

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 ID/DD Community Care Act is amended by
5 changing Sections 1-105, 3-109, 3-117, and 3-119 as follows:

6 (210 ILCS 47/1-105)

7 Sec. 1-105. Administrator.

8 (a) "Administrator" means a person who is charged with the
9 general administration and supervision of a facility and who
10 is at least 21 years of age and either: and licensed, if
11 required, under the Nursing Home Administrators Licensing and
12 Disciplinary Act, as now or hereafter amended.

13 (A) is licensed under the Nursing Home Administrators
14 Licensing and Disciplinary Act;

15 (B) is a qualified intellectual disabilities
16 professional; or

17 (C) has completed at least 4 semesters of study at an
18 institution of higher education and has at least 2 years
19 of management experience or at least 2 years of experience
20 in a position of progressive responsibility in health
21 care, housing with services, or adult day care; in
22 providing similar services to individuals with
23 intellectual or developmental disabilities; or in

1 behavioral health.

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

3 (210 ILCS 47/3-109)

4 Sec. 3-109. Issuance of license based on Director's
5 findings; administrator training.

6 (a) Upon receipt and review of an application for a
7 license made under this Article and inspection of the
8 applicant facility under this Article, the Director shall
9 issue a license if he or she finds:

10 (1) That the individual applicant, or the corporation,
11 partnership or other entity if the applicant is not an
12 individual, is a person responsible and suitable to
13 operate or to direct or participate in the operation of a
14 facility by virtue of financial capacity, appropriate
15 business or professional experience, a record of
16 compliance with lawful orders of the Department and lack
17 of revocation of a license during the previous 5 years and
18 is not the owner of a facility designated pursuant to
19 Section 3-304.2 as a distressed facility;

20 (2) That the facility is under the supervision of an
21 administrator ~~who is licensed, if required, under the~~
22 ~~Nursing Home Administrators Licensing and Disciplinary~~
23 ~~Act, as now or hereafter amended; and~~

24 (3) That the facility is in substantial compliance
25 with this Act, and such other requirements for a license

1 as the Department by rule may establish under this Act.

2 (b) In addition to any other requirements set forth in
3 this Act, as a condition of licensure under this Act, the
4 administrator of a facility must participate in at least 20
5 hours of training every 2 years to assist the administrator in
6 better meeting the needs of the residents of the facility and
7 managing the operation of the facility.

8 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11.)

9 (210 ILCS 47/3-117)

10 Sec. 3-117. Denial of license; grounds. An application for
11 a license may be denied for any of the following reasons:

12 (1) Failure to meet any of the minimum standards set
13 forth by this Act or by rules and regulations promulgated
14 by the Department under this Act.

15 (2) Conviction of the applicant, or if the applicant
16 is a firm, partnership or association, of any of its
17 members, or if a corporation, the conviction of the
18 corporation or any of its officers or stockholders, or of
19 the person designated to manage or supervise the facility,
20 of a felony, or of 2 or more misdemeanors involving moral
21 turpitude, during the previous 5 years as shown by a
22 certified copy of the record of the court of conviction.

23 (3) Personnel insufficient in number or unqualified by
24 training or experience to properly care for the proposed
25 number and type of residents.

1 (4) Insufficient financial or other resources to
2 operate and conduct the facility in accordance with
3 standards promulgated by the Department under this Act.

4 (5) Revocation of a facility license during the
5 previous 5 years, if such prior license was issued to the
6 individual applicant, a controlling owner or controlling
7 combination of owners of the applicant; or any affiliate
8 of the individual applicant or controlling owner of the
9 applicant and such individual applicant, controlling owner
10 of the applicant or affiliate of the applicant was a
11 controlling owner of the prior license; provided, however,
12 that the denial of an application for a license pursuant
13 to this subsection must be supported by evidence that such
14 prior revocation renders the applicant unqualified or
15 incapable of meeting or maintaining a facility in
16 accordance with the standards and rules promulgated by the
17 Department under this Act.

18 (6) The ~~That the~~ facility is not under the direct
19 supervision of an ~~a full-time~~ administrator, ~~as defined by~~
20 ~~regulation, who is licensed, if required, under the~~
21 ~~Nursing Home Administrators Licensing and Disciplinary~~
22 ~~Act.~~

23 (7) That the facility is in receivership and the
24 proposed licensee has not submitted a specific detailed
25 plan to bring the facility into compliance with the
26 requirements of this Act and with federal certification

1 requirements, if the facility is certified, and to keep
2 the facility in such compliance.

3 (8) The applicant is the owner of a facility
4 designated pursuant to Section 3-304.2 of this Act as a
5 distressed facility.

6 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11.)

7 (210 ILCS 47/3-119)

8 Sec. 3-119. Suspension, revocation, or refusal to renew
9 license.

10 (a) The Department, after notice to the applicant or
11 licensee, may suspend, revoke or refuse to renew a license in
12 any case in which the Department finds any of the following:

13 (1) There has been a substantial failure to comply
14 with this Act or the rules and regulations promulgated by
15 the Department under this Act. A substantial failure by a
16 facility shall include, but not be limited to, any of the
17 following:

18 (A) termination of Medicare or Medicaid
19 certification by the Centers for Medicare and Medicaid
20 Services; or

21 (B) a failure by the facility to pay any fine
22 assessed under this Act after the Department has sent
23 to the facility and licensee at least 2 notices of
24 assessment that include a schedule of payments as
25 determined by the Department, taking into account

1 extenuating circumstances and financial hardships of
2 the facility.

3 (2) Conviction of the licensee, or of the person
4 designated to manage or supervise the facility, of a
5 felony, or of 2 or more misdemeanors involving moral
6 turpitude, during the previous 5 years as shown by a
7 certified copy of the record of the court of conviction.

8 (3) Personnel is insufficient in number or unqualified
9 by training or experience to properly care for the number
10 and type of residents served by the facility.

11 (4) Financial or other resources are insufficient to
12 conduct and operate the facility in accordance with
13 standards promulgated by the Department under this Act.

14 (5) The facility is not under the direct supervision
15 of ~~an a full-time administrator, as defined by regulation,~~
16 ~~who is licensed, if required, under the Nursing Home~~
17 ~~Administrators Licensing and Disciplinary Act.~~

18 (6) The facility has committed 2 Type "AA" violations
19 within a 2-year period.

20 (7) The facility has committed a Type "AA" violation
21 while the facility is listed as a "distressed facility".

22 (b) Notice under this Section shall include a clear and
23 concise statement of the violations on which the nonrenewal or
24 revocation is based, the statute or rule violated and notice
25 of the opportunity for a hearing under Section 3-703.

26 (c) If a facility desires to contest the nonrenewal or

1 revocation of a license, the facility shall, within 10 days
2 after receipt of notice under subsection (b) of this Section,
3 notify the Department in writing of its request for a hearing
4 under Section 3-703. Upon receipt of the request the
5 Department shall send notice to the facility and hold a
6 hearing as provided under Section 3-703.

7 (d) The effective date of nonrenewal or revocation of a
8 license by the Department shall be any of the following:

9 (1) Until otherwise ordered by the circuit court,
10 revocation is effective on the date set by the Department
11 in the notice of revocation, or upon final action after
12 hearing under Section 3-703, whichever is later.

13 (2) Until otherwise ordered by the circuit court,
14 nonrenewal is effective on the date of expiration of any
15 existing license, or upon final action after hearing under
16 Section 3-703, whichever is later; however, a license
17 shall not be deemed to have expired if the Department
18 fails to timely respond to a timely request for renewal
19 under this Act or for a hearing to contest nonrenewal
20 under paragraph (c).

21 (3) The Department may extend the effective date of
22 license revocation or expiration in any case in order to
23 permit orderly removal and relocation of residents.

24 The Department may refuse to issue or may suspend the
25 license of any person who fails to file a return, or to pay the
26 tax, penalty or interest shown in a filed return, or to pay any

1 final assessment of tax, penalty or interest, as required by
2 any tax Act administered by the Illinois Department of
3 Revenue, until such time as the requirements of any such tax
4 Act are satisfied.

5 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11.)

6 Section 99. Effective date. This Act takes effect July 1,
7 2027.