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09500HB4264ham001

LRB095 15201 DRJ 46571 a

1 AMENDMENT TO HOUSE BILL 4264

2 AMENDMENT NO. _____. Amend House Bill 4264 on page 1, line
3 5, by replacing "30 and 45" with "30, 45, and 110"; and

4 on page 4, between lines 5 and 6, by inserting the following:

5 "(d) Notwithstanding any other rulemaking authority that
6 may exist, neither the Governor nor any agency or agency head
7 under the jurisdiction of the Governor has any authority to
8 make or promulgate rules to implement or enforce the provisions
9 of this amendatory Act of the 95th General Assembly. If,
10 however, the Governor believes that rules are necessary to
11 implement or enforce the provisions of this amendatory Act of
12 the 95th General Assembly, the Governor may suggest rules to
13 the General Assembly by filing them with the Clerk of the House
14 and Secretary of the Senate and by requesting that the General
15 Assembly authorize such rulemaking by law, enact those
16 suggested rules into law, or take any other appropriate action
17 in the General Assembly's discretion. Nothing contained in this

1 amendatory Act of the 95th General Assembly shall be
2 interpreted to grant rulemaking authority under any other
3 Illinois statute where such authority is not otherwise
4 explicitly given. For the purposes of this amendatory Act of
5 the 95th General Assembly, "rules" is given the meaning
6 contained in Section 1-70 of the Illinois Administrative
7 Procedure Act, and "agency" and "agency head" are given the
8 meanings contained in Sections 1-20 and 1-25 of the Illinois
9 Administrative Procedure Act to the extent that such
10 definitions apply to agencies or agency heads under the
11 jurisdiction of the Governor."; and

12 on page 5, between lines 8 and 9, by inserting the following:

13 "Notwithstanding any other rulemaking authority that may
14 exist, neither the Governor nor any agency or agency head under
15 the jurisdiction of the Governor has any authority to make or
16 promulgate rules to implement or enforce the provisions of this
17 amendatory Act of the 95th General Assembly. If, however, the
18 Governor believes that rules are necessary to implement or
19 enforce the provisions of this amendatory Act of the 95th
20 General Assembly, the Governor may suggest rules to the General
21 Assembly by filing them with the Clerk of the House and
22 Secretary of the Senate and by requesting that the General
23 Assembly authorize such rulemaking by law, enact those
24 suggested rules into law, or take any other appropriate action
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5 the 95th General Assembly, "rules" is given the meaning
6 contained in Section 1-70 of the Illinois Administrative
7 Procedure Act, and "agency" and "agency head" are given the
8 meanings contained in Sections 1-20 and 1-25 of the Illinois
9 Administrative Procedure Act to the extent that such
10 definitions apply to agencies or agency heads under the
11 jurisdiction of the Governor."; and

12 on page 5, after line 9, by inserting the following:

13 "(210 ILCS 9/110)

14 Sec. 110. Powers and duties of the Department.

15 (a) The Department shall conduct an annual unannounced
16 on-site visit at each assisted living and shared housing
17 establishment to determine compliance with applicable
18 licensure requirements and standards, except for those
19 establishments granted a 2-year license as provided in Section
20 45. For those establishments granted a 2-year license, the
21 Department shall conduct an unannounced on-site visit every 2
22 years. Additional visits may be conducted without prior notice
23 to the assisted living or shared housing establishment.

24 (b) Upon receipt of information that may indicate the

1 failure of the assisted living or shared housing establishment
2 or a service provider to comply with a provision of this Act,
3 the Department shall investigate the matter or make appropriate
4 referrals to other government agencies and entities having
5 jurisdiction over the subject matter of the possible violation.
6 The Department may also make referrals to any public or private
7 agency that the Department considers available for appropriate
8 assistance to those involved. The Department may oversee and
9 coordinate the enforcement of State consumer protection
10 policies affecting residents residing in an establishment
11 licensed under this Act.

12 (c) The Department shall establish by rule complaint
13 receipt, investigation, resolution, and involuntary residency
14 termination procedures. Resolution procedures shall provide
15 for on-site review and evaluation of an assisted living or
16 shared housing establishment found to be in violation of this
17 Act within a specified period of time based on the gravity and
18 severity of the violation and any pervasive pattern of
19 occurrences of the same or similar violations.

20 (d) The Governor shall establish an Assisted Living and
21 Shared Housing Standards and Quality of Life Advisory Board.

22 (e) The Department shall by rule establish penalties and
23 sanctions, which shall include, but need not be limited to, the
24 creation of a schedule of graduated penalties and sanctions to
25 include closure.

26 (f) The Department shall by rule establish procedures for

1 disclosure of information to the public, which shall include,
2 but not be limited to, ownership, licensure status, frequency
3 of complaints, disposition of substantiated complaints, and
4 disciplinary actions.

5 (g) (Blank).

6 (h) Beginning January 1, 2000, the Department shall begin
7 drafting rules necessary for the administration of this Act.

8 (i) Notwithstanding any other rulemaking authority that
9 may exist, neither the Governor nor any agency or agency head
10 under the jurisdiction of the Governor has any authority to
11 make or promulgate rules to implement or enforce the provisions
12 of this amendatory Act of the 95th General Assembly. If,
13 however, the Governor believes that rules are necessary to
14 implement or enforce the provisions of this amendatory Act of
15 the 95th General Assembly, the Governor may suggest rules to
16 the General Assembly by filing them with the Clerk of the House
17 and Secretary of the Senate and by requesting that the General
18 Assembly authorize such rulemaking by law, enact those
19 suggested rules into law, or take any other appropriate action
20 in the General Assembly's discretion. Nothing contained in this
21 amendatory Act of the 95th General Assembly shall be
22 interpreted to grant rulemaking authority under any other
23 Illinois statute where such authority is not otherwise
24 explicitly given. For the purposes of this amendatory Act of
25 the 95th General Assembly, "rules" is given the meaning
26 contained in Section 1-70 of the Illinois Administrative

1 Procedure Act, and "agency" and "agency head" are given the
2 meanings contained in Sections 1-20 and 1-25 of the Illinois
3 Administrative Procedure Act to the extent that such
4 definitions apply to agencies or agency heads under the
5 jurisdiction of the Governor.

6 (Source: P.A. 93-1003, eff. 8-23-04.)".