



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB2218

Introduced 2/7/2025, by Sen. Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

210 ILCS 40/2 from Ch. 111 1/2, par. 4160-2  
210 ILCS 40/10.4  
210 ILCS 40/13 new  
210 ILCS 40/14 new

Amends the Life Care Facilities Act. Requires the Department of Public Health to issue the preliminary certificate of registration, the certificate of registration, or the renewal certificate of registration to a provider or inform the provider of the Department's decision to deny any of the certificates no later than 30 days after the provider submits a completed application. Requires a provider to present the Department with certain materials to receive a certificate of registration, including a reasonable financial plan to provide at-home continuing care services. Provides that a reasonable financial plan provide at-home continuing care services includes execution of 25% of agreements necessary to meet the year-one actuarial forecast for the market to support the program. Sets forth requirements for each person employed by or under a contract with a provider. Requires a provider to comply with the Health Care Worker Background Check Act and the Health Care Worker Background Check Code for each person employed by or under a contract with a provider and who will enter a subscriber's home to provide at-home continuing care service. Requires a provider to check the status of all personnel applicants with the Nurse Aide Registry prior to hiring and shall not hiring any individual who has a finding of abuse, neglect, or misappropriation of property on the Nurse Aide Registry. Provides that, prior to employing or contracting with any individual in a position that requires a State professional license in the health care field, the provider shall check the status of the individual's license with the Illinois Department of Financial and Professional Regulation to verify that the individual's license is active.

LRB104 10543 BAB 20619 b

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 Life Care Facilities Act is amended by  
5 changing Sections 2 and 10.4 and by adding Sections 13 and 14  
6 as follows:

7 (210 ILCS 40/2) (from Ch. 111 1/2, par. 4160-2)

8 Sec. 2. As used in this Act, unless the context otherwise  
9 requires:

10 (a) "Department" means the Department of Public Health.

11 (b) "Director" means the Director of the Department.

12 (c) "Life care contract" means a contract to provide to a  
13 person for the duration of such person's life or for a term in  
14 excess of one year, nursing services, medical services or  
15 personal care services, in addition to maintenance services  
16 for such person in a facility, conditioned upon the transfer  
17 of an entrance fee to the provider of such services in addition  
18 to or in lieu of the payment of regular periodic charges for  
19 the care and services involved.

20 (d) "Provider" means a person who provides services  
21 pursuant to a life care contract.

22 (e) "Resident" means a person who enters into a life care  
23 contract with a provider, or who is designated in a life care

1 contract to be a person provided with maintenance and nursing,  
2 medical or personal care services.

3 (f) "Facility" means a place or places in which a provider  
4 undertakes to provide a resident with nursing services,  
5 medical services or personal care services, in addition to  
6 maintenance services for a term in excess of one year or for  
7 life pursuant to a life care contract. The term also means a  
8 place or places in which a provider undertakes to provide such  
9 services to a non-resident.

10 (g) "Living unit" means an apartment, room or other area  
11 within a facility set aside for the exclusive use of one or  
12 more identified residents.

13 (h) "Entrance fee" means an initial or deferred transfer  
14 to a provider of a sum of money or property, made or promised  
15 to be made by a person entering into a life care contract,  
16 which assures a resident of services pursuant to a life care  
17 contract.

18 (i) "Permit" means a written authorization to enter into  
19 life care contracts issued by the Department to a provider.

20 (j) "Medical services" means those services pertaining to  
21 medical or dental care that are performed in behalf of  
22 patients at the direction of a physician licensed under the  
23 Medical Practice Act of 1987 or a dentist licensed under the  
24 Illinois Dental Practice Act by such physicians or dentists,  
25 or by a registered or licensed practical nurse as defined in  
26 the Nurse Practice Act or by other professional and technical

1 personnel.

2 (k) "Nursing services" means those services pertaining to  
3 the curative, restorative and preventive aspects of nursing  
4 care that are performed at the direction of a physician  
5 licensed under the Medical Practice Act of 1987 by or under the  
6 supervision of a registered or licensed practical nurse as  
7 defined in the Nurse Practice Act.

8 (l) "Personal care services" means assistance with meals,  
9 dressing, movement, bathing or other personal needs or  
10 maintenance, or general supervision and oversight of the  
11 physical and mental well-being of an individual, who is  
12 incapable of maintaining a private, independent residence or  
13 who is incapable of managing his person whether or not a  
14 guardian has been appointed for such individual.

15 (m) "Maintenance services" means food, shelter and laundry  
16 services.

17 (n) "Certificates of Need" means those permits issued  
18 pursuant to the Illinois Health Facilities Planning Act as now  
19 or hereafter amended.

20 (o) "Non-resident" means a person admitted to a facility  
21 who has not entered into a life care contract.

22 (p) "At-home continuing care" means a program providing or  
23 committing to provide a range of services to an individual in  
24 the individual's private residence, either directly or  
25 indirectly by a provider, and/or access to amenities at the  
26 provider's affiliated locations, pursuant to a life care

1 contract and payment of an entrance fee.

2 (g) "At-home continuing care agreement" means a written  
3 contract to provide a person with services and supports, based  
4 upon the person's needs, in his or her own residence or at the  
5 community's affiliated locations for an entrance fee.

6 (r) "At-home continuing care services" includes, but is  
7 not limited to, coordinated at-home care, management, wellness  
8 programs, health assessments, health information and referral,  
9 home safety evaluation, homemaker services, assistance with  
10 activities of daily living, personal emergency response  
11 systems, chronic disease management, professional nursing  
12 services, home care services, assisted living, and skilled  
13 nursing care.

14 (s) "Continuing Care at Home" or "CCaH" has the same  
15 meaning as "at-home continuing care".

16 (t) "Provider" means any corporation, partnership, or  
17 other entity that provides or offers to provide at-home  
18 continuing care and that operates a life care community.

19 (u) "Subscriber" means a person who contracts for at-home  
20 continuing care and resides in a private residence off of a  
21 continuing care retirement community campus.

22 (Source: P.A. 95-639, eff. 10-5-07.)

23 (210 ILCS 40/10.4)

24 Sec. 10.4. Provision of at-home continuing care.

25 (a) The Department shall adopt rules that:

1           (1) establish standards for providers of at-home  
2 continuing care;

3           (2) provide for the certification and registration of  
4 providers of at-home continuing care and the annual  
5 renewal of certificates of registration;

6           (3) provide for and encourage the establishment of  
7 at-home continuing care programs;

8           (4) set minimum requirements for any individual who is  
9 employed by or under contract with a provider of at-home  
10 continuing care and who will enter a provider of at-home  
11 continuing care's subscriber's home to provide at-home  
12 continuing care services, including requirements for  
13 criminal background checks of such an individual who will  
14 have routine, direct access to a subscriber;

15           (5) establish standards for the renewal of  
16 certificates of registration for providers of at-home  
17 continuing care;

18           (6) establish standards for the number of executed  
19 agreements necessary to begin operation as a provider of  
20 at-home continuing care;

21           (7) establish standards for when and how a provider of  
22 at-home continuing care or a subscriber may rescind an  
23 at-home continuing care agreement before at-home  
24 continuing care services are provided to the subscriber;

25           (8) allow a subscriber to rescind an agreement for  
26 at-home continuing care services at any time if the terms

1 of the agreement violate this Section;

2 (9) establish that a provider may terminate an  
3 agreement to provide at-home continuing care services or  
4 discharge a subscriber only for just cause; and

5 (10) establish procedures to carry out a termination  
6 or discharge under paragraph (9).

7 (b) The Department shall certify and register a person as  
8 a provider of at-home continuing care services under this  
9 Section if the Department determines that:

10 (1) a reasonable financial plan has been developed to  
11 provide at-home continuing care services, including a plan  
12 for the number of agreements to be executed before  
13 beginning operation;

14 (2) a market for the at-home continuing care program  
15 exists;

16 (3) the provider has submitted all proposed  
17 advertisements, advertising campaigns, and other  
18 promotional materials for the program;

19 (4) the form and substance of all advertisements,  
20 advertising campaigns, and other promotional materials  
21 submitted are not deceptive, misleading, or likely to  
22 mislead; and

23 (5) an actuarial forecast supports the market for the  
24 program.

25 (c) A provider may not enter into an agreement to provide  
26 at-home continuing care services until the Department issues a

1 preliminary certificate of registration to the provider. An  
2 application for a preliminary certificate of registration  
3 shall:

4 (1) be filed in a form determined by the Department by  
5 rule; and

6 (2) include:

7 (A) a copy of the proposed at-home continuing care  
8 agreement; and

9 (B) the form and substance of any proposed  
10 advertisements, advertising campaigns, or other  
11 promotional materials for the program that are  
12 available at the time of filing the application and  
13 that have not been filed previously with the  
14 Department.

15 (d) The Department shall issue a preliminary certificate  
16 of registration to a provider under subsection (c) if the  
17 Department determines that:

18 (1) the proposed at-home continuing care agreement is  
19 satisfactory;

20 (2) the provider has submitted all proposed  
21 advertisements, advertising campaigns, and other  
22 promotional materials for the program; and

23 (3) the form and substance of all advertisements,  
24 advertising campaigns, and other promotional materials  
25 submitted are not deceptive, misleading, or likely to  
26 mislead.

1 (e) A person may not provide at-home continuing care  
2 services until the Department issues a certificate of  
3 registration to the person. An application for a certificate  
4 of registration shall:

5 (1) be filed in a form determined by the Department by  
6 rule; and

7 (2) include:

8 (A) verification that the required number of  
9 agreements has been executed;

10 (B) the form and substance of any proposed  
11 advertisements, advertising campaigns, or other  
12 promotional materials for the program that are  
13 available at the time of filing and that have not been  
14 filed previously with the Department; and

15 (C) verification that any other license or  
16 certificate required by other appropriate State units  
17 has been issued to the provider.

18 The Department shall issue the preliminary certificate of  
19 registration to a provider or inform the provider of the  
20 Department's decision to deny the preliminary certificate of  
21 registration no later than 30 days after the provider submits  
22 a completed application.

23 (f) The Department shall issue a certificate of  
24 registration to a provider under subsection (e) if the  
25 Department determines that:

26 (1) the information and documents submitted and

1 application for a preliminary certificate of registration  
2 are current and accurate or have been updated to make them  
3 accurate;

4 (2) the required agreements have been executed;

5 (3) any other license or certificate required by other  
6 appropriate State units has been issued to the provider;

7 (4) the provider has submitted all proposed  
8 advertisements, advertising campaigns, and other  
9 promotional materials for the program; and

10 (5) the material submitted is not an advertisement,  
11 advertising campaign, or other promotional material that  
12 is deceptive, misleading, or likely to mislead.

13 If a provider intends to advertise before the Department  
14 issues a certificate of registration, the provider shall  
15 submit to the Department any advertisement, advertising  
16 campaign, or other promotional material before using it.

17 (g) Every 2 years, within 120 days after the end of a  
18 provider's fiscal year, a provider shall file an application  
19 for a renewal certificate of registration with the Department.

20 The application shall:

21 (A) be filed in a form determined by the  
22 Department by rule; and

23 (B) contain any reasonable and pertinent  
24 information that the Department requires.

25 The Department shall issue the certificate of registration  
26 to a provider or inform the provider of the Department's

1 decision to deny the certificate of registration no later than  
2 30 days after the provider submits a completed application.

3 (h) The Department shall issue a renewal certificate of  
4 registration under subsection (g) if the Department determines  
5 that:

6 (1) all required documents have been filed and are  
7 satisfactory;

8 (2) any revised agreements for at-home continuing care  
9 services meet the Department's requirements;

10 (3) the provider has submitted all proposed  
11 advertisements, advertising campaigns, and other  
12 promotional materials for the program; and

13 (4) the form and substance of all advertisements,  
14 advertising campaigns, and other promotional materials  
15 submitted are not deceptive, misleading, or likely to  
16 mislead.

17 The Department shall issue the renewal certificate of  
18 registration to a provider, or inform the provider of the  
19 Department's decision to deny the renewal certificate of  
20 registration, no later than 30 days after the provider submits  
21 a completed application.

22 (i) The Department may deny, suspend, or revoke a  
23 preliminary, initial, or renewal certificate of registration  
24 under this Section for cause. The Department shall set forth  
25 in writing its reasons for a denial, suspension, or  
26 revocation. A provider may appeal a denial in writing. Grounds

1 for a denial, suspension, or revocation include, but are not  
2 limited to:

3 (1) violation of this Section;

4 (2) violation of a rule adopted by the Department  
5 under this Section;

6 (3) misrepresentation; or

7 (4) submission of false information.

8 (Source: P.A. 103-332, eff. 1-1-24; 103-605, eff. 7-1-24.)

9 (210 ILCS 40/13 new)

10 Sec. 13. At-home continuing care utilization.

11 (a) A provider is eligible for a certificate of  
12 registration when the provider presents the Department with:

13 (1) a reasonable financial plan to provide at-home  
14 continuing care services, including a plan for the number  
15 of agreements to be executed before beginning operation;

16 (2) a market study for the at-home continuing care  
17 program;

18 (3) all proposed advertisements, advertising  
19 campaigns, and other promotional materials for the  
20 program, such that the form and substance of all  
21 advertisements, advertising campaigns, and other  
22 promotional materials submitted are not deceptive,  
23 misleading, or likely to mislead; and

24 (4) an actuarial forecast that supports the market for  
25 the program.

1       (b) A reasonable financial plan to provide at-home  
2 continuing care services includes execution of 25% of  
3 agreements necessary to meet the year-one actuarial forecast  
4 for the market to support the program.

5           (210 ILCS 40/14 new)

6       Sec. 14. Personnel.

7       (a) Each person employed by or under a contract with a  
8 provider shall meet each of the following requirements:

9           (1) Be at least 16 years of age, of temperate habits  
10 and good moral character, honest, reliable, and  
11 trustworthy.

12           (2) Have completed at least eight years of grade  
13 school or provide proof of equivalent knowledge.

14           (3) Provide evidence of prior employment or  
15 occupation, if any, and residence for two years prior to  
16 present employment.

17       (b) A provider shall comply with the Health Care Worker  
18 Background Check Act and the Health Care Worker Background  
19 Check Code for each person employed by or under a contract with  
20 a provider and who will enter a subscriber's home to provide  
21 at-home continuing care services.

22       (c) A provider shall check the status of all personnel  
23 applicants with the Nurse Aide Registry prior to hiring and  
24 shall not hiring any individual who has a finding of abuse,  
25 neglect, or misappropriation of property on the Nurse Aide

1 Registry.

2 (d) Prior to employing or contracting with any individual  
3 in a position that requires a State professional license in  
4 the health care field, the provider shall check the status of  
5 the individual's license with the Illinois Department of  
6 Financial and Professional Regulation to verify that the  
7 individual's license is active.