



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5000

Introduced 2/8/2024, by Rep. Norine K. Hammond

SYNOPSIS AS INTRODUCED:

210 ILCS 9/75

Amends the Assisted Living and Shared Housing Act. Provides that a person shall not be accepted for residency if that person requires level 3 or level 4 sterile wound care unless care is self-administered or administered by a licensed health care professional. Removes the prohibition on accepting a person for residency if that person requires insertion, sterile irrigation, and replacement of catheter, except for routine maintenance of urinary catheters, unless the catheter care is self-administered or administered by a license health care professional.

LRB103 38511 CES 68647 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 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) (blank); ~~the person requires insertion, sterile~~
4 ~~irrigation, and replacement of catheter, except for~~
5 ~~routine maintenance of urinary catheters, unless the~~
6 ~~catheter care is self-administered or administered by a~~
7 ~~licensed health care professional;~~

8 (10) the person requires level 3 or level 4 sterile
9 wound care unless care is self-administered or
10 administered by a licensed health care professional;

11 (11) (blank);

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

16 (13) the person requires treatment of stage 3 or stage
17 4 decubitus ulcers or exfoliative dermatitis;

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

25 (15) other reasons prescribed by the Department by
26 rule.

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

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

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

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

26 (h) For the purposes of items (7) through (10) of

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

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

19 (Source: P.A. 103-444, eff. 1-1-24.)