MR/DD
24 Community Care Act may elect to convert to a certificate
25 ~~license~~ under this Act. Any facility that chooses to convert,

1 in whole or in part, shall follow the requirements in the
2 Nursing Home Care Act or the MR/DD Community Care Act, as
3 applicable, and rules promulgated under those Acts regarding
4 voluntary closure and notice to residents. Any conversion of
5 existing beds licensed under the Nursing Home Care Act or the
6 MR/DD Community Care Act to certification ~~licensure~~ under this
7 Act is exempt from review by the Health Facilities and Services
8 Review Board.

9 (Source: P.A. 96-31, eff. 6-30-09; 96-339, eff. 7-1-10;
10 96-1000, eff. 7-2-10.)

11 (210 ILCS 9/150)

12 Sec. 150. Alzheimer and dementia programs.

13 (a) In addition to this Section, Alzheimer and dementia
14 programs shall comply with all of the other provisions of this
15 Act.

16 (b) No person shall be admitted or retained if the assisted
17 living or shared housing establishment cannot provide or secure
18 appropriate care, if the resident requires a level of service
19 or type of service for which the establishment is not certified
20 ~~licensed~~ or which the establishment does not provide, or if the
21 establishment does not have the staff appropriate in numbers
22 and with appropriate skill to provide such services.

23 (c) No person shall be accepted for residency or remain in
24 residence if the person's mental or physical condition has so
25 deteriorated to render residency in such a program to be

1 detrimental to the health, welfare or safety of the person or
2 of other residents of the establishment. The Department by rule
3 shall identify a validated dementia-specific standard with
4 inter-rater reliability that will be used to assess individual
5 residents. The assessment must be approved by the resident's
6 physician and shall occur prior to acceptance for residency,
7 annually, and at such time that a change in the resident's
8 condition is identified by a family member, staff of the
9 establishment, or the resident's physician.

10 (d) No person shall be accepted for residency or remain in
11 residence if the person is dangerous to self or others and the
12 establishment would be unable to eliminate the danger through
13 the use of appropriate treatment modalities.

14 (e) No person shall be accepted for residency or remain in
15 residence if the person meets the criteria provided in
16 subsections (b) through (g) of Section 75 of this Act.

17 (f) An establishment that offers to provide a special
18 program or unit for persons with Alzheimer's disease and
19 related disorders shall:

20 (1) disclose to the Department and to a potential or
21 actual resident of the establishment information as
22 specified under the Alzheimer's Disease and Related
23 Dementias Special Care Disclosure Act;

24 (2) ensure that a resident's representative is
25 designated for the resident;

26 (3) develop and implement policies and procedures that

1 ensure the continued safety of all residents in the
2 establishment including, but not limited to, those who:

3 (A) may wander; and

4 (B) may need supervision and assistance when
5 evacuating the building in an emergency;

6 (4) provide coordination of communications with each
7 resident, resident's representative, relatives and other
8 persons identified in the resident's service plan;

9 (5) provide cognitive stimulation and activities to
10 maximize functioning;

11 (6) provide an appropriate number of staff for its
12 resident population, as established by rule;

13 (7) require the director or administrator and direct
14 care staff to complete sufficient comprehensive and
15 ongoing dementia and cognitive deficit training, the
16 content of which shall be established by rule; and

17 (8) develop emergency procedures and staffing patterns
18 to respond to the needs of residents.

19 (Source: P.A. 96-990, eff. 7-2-10.)

20 (210 ILCS 9/155)

21 Sec. 155. Application of Act. An establishment certified
22 ~~licensed~~ under this Act shall obtain and maintain all other
23 licenses, permits, certificates, and other governmental
24 approvals required of it, except that a certified ~~licensed~~
25 assisted living or shared housing establishment is exempt from

1 the provisions of the Illinois Health Facilities Planning Act.
2 An establishment certified ~~licensed~~ under this Act shall comply
3 with the requirements of all local, State, federal, and other
4 applicable laws, rules, and ordinances and the National Fire
5 Protection Association's Life Safety Code.

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

7 Section 99. Effective date. This Act takes effect upon
8 becoming law."