



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/4/2004, by Dale A. Righter

SYNOPSIS AS INTRODUCED:

210 ILCS 9/10

Amends the Assisted Living and Shared Housing Act. Provides that a "shared housing establishment" is for 16 (instead of 12) or fewer persons. Effective immediately.

LRB093 18193 DRJ 43888 b

1 AN ACT concerning health facilities.

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 10 as follows:

6 (210 ILCS 9/10)

7 Sec. 10. Definitions. For purposes of this Act:

8 "Activities of daily living" means eating, dressing,
9 bathing, toileting, transferring, or personal hygiene.

10 "Advisory Board" means the Assisted Living and Shared
11 Housing Advisory Board.

12 "Assisted living establishment" or "establishment" means a
13 home, building, residence, or any other place where sleeping
14 accommodations are provided for at least 3 unrelated adults, at
15 least 80% of whom are 55 years of age or older and where the
16 following are provided consistent with the purposes of this
17 Act:

18 (1) services consistent with a social model that is
19 based on the premise that the resident's unit in assisted
20 living and shared housing is his or her own home;

21 (2) community-based residential care for persons who
22 need assistance with activities of daily living, including
23 personal, supportive, and intermittent health-related
24 services available 24 hours per day, if needed, to meet the
25 scheduled and unscheduled needs of a resident;

26 (3) mandatory services, whether provided directly by
27 the establishment or by another entity arranged for by the
28 establishment, with the consent of the resident or
29 resident's representative; and

30 (4) a physical environment that is a homelike setting
31 that includes the following and such other elements as
32 established by the Department in conjunction with the

1 Assisted Living and Shared Housing Advisory Board:
2 individual living units each of which shall accommodate
3 small kitchen appliances and contain private bathing,
4 washing, and toilet facilities, or private washing and
5 toilet facilities with a common bathing room readily
6 accessible to each resident. Units shall be maintained for
7 single occupancy except in cases in which 2 residents
8 choose to share a unit. Sufficient common space shall exist
9 to permit individual and group activities.

10 "Assisted living establishment" or "establishment" does
11 not mean any of the following:

12 (1) A home, institution, or similar place operated by
13 the federal government or the State of Illinois.

14 (2) A long term care facility licensed under the
15 Nursing Home Care Act. However, a long term care facility
16 may convert distinct parts of the facility to assisted
17 living. If the long term care facility elects to do so, the
18 facility shall retain the Certificate of Need for its
19 nursing and sheltered care beds that were converted.

20 (3) A hospital, sanitarium, or other institution, the
21 principal activity or business of which is the diagnosis,
22 care, and treatment of human illness and that is required
23 to be licensed under the Hospital Licensing Act.

24 (4) A facility for child care as defined in the Child
25 Care Act of 1969.

26 (5) A community living facility as defined in the
27 Community Living Facilities Licensing Act.

28 (6) A nursing home or sanitarium operated solely by and
29 for persons who rely exclusively upon treatment by
30 spiritual means through prayer in accordance with the creed
31 or tenants of a well-recognized church or religious
32 denomination.

33 (7) A facility licensed by the Department of Human
34 Services as a community-integrated living arrangement as
35 defined in the Community-Integrated Living Arrangements
36 Licensure and Certification Act.

1 (8) A supportive residence licensed under the
2 Supportive Residences Licensing Act.

3 (9) A life care facility as defined in the Life Care
4 Facilities Act; a life care facility may apply under this
5 Act to convert sections of the community to assisted
6 living.

7 (10) A free-standing hospice facility licensed under
8 the Hospice Program Licensing Act.

9 (11) A shared housing establishment.

10 (12) A supportive living facility as described in
11 Section 5-5.01a of the Illinois Public Aid Code.

12 "Department" means the Department of Public Health.

13 "Director" means the Director of Public Health.

14 "Emergency situation" means imminent danger of death or
15 serious physical harm to a resident of an establishment.

16 "License" means any of the following types of licenses
17 issued to an applicant or licensee by the Department:

18 (1) "Probationary license" means a license issued to an
19 applicant or licensee that has not held a license under
20 this Act prior to its application or pursuant to a license
21 transfer in accordance with Section 50 of this Act.

22 (2) "Regular license" means a license issued by the
23 Department to an applicant or licensee that is in
24 substantial compliance with this Act and any rules
25 promulgated under this Act.

26 "Licensee" means a person, agency, association,
27 corporation, partnership, or organization that has been issued
28 a license to operate an assisted living or shared housing
29 establishment.

30 "Licensed health care professional" means a registered
31 professional nurse, an advanced practice nurse, a physician
32 assistant, and a licensed practical nurse.

33 "Mandatory services" include the following:

34 (1) 3 meals per day available to the residents prepared
35 by the establishment or an outside contractor;

36 (2) housekeeping services including, but not limited

1 to, vacuuming, dusting, and cleaning the resident's unit;

2 (3) personal laundry and linen services available to
3 the residents provided or arranged for by the
4 establishment;

5 (4) security provided 24 hours each day including, but
6 not limited to, locked entrances or building or contract
7 security personnel;

8 (5) an emergency communication response system, which
9 is a procedure in place 24 hours each day by which a
10 resident can notify building management, an emergency
11 response vendor, or others able to respond to his or her
12 need for assistance; and

13 (6) assistance with activities of daily living as
14 required by each resident.

15 "Negotiated risk" is the process by which a resident, or
16 his or her representative, may formally negotiate with
17 providers what risks each are willing and unwilling to assume
18 in service provision and the resident's living environment. The
19 provider assures that the resident and the resident's
20 representative, if any, are informed of the risks of these
21 decisions and of the potential consequences of assuming these
22 risks.

23 "Owner" means the individual, partnership, corporation,
24 association, or other person who owns an assisted living or
25 shared housing establishment. In the event an assisted living
26 or shared housing establishment is operated by a person who
27 leases or manages the physical plant, which is owned by another
28 person, "owner" means the person who operates the assisted
29 living or shared housing establishment, except that if the
30 person who owns the physical plant is an affiliate of the
31 person who operates the assisted living or shared housing
32 establishment and has significant control over the day to day
33 operations of the assisted living or shared housing
34 establishment, the person who owns the physical plant shall
35 incur jointly and severally with the owner all liabilities
36 imposed on an owner under this Act.

1 "Physician" means a person licensed under the Medical
2 Practice Act of 1987 to practice medicine in all of its
3 branches.

4 "Resident" means a person residing in an assisted living or
5 shared housing establishment.

6 "Resident's representative" means a person, other than the
7 owner, agent, or employee of an establishment or of the health
8 care provider unless related to the resident, designated in
9 writing by a resident to be his or her representative. This
10 designation may be accomplished through the Illinois Power of
11 Attorney Act, pursuant to the guardianship process under the
12 Probate Act of 1975, or pursuant to an executed designation of
13 representative form specified by the Department.

14 "Self" means the individual or the individual's designated
15 representative.

16 "Shared housing establishment" or "establishment" means a
17 publicly or privately operated free-standing residence for 16
18 ~~12~~ or fewer persons, at least 80% of whom are 55 years of age or
19 older and who are unrelated to the owners and one manager of
20 the residence, where the following are provided:

21 (1) services consistent with a social model that is
22 based on the premise that the resident's unit is his or her
23 own home;

24 (2) community-based residential care for persons who
25 need assistance with activities of daily living, including
26 housing and personal, supportive, and intermittent
27 health-related services available 24 hours per day, if
28 needed, to meet the scheduled and unscheduled needs of a
29 resident; and

30 (3) mandatory services, whether provided directly by
31 the establishment or by another entity arranged for by the
32 establishment, with the consent of the resident or the
33 resident's representative.

34 "Shared housing establishment" or "establishment" does not
35 mean any of the following:

36 (1) A home, institution, or similar place operated by

1 the federal government or the State of Illinois.

2 (2) A long term care facility licensed under the
3 Nursing Home Care Act. A long term care facility may,
4 however, convert sections of the facility to assisted
5 living. If the long term care facility elects to do so, the
6 facility shall retain the Certificate of Need for its
7 nursing beds that were converted.

8 (3) A hospital, sanitarium, or other institution, the
9 principal activity or business of which is the diagnosis,
10 care, and treatment of human illness and that is required
11 to be licensed under the Hospital Licensing Act.

12 (4) A facility for child care as defined in the Child
13 Care Act of 1969.

14 (5) A community living facility as defined in the
15 Community Living Facilities Licensing Act.

16 (6) A nursing home or sanitarium operated solely by and
17 for persons who rely exclusively upon treatment by
18 spiritual means through prayer in accordance with the creed
19 or tenants of a well-recognized church or religious
20 denomination.

21 (7) A facility licensed by the Department of Human
22 Services as a community-integrated ~~community-intergrated~~
23 living arrangement as defined in the Community-Integrated
24 Living Arrangements Licensure and Certification Act.

25 (8) A supportive residence licensed under the
26 Supportive Residences Licensing Act.

27 (9) A life care facility as defined in the Life Care
28 Facilities Act; a life care facility may apply under this
29 Act to convert sections of the community to assisted
30 living.

31 (10) A free-standing hospice facility licensed under
32 the Hospice Program Licensing Act.

33 (11) An assisted living establishment.

34 (12) A supportive living facility as described in
35 Section 5-5.01a of the Illinois Public Aid Code.

36 "Total assistance" means that staff or another individual

1 performs the entire activity of daily living without
2 participation by the resident.

3 (Source: P.A. 91-656, eff. 1-1-01.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.