**Section 146.215 SLP Participation Requirements**

a) Facilities or distinct parts of facilities that are certified in the SLP and are in good standing with provisions contained in this Subpart B and, when applicable, Subpart E are exempt from the provisions of the Nursing Home Care Act [210 ILCS 45], the Illinois Health Facilities Planning Act [20 ILCS 3960] and the Assisted Living and Shared Housing Act [210 ILCS 9]. Nursing facilities rehabilitating a portion of the facility to conform with this Subpart B shall be allowed to retain their Certificate of Need for the nursing facility beds that were converted until the conclusion of the project or until the facility wishes to withdraw from the project and convert the SLP setting beds back to NF beds.

b) An SLP setting does not include:

1) A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois;

2) A "long term care facility" licensed by the Nursing Home Care Act or Hospital Licensing Act. However, a nursing facility licensed under the aforementioned Acts can convert a distinct part to an SLP setting;

3) Any "facility for child care" as defined in the Child Care Act of 1969 [225 ILCS 10];

4) Any "Community Living Facility" as defined in the Community Living Facilities Licensing Act [210 ILCS 35];

5) Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act [405 ILCS 30];

6) Any nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed of any well recognized church or religious denomination;

7) Any facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135];

8) Any "Supportive Residence" licensed under the Supportive Residences Licensing Act [210 ILCS 65];

9) Any freestanding hospice facility [210 ILCS 60];

10) Any "life care facility" as defined in the Life Care Facilities Act [210 ILCS 40]; or

11) Any "assisted living and shared housing establishment" licensed under the Assisted Living and Shared Housing Act [210 ILCS 9].

c) In order to participate in the Supportive Living Program, the building structure must be certified by the Department. To become certified, an SLP provider shall:

1) Submit an application to proceed toward certification.

A) Except in the case of a rehabilitated nursing facility, the Department shall only accept applications for sites where all apartments are devoted to SLP residents.

B) The Department shall evaluate each application according to factors including, but not limited to, geographic distribution, waiver limits, market feasibility, the needs of the population being served, the compliance histories of other facilities owned or operated in the State of Illinois by the applicant or a related party, community support from local government, environmental issues, operational experience with assisted living and financial stability. Applications that are found to be incomplete or inaccurate shall be returned to the applicant for completion and/or correction and must be resubmitted before the Department will evaluate them. The Department shall notify the applicant in writing that the application has been approved.

C) Direct and indirect owners of five percent or more of the entity designated as the operator shall be disclosed to the Department.

D) A recognized environmental condition found as the result of a Phase 1 Environmental Site Assessment (ESA) report shall result in a Phase 2 ESA to determine if significant amounts and concentrations of contaminants exist on the property. If contamination is found in Phase 2, the Department, prior to certification, may request subsequent testing, feasibility studies, and/or remediation.

E) The Department may withdraw approval of any application if the SLP building fails to become operational (i.e., ready to admit residents) within 24 months after the Department's approval of the application. Prior to the operational deadline, the applicant may make a written request, including documentation justifying the need for an extension, that the Department grant an extension to the operational deadline. A request for an extension shall not exceed 12 months from the original operational deadline. The Department may grant an extension to the operational deadline. The Department shall not grant more than one extension to an approved SLP applicant when construction has not begun.

F) A phase-in for opening may be approved upon the written request of the SLP provider. The request shall include the anticipated completion date of the phase-in, a plan to ensure the safety of residents during the phase-in, and the floors and areas of the SLP setting impacted by the phase-in. Additionally, the SLP provider shall assure that all services continue to be available during the phase-in. The Department shall approve no more than a single phase-in.

G) At any time prior to or subsequent to certification, the applicant shall report to the Department in writing any change to the application, as soon as such change becomes known to the applicant. These changes are subject to Department approval.

2) Submit a certificate of compliance signed by an architect that certifies that the project complies with applicable codes and all structural requirements found in Section 146.210.

3) Submit for approval prior to use a model of every type of resident contract to be used by the SLP provider.

4) Submit for approval all policies that include, but are not limited to:

A) Waste removal plan pursuant to Section 146.210(t);

B) Participation criteria pursuant to Section 146.220;

C) Base rate services pursuant to Section 146.230;

D) Resident daily check plan pursuant to Section 146.230(n);

E) Employee hiring process pursuant to Section 146.235;

F) SLP setting manager experience pursuant to Section 146.235(b);

G) Staff training policy pursuant to Section 146.235(e);

H) Resident rights pursuant to Section 146.250;

I) Resident discharge policy pursuant to Section 146.255;

J) Grievance procedure pursuant to Section 146.260;

K) Quality assurance plan pursuant to Section 146.270;

L) Annual satisfaction survey policy pursuant to Section 146.270(a);

M) Emergency contingency plan pursuant to Section 146.295;

N) Prevention and reporting of abuse, neglect and financial exploitation policy pursuant to Section 146.305;

O) Staff and resident rules and responsibilities;

P) Infection control, including, but not limited to, hand-washing, proper handling and disposal of sharps, proper handling of linens soiled with body waste, and cleaning of floors that have been soiled;

Q) Water temperature plan pursuant to Section 146.210(s)(5);

R) Tuberculosis plan in accordance with the Control of Tuberculosis Code (77 Ill. Adm. Code 696);

S) Potential resident inquiry and application for admission policy pursuant to Section 146.220; and

T) Non-discrimination policy.

5) Pass an on-site review, conducted by the Department, that includes review of documentation that demonstrates physical plant, health and sanitation, and food preparation compliance with local and county ordinances and regulations; compliance with State building codes for the respective building type; and compliance with Section 146.210.

6) Enroll to participate in the Medical Assistance Program in accordance with 89 Ill. Adm. Code 140.11 and execute a provider agreement with the Department.

d) The SLP provider shall accept the SSI rate (less the personal allowance) for room and board for Medicaid residents. If the SLP provider charges a private pay rate higher than the Medicaid rate, the SLP provider shall reserve not less than 25 percent of its apartments for Medicaid-eligible residents. Those SLP settings that set a commensurate rate for both private pay and Medicaid-eligible residents are not required to reserve apartments for Medicaid-eligible residents but must accept Medicaid-eligible residents on a first come, first served basis.

e) SLP certification is not transferable or applicable to any location, provider, management agent or ownership other than that indicated on the provider agreement.

1) An SLP provider shall notify the Department no fewer than 60 days prior to a change of ownership or management. The new owner shall complete an application for the Department's approval prior to the effective date of the change of ownership.

2) Pursuant to 89 Ill. Adm. Code 140.11(f), an SLP provider whose investor ownership has changed by 50 percent or more shall be required to submit a new application for enrollment in the Medical Assistance Program.

3) Pursuant to 89 Ill. Adm. Code 140.12(k), a new owner assumes liability for repayment to the Department of any overpayment made to the SLP provider, regardless of whether the overpayment was incurred by a current or previous owner or operator.

4) The Department has the right to terminate the provider agreement with an SLP provider if a change of ownership involves a barred Medicaid provider.

5) The new owner shall comply with the applicable certification requirements found in subsection (c).

6) The Department shall conduct an on-site certification review no later than at the date of the next annual certification review or within three months after the effective date of the change of ownership, whichever is earlier.

7) SLP certification shall be deemed to extend to a new owner until the Department separately certifies the SLP setting under the approved new owner.

f) SLP applicants with an application approved by the Department to proceed toward certification shall not change ownership without the approval of the Department. The approved applicant shall notify the Department no fewer than 60 days prior to a change of ownership or management. Direct and indirect owners of five percent or more of the entity designated as the operator shall be disclosed to the Department. The new owner shall complete an application for the Department's approval prior to the effective date of the change of ownership.

g) A request for a change in the number of apartments in an operational or approved SLP setting shall be made with an application to the Department for approval. A change in the number of apartments includes both a decrease and increase. The Department shall conduct an on-site review prior to issuing a new certificate for the change in the number of apartments. In the case of an increase in apartments, residents shall not be admitted to the apartments until an on-site review is conducted and the Department issues a revised certificate.

h) The certificate issued by the Department shall include:

1) Name and address of the SLP setting;

2) Maximum number of residents to be served at any time; and

3) Number of apartments certified in the SLP setting.

i) Providers certified as an SLP provider shall not operate or maintain SLP housing and SLP setting services in combination with a home health, home care, nursing home, hospital, residential care setting, congregate care setting or other type of residence or service agency unless those settings and services are licensed, maintained and operated as separate and distinct entities.

j) At least annually, the Department shall conduct an on-site review to ensure that the SLP setting is in compliance with the requirements of certification, which includes review of:

1) Items listed in subsection (c)(5).

2) Comprehensive Resident Assessments, service plans and the provision of services required under Section 146.230.

3) Staff sufficient in number to meet the needs of residents. Staff shall demonstrate capacity, within their job responsibilities, to provide covered services and perform tasks.

4) Compliance with resident contracts and the Department's provider agreement.

5) Protection of individual resident rights and involvement in directing their own care.

6) Resident satisfaction surveys as defined in Section 146.270.

k) The SLP provider shall comply with all applicable enrollment and participation requirements set forth in Department rules, including, but not limited to, 89 Ill. Adm. Code 140.11 and 140.12.

l) The SLP provider shall comply with the Americans With Disabilities Act of 1990.

m) The SLP provider shall submit to the Department all marketing materials prior to their use. If the Department does not notify the SLP provider of approval or disapproval of submitted materials within 30 days after submission, the SLP provider may begin to use those materials. The Department reserves the right to disapprove any materials or require changes at any time, provided that any such changes are consistent with, or required by, applicable law.

n) The SLP provider shall ensure that limited English speaking residents have meaningful and equal access to benefits and services. Steps to ensure access may include, but are not limited to:

1) hiring bi-lingual staff;

2) hiring staff interpreters;

3) contracting for interpreter services;

4) engaging community volunteers;

5) contracting with a telephone interpreter service; and

6) hiring staff proficient in American Sign Language.

o) The SLP provider shall encourage families of residents with impairments that limit the resident's decision-making ability to arrange to have a responsible party or guardian represent the resident's interests. The SLP provider shall provide all residents with information about advance directives, including the Durable Power of Attorney for Health Care, Statement of Illinois Law on Advance Directives, Living Will, Declaration for Mental Health Treatment and Do Not Resuscitate Advance Directive. The SLP provider shall maintain in a resident's file any of these documents authorized by the resident.

p) Upon admission of a resident whose name appears on the United States Department of Justice Dru Sjodin National Offender Public Website, the Illinois State Police Sex Offender Registration website or the Illinois Department of Corrections registered sex offender database (see Section 146.220(a)(4)), the SLP provider shall:

1) inform the Department and appropriate county and local law enforcement offices of the identity of the identified offenders being admitted to the SLP setting;

2) notify every SLP resident and resident's guardian or family in writing that such offenders are residents of the SLP setting;

3) develop a service plan in accordance with Section 146.245; and

4) ensure that the SLP setting has qualified staff to meet the needs of the individual and required level of supervision at all times.

(Source: Amended at 44 Ill. Reg. 2331, effective January 15, 2020)