

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Specialized Mental Health Rehabilitation  
5 Act of 2013 is amended by changing Sections 2-101 and 4-102 as  
6 follows:

7 (210 ILCS 49/2-101)

8 Sec. 2-101. Standards for facilities.

9 (a) The Department shall, by rule, prescribe minimum  
10 standards for each level of care for facilities to be in place  
11 during the provisional licensure period and thereafter. These  
12 standards shall include, but are not limited to, the following:

13 (1) life safety standards that will ensure the health,  
14 safety and welfare of residents and their protection from  
15 hazards;

16 (2) number and qualifications of all personnel,  
17 including management and clinical personnel, having  
18 responsibility for any part of the care given to consumers;  
19 specifically, the Department shall establish staffing  
20 ratios for facilities which shall specify the number of  
21 staff hours per consumer of care that are needed for each  
22 level of care offered within the facility;

23 (3) all sanitary conditions within the facility and its

1 surroundings, including water supply, sewage disposal,  
2 food handling, and general hygiene which shall ensure the  
3 health and comfort of consumers;

4 (4) a program for adequate maintenance of physical  
5 plant and equipment;

6 (5) adequate accommodations, staff, and services for  
7 the number and types of services being offered to consumers  
8 for whom the facility is licensed to care;

9 (6) development of evacuation and other appropriate  
10 safety plans for use during weather, health, fire, physical  
11 plant, environmental, and national defense emergencies;

12 (7) maintenance of minimum financial or other  
13 resources necessary to meet the standards established  
14 under this Section, and to operate and conduct the facility  
15 in accordance with this Act; and

16 (8) standards for coercive free environment,  
17 restraint, and therapeutic separation.

18 (b) Any requirement contained in administrative rule  
19 concerning a percentage of single occupancy rooms shall be  
20 calculated based on the total number of licensed or  
21 provisionally licensed beds under this Act on January 1, 2019  
22 and shall not be calculated on a per-facility basis.

23 (Source: P.A. 98-104, eff. 7-22-13.)

24 (210 ILCS 49/4-102)

25 Sec. 4-102. Necessity of license. No person may establish,

1 operate, maintain, offer, or advertise a facility within this  
2 State unless and until he or she obtains a valid license  
3 therefor as hereinafter provided, which license remains  
4 unsuspended, unrevoked, and unexpired. No public official or  
5 employee may place any person in, or recommend that any person  
6 be in, or directly or indirectly cause any person to be placed  
7 in any facility that is being operated without a valid license.  
8 All licenses and licensing procedures established under  
9 Article III of the Nursing Home Care Act, except those  
10 contained in Section 3-202, shall be deemed valid under this  
11 Act until the Department establishes licensure. The Department  
12 is granted the authority under this Act to establish  
13 provisional licensure and licensing procedures under this Act  
14 by emergency rule and shall do so within 120 days of the  
15 effective date of this Act. The Department shall not grant a  
16 provisional license to any facility that does not possess a  
17 provisional license on November 30, 2018 and is licensed under  
18 the Nursing Home Care Act on or before November 30, 2018. The  
19 Department shall not grant a license to any facility that has  
20 not first received a provisional license. The changes made by  
21 this amendatory Act of the 100th General Assembly do not apply  
22 to the provisions of subsection (c) of Section 1-101.5  
23 concerning facility closure and relocation.

24 (Source: P.A. 98-104, eff. 7-22-13.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.