

HB3172



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3172

Introduced 2/17/2023, by Rep. Norine K. Hammond

SYNOPSIS AS INTRODUCED:

210 ILCS 9/75

Amends the Assisted Living and Shared Housing Act. Removes a provision prohibiting a person from being accepted for residency to an assisted living establishment if the person requires sliding scale insulin administration unless self-performed or administered by a licensed health care professional.

LRB103 30461 AWJ 56894 b

A BILL FOR

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 Assisted Living and Shared Housing Act is
5 amended by changing Section 75 as follows:

6 (210 ILCS 9/75)

7 Sec. 75. Residency Requirements.

8 (a) No individual shall be accepted for residency or
9 remain in residence if the establishment cannot provide or
10 secure appropriate services, if the individual requires a
11 level of service or type of service for which the
12 establishment is not licensed or which the establishment does
13 not provide, or if the establishment does not have the staff
14 appropriate in numbers and with appropriate skill to provide
15 such services.

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

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

18 (1) the person poses a serious threat to himself or
19 herself or to others;

20 (2) the person is not able to communicate his or her
21 needs and no resident representative residing in the
22 establishment, and with a prior relationship to the
23 person, has been appointed to direct the provision of

1 services;

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

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

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

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

22 (7) the person requires intravenous therapy or
23 intravenous feedings unless self-administered or
24 administered by a qualified, licensed health care
25 professional;

26 (8) the person requires gastrostomy feedings unless

1 self-administered or administered by a licensed health
2 care professional;

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

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

11 (11) (blank); ~~the person requires sliding scale~~
12 ~~insulin administration unless self performed or~~
13 ~~administered by a licensed health care professional;~~

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

18 (13) the person requires treatment of stage 3 or stage
19 4 decubitus ulcers or exfoliative dermatitis;

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

1 (15) other reasons prescribed by the Department by
2 rule.

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

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

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

18 (g) Items (3), (4), (5), and (9) of subsection (c) shall
19 not apply to a quadriplegic, paraplegic, or individual with
20 neuro-muscular diseases, such as muscular dystrophy and
21 multiple sclerosis, or other chronic diseases and conditions
22 as defined by rule if the individual is able to communicate his
23 or her needs and does not require assistance with complex
24 medical problems, and the establishment is able to accommodate
25 the individual's needs. The Department shall prescribe rules
26 pursuant to this Section that address special safety and

1 service needs of these individuals.

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

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

21 (Source: P.A. 99-143, eff. 7-27-15.)