

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.