



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB3035

Introduced 2/4/2010, by Sen. William R. Haine

#### SYNOPSIS AS INTRODUCED:

210 ILCS 4/1	
210 ILCS 4/5	
210 ILCS 4/15	
210 ILCS 4/20	
210 ILCS 9/35	
210 ILCS 9/45	
210 ILCS 9/150	
210 ILCS 35/9	from Ch. 111 1/2, par. 4189
210 ILCS 40/6	from Ch. 111 1/2, par. 4160-6
210 ILCS 45/3-115	from Ch. 111 1/2, par. 4153-115

Amends the Alzheimer's Special Care Disclosure Act, the Assisted Living and Shared Housing Act, the Community Living Facilities Licensing Act, the Life Care Facilities Act, and the Nursing Home Care Act. Changes the short title of the Alzheimer's Special Care Disclosure Act to the Alzheimer's Disease and Related Dementias Special Care Disclosure Act. Changes all cross-references to the Act to be consistent with this change. Effective immediately.

LRB096 19765 KTG 35465 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 Alzheimer's Special Care Disclosure Act is  
5 amended by changing Sections 1, 5, 15, and 20 as follows:

6 (210 ILCS 4/1)

7 Sec. 1. Short title. This Act may be cited as the  
8 Alzheimer's Disease and Related Dementias Special Care  
9 Disclosure Act.

10 (Source: P.A. 90-341, eff. 1-1-98.)

11 (210 ILCS 4/5)

12 Sec. 5. Legislative purpose. This Body finds it to be in  
13 the public interest to promote the highest standard of medical  
14 care currently available to people suffering from Alzheimer's  
15 disease and related dementias without restricting the future  
16 implementation of treatment options that may become available  
17 through ongoing research. It is further in the public interest  
18 to protect consumers from false claims of specialized care of  
19 Alzheimer's disease and related dementias. Therefore, the  
20 General Assembly declares it to be the purpose of this Act to  
21 require health care facilities offering specialized care in the  
22 treatment of Alzheimer's disease and related dementias to fully

1 inform the public regarding the facility and program of care.

2 (Source: P.A. 90-341, eff. 1-1-98.)

3 (210 ILCS 4/15)

4 Sec. 15. Disclosure requirements. A facility that offers to  
5 provide care for persons with Alzheimer's disease and related  
6 dementias through an Alzheimer's special care unit or center  
7 shall disclose to the State agency responsible for licensing or  
8 permitting the facility and to a potential or actual client of  
9 the facility or such a client's representative the following  
10 information in writing:

11 (1) the form of care or treatment that distinguishes  
12 the facility as suitable for persons with Alzheimer's  
13 disease and related dementias;

14 (2) the philosophy of the facility concerning the care  
15 or treatment of persons with Alzheimer's disease and  
16 related dementias;

17 (3) the facility's pre-admission, admission, and  
18 discharge procedures;

19 (4) the facility's assessment, care planning, and  
20 implementation guidelines in the care and treatment of  
21 persons with Alzheimer's disease and related dementias;

22 (5) the facility's minimum and maximum staffing  
23 ratios, specifying the general licensed health care  
24 provider to client ratio and the trainee health care  
25 provider to client ratio;

1 (6) the facility's physical environment;  
2 (7) activities available to clients at the facility;  
3 (8) the role of family members in the care of clients  
4 at the facility; and  
5 (9) the costs of care and treatment under the program  
6 or at the center.  
7 (Source: P.A. 96-770, eff. 1-1-10.)

8 (210 ILCS 4/20)

9 Sec. 20. A facility that offers to provide care for persons  
10 with Alzheimer's disease and related dementias through an  
11 Alzheimer's special care unit or center shall, within 180 days  
12 of the effective date of this Act, provide to the State agency  
13 responsible for licensing or permitting the facility the  
14 disclosure document prepared by a facility in accordance with  
15 Section 15. The State agency shall review the document for  
16 accuracy as part of the license or permit renewal requirements  
17 under the appropriate Act.  
18 (Source: P.A. 90-341, eff. 1-1-98.)

19 Section 10. The Assisted Living and Shared Housing Act is  
20 amended by changing Sections 35, 45, and 150 as follows:

21 (210 ILCS 9/35)

22 (Text of Section before amendment by P.A. 96-339)

23 Sec. 35. Issuance of license.

1           (a) Upon receipt and review of an application for a license  
2 and review of the applicant establishment, the Director may  
3 issue a license if he or she finds:

4           (1) that the individual applicant, or the corporation,  
5 partnership, or other entity if the applicant is not an  
6 individual, is a person responsible and suitable to operate  
7 or to direct or participate in the operation of an  
8 establishment by virtue of financial capacity, appropriate  
9 business or professional experience, a record of lawful  
10 compliance with lawful orders of the Department and lack of  
11 revocation of a license issued under this Act or the  
12 Nursing Home Care Act during the previous 5 years;

13           (2) that the establishment is under the supervision of  
14 a full-time director who is at least 21 years of age and  
15 has a high school diploma or equivalent plus either:

16           (A) 2 years of management experience or 2 years of  
17 experience in positions of progressive responsibility  
18 in health care, housing with services, or adult day  
19 care or providing similar services to the elderly; or

20           (B) 2 years of management experience or 2 years of  
21 experience in positions of progressive responsibility  
22 in hospitality and training in health care and housing  
23 with services management as defined by rule;

24           (3) that the establishment has staff sufficient in  
25 number with qualifications, adequate skills, education,  
26 and experience to meet the 24 hour scheduled and

1           unscheduled needs of residents and who participate in  
2           ongoing training to serve the resident population;

3           (4) that all employees who are subject to the Health  
4           Care Worker Background Check Act meet the requirements of  
5           that Act;

6           (5) that the applicant is in substantial compliance  
7           with this Act and such other requirements for a license as  
8           the Department by rule may establish under this Act;

9           (6) that the applicant pays all required fees;

10          (7) that the applicant has provided to the Department  
11          an accurate disclosure document in accordance with the  
12          Alzheimer's Disease and Related Dementias Special Care  
13          Disclosure Act and in substantial compliance with Section  
14          150 of this Act.

15          In addition to any other requirements set forth in this  
16          Act, as a condition of licensure under this Act, the director  
17          of an establishment must participate in at least 20 hours of  
18          training every 2 years to assist him or her in better meeting  
19          the needs of the residents of the establishment and managing  
20          the operation of the establishment.

21          Any license issued by the Director shall state the physical  
22          location of the establishment, the date the license was issued,  
23          and the expiration date. All licenses shall be valid for one  
24          year, except as provided in Sections 40 and 45. Each license  
25          shall be issued only for the premises and persons named in the  
26          application, and shall not be transferable or assignable.

1 (Source: P.A. 95-79, eff. 8-13-07; 95-590, eff. 9-10-07;  
2 95-628, eff. 9-25-07; 95-876, eff. 8-21-08.)

3 (Text of Section after amendment by P.A. 96-339)

4 Sec. 35. Issuance of license.

5 (a) Upon receipt and review of an application for a license  
6 and review of the applicant establishment, the Director may  
7 issue a license if he or she finds:

8 (1) that the individual applicant, or the corporation,  
9 partnership, or other entity if the applicant is not an  
10 individual, is a person responsible and suitable to operate  
11 or to direct or participate in the operation of an  
12 establishment by virtue of financial capacity, appropriate  
13 business or professional experience, a record of lawful  
14 compliance with lawful orders of the Department and lack of  
15 revocation of a license issued under this Act, the Nursing  
16 Home Care Act, or the MR/DD Community Care Act during the  
17 previous 5 years;

18 (2) that the establishment is under the supervision of  
19 a full-time director who is at least 21 years of age and  
20 has a high school diploma or equivalent plus either:

21 (A) 2 years of management experience or 2 years of  
22 experience in positions of progressive responsibility  
23 in health care, housing with services, or adult day  
24 care or providing similar services to the elderly; or

25 (B) 2 years of management experience or 2 years of

1           experience in positions of progressive responsibility  
2           in hospitality and training in health care and housing  
3           with services management as defined by rule;

4           (3) that the establishment has staff sufficient in  
5           number with qualifications, adequate skills, education,  
6           and experience to meet the 24 hour scheduled and  
7           unscheduled needs of residents and who participate in  
8           ongoing training to serve the resident population;

9           (4) that all employees who are subject to the Health  
10          Care Worker Background Check Act meet the requirements of  
11          that Act;

12          (5) that the applicant is in substantial compliance  
13          with this Act and such other requirements for a license as  
14          the Department by rule may establish under this Act;

15          (6) that the applicant pays all required fees;

16          (7) that the applicant has provided to the Department  
17          an accurate disclosure document in accordance with the  
18          Alzheimer's Disease and Related Dementias Special Care  
19          Disclosure Act and in substantial compliance with Section  
20          150 of this Act.

21          In addition to any other requirements set forth in this  
22          Act, as a condition of licensure under this Act, the director  
23          of an establishment must participate in at least 20 hours of  
24          training every 2 years to assist him or her in better meeting  
25          the needs of the residents of the establishment and managing  
26          the operation of the establishment.



1 Any license issued by the Director shall state the physical  
2 location of the establishment, the date the license was issued,  
3 and the expiration date. All licenses shall be valid for one  
4 year, except as provided in Sections 40 and 45. Each license  
5 shall be issued only for the premises and persons named in the  
6 application, and shall not be transferable or assignable.

7 (Source: P.A. 95-79, eff. 8-13-07; 95-590, eff. 9-10-07;  
8 95-628, eff. 9-25-07; 95-876, eff. 8-21-08; 96-339, eff.  
9 7-1-10.)

10 (210 ILCS 9/45)

11 Sec. 45. Renewal of licenses. At least 120 days, but not  
12 more than 150 days prior to license expiration, the licensee  
13 shall submit an application for renewal of the license in such  
14 form and containing such information as the Department  
15 requires. If the application is approved, and if the licensee  
16 (i) has not committed a Type 1 violation in the preceding 24  
17 months, (ii) has not committed a Type 2 violation in the  
18 preceding 24 months, (iii) has not had an inspection, review,  
19 or evaluation that resulted in a finding of 10 or more Type 3  
20 violations in the preceding 24 months, and (iv) has not  
21 admitted or retained a resident in violation of Section 75 of  
22 this Act in the preceding 24 months, the Department may renew  
23 the license for an additional period of 2 years. If a licensee  
24 whose license has been renewed for 2 years under this Section  
25 subsequently fails to meet any of the conditions set forth in

1 items (i), (ii), and (iii), then, in addition to any other  
2 sanctions that the Department may impose under this Act, the  
3 Department shall revoke the 2-year license and replace it with  
4 a one-year license until the licensee again meets all of the  
5 conditions set forth in items (i), (ii), and (iii). If  
6 appropriate, the renewal application shall not be approved  
7 unless the applicant has provided to the Department an accurate  
8 disclosure document in accordance with the Alzheimer's Disease  
9 and Related Dementias Special Care Disclosure Act. If the  
10 application for renewal is not timely filed, the Department  
11 shall so inform the licensee.

12 (Source: P.A. 95-590, eff. 9-10-07; 95-876, eff. 8-21-08.)

13 (210 ILCS 9/150)

14 Sec. 150. Alzheimer and dementia programs.

15 (a) In addition to this Section, Alzheimer and dementia  
16 programs shall comply with all of the other provisions of this  
17 Act.

18 (b) No person shall be admitted or retained if the assisted  
19 living or shared housing establishment cannot provide or secure  
20 appropriate care, if the resident requires a level of service  
21 or type of service for which the establishment is not licensed  
22 or which the establishment does not provide, or if the  
23 establishment does not have the staff appropriate in numbers  
24 and with appropriate skill to provide such services.

25 (c) No person shall be accepted for residency or remain in

1 residence if the person's mental or physical condition has so  
2 deteriorated to render residency in such a program to be  
3 detrimental to the health, welfare or safety of the person or  
4 of other residents of the establishment. The Department by rule  
5 shall identify a validated dementia-specific standard with  
6 inter-rater reliability that will be used to assess individual  
7 residents. The assessment must be approved by the resident's  
8 physician and shall occur prior to acceptance for residency,  
9 annually, and at such time that a change in the resident's  
10 condition is identified by a family member, staff of the  
11 establishment, or the resident's physician.

12 (d) No person shall be accepted for residency or remain in  
13 residence if the person is dangerous to self or others and the  
14 establishment would be unable to eliminate the danger through  
15 the use of appropriate treatment modalities.

16 (e) No person shall be accepted for residency or remain in  
17 residence if the person meets the criteria provided in  
18 subsections (b) through (g) of Section 75 of this Act.

19 (f) An establishment that offers to provide a special  
20 program or unit for persons with Alzheimer's disease and  
21 related disorders shall:

22 (1) disclose to the Department and to a potential or  
23 actual resident of the establishment information as  
24 specified under the Alzheimer's Disease and Related  
25 Dementias Special Care Disclosure Act;

26 (2) ensure that a resident's representative is

1 designated for the resident;

2 (3) develop and implement policies and procedures that  
3 ensure the continued safety of all residents in the  
4 establishment including, but not limited to, those who:

5 (A) may wander; and

6 (B) may need supervision and assistance when  
7 evacuating the building in an emergency;

8 (4) provide coordination of communications with each  
9 resident, resident's representative, relatives and other  
10 persons identified in the resident's service plan;

11 (5) provide cognitive stimulation and activities to  
12 maximize functioning;

13 (6) provide an appropriate number of staff for its  
14 resident population, as established by rule;

15 (7) require the director or administrator and direct  
16 care staff to complete sufficient comprehensive and  
17 ongoing dementia and cognitive deficit training, the  
18 content of which shall be established by rule; and

19 (8) develop emergency procedures and staffing patterns  
20 to respond to the needs of residents.

21 (Source: P.A. 93-141, eff. 7-10-03.)

22 Section 15. The Community Living Facilities Licensing Act  
23 is amended by changing Section 9 as follows:

24 (210 ILCS 35/9) (from Ch. 111 1/2, par. 4189)

1           Sec. 9. Regular licenses.

2           (1) A regular license shall be valid for a one-year period  
3 from the date of authorization. A license is not transferable.

4           (2) Within 120 to 150 days prior to the date of expiration  
5 of the license, the licensee shall apply to the Department for  
6 renewal of the license. The procedure for renewing a valid  
7 license for a Community Living Facility shall be the same as  
8 for applying for the initial license, pursuant to subsections  
9 (1) through (4) of Section 7 of this Act. If the Department has  
10 determined on the basis of available documentation that the  
11 Community Living Facility is in substantial compliance with  
12 this Act and the rules promulgated under this Act, and has  
13 provided to the Department an accurate disclosure document in  
14 accordance with the Alzheimer's Disease and Related Dementias  
15 Special Care Disclosure Act, it shall renew the regular license  
16 for another one-year period.

17           (3) Whenever ownership of a facility is transferred from  
18 the licensee to any other person, agency, association,  
19 corporation, partnership, or organization, the transferee  
20 must obtain a new probationary license. The transferee shall  
21 notify the Department of the transfer and apply for a new  
22 license at least 30 days prior to final transfer. The  
23 requirement for an on-site inspection in Section 7 may be  
24 waived if the Department has conducted a survey of the  
25 Community Living Facility within the past 60 days and the  
26 survey disclosed substantial compliance with this Act and rules

1 and regulations promulgated hereunder.

2 (Source: P.A. 90-341, eff. 1-1-98.)

3 Section 20. The Life Care Facilities Act is amended by  
4 changing Section 6 as follows:

5 (210 ILCS 40/6) (from Ch. 111 1/2, par. 4160-6)

6 Sec. 6. Upon receipt of the completed application and  
7 exhibits and payment of the fee by the applicant, and proof of  
8 compliance by the applicant with the provisions of Section 7,  
9 the Director shall issue a permit to the provider, subject to  
10 the conditions imposed pursuant to Section 7, allowing the  
11 provider to enter into life care contracts with respect to the  
12 number of living units and facility described in the  
13 application.

14 A permit issued pursuant to this Act shall remain in full  
15 force, subject to the provisions of this Act, and shall contain  
16 in a prominent location a statement that the issuance of such  
17 permit neither constitutes approval, recommendation or  
18 endorsement by the Department or Director nor evidences the  
19 accuracy or completeness of the information furnished to the  
20 Department. A permit may be revoked by the Department if the  
21 facility fails to provide to the Department an accurate  
22 disclosure document in accordance with the Alzheimer's Disease  
23 and Related Dementias Special Care Disclosure Act.

24 All permits shall be nontransferable.

1 (Source: P.A. 90-341, eff. 1-1-98.)

2 Section 25. The Nursing Home Care Act is amended by  
3 changing Section 3-115 as follows:

4 (210 ILCS 45/3-115) (from Ch. 111 1/2, par. 4153-115)

5 Sec. 3-115. License renewal application. At least 120 days  
6 but not more than 150 days prior to license expiration, the  
7 licensee shall submit an application for renewal of the license  
8 in such form and containing such information as the Department  
9 requires. If the application is approved, the license shall be  
10 renewed in accordance with Section 3-110. The renewal  
11 application for a sheltered care or long-term care facility  
12 shall not be approved unless the applicant has provided to the  
13 Department an accurate disclosure document in accordance with  
14 the Alzheimer's Disease and Related Dementias Special Care  
15 Disclosure Act. If application for renewal is not timely filed,  
16 the Department shall so inform the licensee.

17 (Source: P.A. 90-341, eff. 1-1-98; 91-215, eff. 7-20-99.)

18 Section 95. No acceleration or delay. Where this Act makes  
19 changes in a statute that is represented in this Act by text  
20 that is not yet or no longer in effect (for example, a Section  
21 represented by multiple versions), the use of that text does  
22 not accelerate or delay the taking effect of (i) the changes  
23 made by this Act or (ii) provisions derived from any other

1 Public Act.

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.