

AN ACT concerning health care.

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

Section 1. Short title. This Act may be cited as the Psychiatric Residential Treatment Facilities (PRTF) Act.

Section 5. Definitions. As used in this Act:

"Department" means the Department of Healthcare and Family Services.

"Emergency safety intervention" means the use of restraint or seclusion as an immediate response to an emergency safety situation.

"Medical assistance" means health care benefits provided under the Illinois Medical Assistance Program administered under Article V of the Illinois Public Aid Code.

"Psychiatric residential treatment facility" or "PRTF" means a facility that is certified by the Department to provide subacute psychiatric services to individuals under age 21, or to individuals until their 22nd birthday if the individual was admitted to the PRTF before the individual's 21st birthday as described in 42 CFR 441, Subpart D, or any successor regulation, in an inpatient setting in accordance with a provider agreement with the Department. A PRTF is not:

- (1) a hospital under the Hospital Licensing Act;

(2) a child care institution or child care facility under the Child Care Act of 1969;

(3) a nursing home or long-term care facility under the Nursing Home Care Act;

(4) a secure residential youth care facility under the Secure Residential Youth Care Facility Licensing Act;

(5) a specialized mental health rehabilitation facility under the Specialized Mental Health Rehabilitation Act of 2013; or

(6) any facility or institution required to be licensed under the ID/DD Community Care Act or the MC/DD Act.

"Serious occurrences" means a serious injury to a resident as defined in 42 CFR 483.352, or any successor regulation, a resident's suicide attempt, or a resident's death.

"Subacute psychiatric services" means inpatient psychiatric treatment services provided under the direction of a physician, in a non-acute (non-hospital) setting, for individuals under the age of 21 (or for individuals until their 22nd birthday if admitted to the PRTF before their 21st birthday) that require intensive services that cannot be delivered in a community setting. Subacute psychiatric services are short-term, comprehensive, recovery-oriented treatment delivered 24 hours a day, 7 days a week, with the focus of returning children to a less restrictive community setting as rapidly as possible.

Section 10. PRTF services.

(a) The Department shall establish an Illinois Psychiatric Residential Treatment Facilities (PRTF) program that is family-driven, youth-guided, and trauma-informed, and includes youth and family involvement in all aspects of care planning. The Illinois PRTF program design shall establish meaningful opportunities for youth and families to be involved in the design, monitoring, and oversight of PRTF services.

(b) By January 1, 2026, the Department shall submit a State Plan Amendment to the Centers for Medicare and Medicaid Services to establish coverage of federally authorized, medically necessary inpatient psychiatric services delivered by a certified PRTF to medical assistance beneficiaries under 21 years of age.

(c) The Department shall adopt rules to implement the Illinois PRTF program. The rules may establish the services, standards, and requirements for participation in the program to comply with all applicable federal statutes, regulations, requirements, and policies. The rules proposed by the Department may take into consideration the recommendations of the PRTF Advisory Committee, as outlined in Section 20. At a minimum, the rules shall include the following:

(1) Certification and participation requirements for PRTF providers in compliance with all applicable federal laws, regulations, requirements, and policies, including

those found at 42 CFR 441, Subpart D and 42 CFR 483, Subpart G or any successor regulations.

(2) Monitoring and oversight of PRTF services, including on-site review protocols that include scheduled and unannounced on-site visits. Each provider seeking PRTF certification shall minimally have an on-site review prior to initiating services and all PRTFs shall have at least one on-site review annually thereafter.

(3) Utilization management criteria to ensure that PRTF services are provided as medically necessary and emphasize clinically appropriate patient transitions back to the community, including, but not limited to, service authorization, documentation, and treatment plan requirements for initial stay reviews and continued stay reviews.

(4) A limit on allowable beds at any one PRTF, not to exceed 40 total beds, unless waived in writing by the Director of the Department.

(5) A limit on the number of new PRTF facilities to be certified in any State fiscal year.

(6) A requirement that PRTFs are distinct, standalone non-hospital entities not physically attached or adjacent to any other type of facility engaged in providing congregate care.

(7) A requirement that, in order to obtain PRTF certification, providers must undergo a survey from the

State Survey Agency, the Department of Public Health, to establish the provider's compliance with the Conditions of Participation for PRTFs outlined in 42 CFR 483, Subpart G and the Interpretive Guidelines issued by the Centers for Medicare and Medicaid Services.

(8) A requirement that, in order to obtain PRTF certification, providers be accredited from one of the following organizations identified in 42 CFR 441.151, or any successor regulations:

(i) Joint Commission on Accreditation of Healthcare Organizations.

(ii) The Commission on Accreditation of Rehabilitation Facilities.

(iii) The Council on Accreditation of Services for Families and Children.

(iv) Any other accrediting organization with comparable standards recognized by the Department.

(9) Requirements for the reporting of emergency safety interventions and serious occurrences to the Department and the State-designated Protection and Advocacy System no later than the close of business the next business day after the intervention or occurrence.

Section 15. PRTF capacity analysis.

(a) The Department shall establish, and update as needed, a methodology for completing a statewide PRTF capacity

analysis for the purposes of identifying capacity needs for PRTF services under the Illinois Medical Assistance Program. The Department shall utilize the PRTF capacity analysis to inform its certification and enrollment of PRTF providers. The capacity analysis shall minimally include:

(1) An analysis of aggregate service utilization data for Medicaid eligible individuals under the age of 21, including community-based services, behavioral health crisis services, and inpatient psychiatric hospitalization services.

(2) Identification of locations across the State with demonstrated need for PRTF services and locations with demonstrated surplus of PRTF service capacity.

(3) Consideration of specialized treatment needs based on increased utilization of out-of-state facilities to address specialized treatment needs.

(4) Other factors of consideration identified by the Department as necessary to support access to care, compliance with the federal Medicaid program, and all other applicable federal or State laws, regulations, policies, requirements, and programs impacting Illinois' children's behavioral health service delivery system.

(5) Recommendations to the Department and the PRTF Advisory Committee on capacity needs within the Illinois PRTF program. The recommendations shall seek to avoid the concentration of PRTF facilities in any particular

community or area of the State to promote access for families or guardians to visit patients when appropriate.

(b) The Department's methodology, completed analyses, and outcomes shall be published on its website, with an initial PRTF capacity analysis to be published by no later than January 1, 2026.

(c) The Department's PRTF capacity analysis shall be updated at a minimum of every 5 years and shall be performed consistent with the Department's published methodology.

Section 20. PRTF Advisory Committee.

(a) The Department shall establish a PRTF Advisory Committee responsible for reviewing and providing guidance on the Department's policies and implementations of the Illinois PRTF program. The PRTF Advisory Committee shall be made up of no more than 12 members, including State agency staff familiar with children's behavioral health services, and shall minimally include the following members:

(1) the Director of Healthcare and Family Services, or the Director's designee, who shall also be the Chair of the Committee;

(2) the Director of Public Health, or the Director's designee;

(3) the Secretary of Human Services, or the Secretary's designee;

(4) the Superintendent of the Illinois State Board of

Education, or the Superintendent's designee;

(5) the Director of Children and Family Services, or the Director's designee;

(6) the Chief Officer for Children's Behavioral Health Transformation; and

(7) external stakeholders that include, at a minimum each of the following:

(i) a psychiatrist, board certified to serve children and adolescents;

(ii) one or more providers of community-based children's behavioral health services;

(iii) one or more individuals representing the voice of families with children familiar with Illinois' publicly funded children's behavioral health system; and

(iv) other individuals determined by the Department to be beneficial to the outcomes of the Advisory Committee.

(b) The PRTF Advisory Committee shall meet on a schedule and in a format defined by the Chair.

(c) The Department may adopt rules to implement this Section.

Section 25. PRTF accountability reporting. For all PRTF providers certified to participate in the Illinois Medical Assistance Program, the Department shall publish on its

website counts of reported emergency safety interventions and serious occurrences by State fiscal year and quarter.

Section 105. The Specialized Mental Health Rehabilitation Act of 2013 is amended by changing Section 1-102 as follows:

(210 ILCS 49/1-102)

Sec. 1-102. Definitions. For the purposes of this Act, unless the context otherwise requires:

"Abuse" means any physical or mental injury or sexual assault inflicted on a consumer other than by accidental means in a facility.

"Accreditation" means any of the following:

- (1) the Joint Commission;
 - (2) the Commission on Accreditation of Rehabilitation Facilities;
 - (3) the Healthcare Facilities Accreditation Program;
- or
- (4) any other national standards of care as approved by the Department.

"APRN" means an Advanced Practice Registered Nurse, nationally certified as a mental health or psychiatric nurse practitioner and licensed under the Nurse Practice Act.

"Applicant" means any person making application for a license or a provisional license under this Act.

"Consumer" means a person, 18 years of age or older,

admitted to a mental health rehabilitation facility for evaluation, observation, diagnosis, treatment, stabilization, recovery, and rehabilitation.

"Consumer" does not mean any of the following:

- (i) an individual requiring a locked setting;
- (ii) an individual requiring psychiatric hospitalization because of an acute psychiatric crisis;
- (iii) an individual under 18 years of age;
- (iv) an individual who is actively suicidal or violent toward others;
- (v) an individual who has been found unfit to stand trial and is currently subject to a court order requiring placement in secure inpatient care in the custody of the Department of Human Services pursuant to Section 104-17 of the Code of Criminal Procedure of 1963;
- (vi) an individual who has been found not guilty by reason of insanity and is currently subject to a court order requiring placement in secure inpatient care in the custody of the Department of Human Services pursuant to Section 5-2-4 of the Unified Code of Corrections;
- (vii) an individual subject to temporary detention and examination under Section 3-607 of the Mental Health and Developmental Disabilities Code;
- (viii) an individual deemed clinically appropriate for inpatient admission in a State psychiatric hospital; and
- (ix) an individual transferred by the Department of

Corrections pursuant to Section 3-8-5 of the Unified Code of Corrections.

"Consumer record" means a record that organizes all information on the care, treatment, and rehabilitation services rendered to a consumer in a specialized mental health rehabilitation facility.

"Controlled drugs" means those drugs covered under the federal Comprehensive Drug Abuse Prevention Control Act of 1970, as amended, or the Illinois Controlled Substances Act.

"Department" means the Department of Public Health.

"Discharge" means the full release of any consumer from a facility.

"Drug administration" means the act in which a single dose of a prescribed drug or biological is given to a consumer. The complete act of administration entails removing an individual dose from a container, verifying the dose with the prescriber's orders, giving the individual dose to the consumer, and promptly recording the time and dose given.

"Drug dispensing" means the act entailing the following of a prescription order for a drug or biological and proper selection, measuring, packaging, labeling, and issuance of the drug or biological to a consumer.

"Emergency" means a situation, physical condition, or one or more practices, methods, or operations which present imminent danger of death or serious physical or mental harm to consumers of a facility.

"Facility" means a specialized mental health rehabilitation facility that provides at least one of the following services: (1) triage center; (2) crisis stabilization; (3) recovery and rehabilitation supports; or (4) transitional living units for 3 or more persons. The facility shall provide a 24-hour program that provides intensive support and recovery services designed to assist persons, 18 years or older, with mental disorders to develop the skills to become self-sufficient and capable of increasing levels of independent functioning. It includes facilities that meet the following criteria:

(1) 100% of the consumer population of the facility has a diagnosis of serious mental illness;

(2) no more than 15% of the consumer population of the facility is 65 years of age or older;

(3) none of the consumers are non-ambulatory;

(4) none of the consumers have a primary diagnosis of moderate, severe, or profound intellectual disability; and

(5) the facility must have been licensed under the Specialized Mental Health Rehabilitation Act or the Nursing Home Care Act immediately preceding July 22, 2013 (the effective date of this Act) and qualifies as an institute for mental disease under the federal definition of the term.

"Facility" does not include the following:

(1) a home, institution, or place operated by the

federal government or agency thereof, or by the State of Illinois;

(2) a hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation as organized facilities therefor which is required to be licensed under the Hospital Licensing Act;

(3) a facility for child care as defined in the Child Care Act of 1969;

(4) a community living facility as defined in the Community Living Facilities Licensing Act;

(5) a nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination; however, such nursing home or sanitarium shall comply with all local laws and rules relating to sanitation and safety;

(6) a facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act;

(7) a supportive residence licensed under the Supportive Residences Licensing Act;

(8) a supportive living facility in good standing with the program established under Section 5-5.01a of the

Illinois Public Aid Code, except only for purposes of the employment of persons in accordance with Section 3-206.01 of the Nursing Home Care Act;

(9) an assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act, except only for purposes of the employment of persons in accordance with Section 3-206.01 of the Nursing Home Care Act;

(10) an Alzheimer's disease management center alternative health care model licensed under the Alternative Health Care Delivery Act;

(11) a home, institution, or other place operated by or under the authority of the Illinois Department of Veterans' Affairs;

(12) a facility licensed under the ID/DD Community Care Act;

(13) a facility licensed under the Nursing Home Care Act after July 22, 2013 (the effective date of this Act);

~~or~~

(14) a facility licensed under the MC/DD Act; or ~~-~~

(15) a psychiatric residential treatment facility certified under the Psychiatric Residential Treatment Facilities (PRTF) Act.

"Executive director" means a person who is charged with the general administration and supervision of a facility licensed under this Act and who is a licensed nursing home

administrator, licensed practitioner of the healing arts, or qualified mental health professional.

"Guardian" means a person appointed as a guardian of the person or guardian of the estate, or both, of a consumer under the Probate Act of 1975.

"Identified offender" means a person who meets any of the following criteria:

(1) Has been convicted of, found guilty of, adjudicated delinquent for, found not guilty by reason of insanity for, or found unfit to stand trial for, any felony offense listed in Section 25 of the Health Care Worker Background Check Act, except for the following:

(i) a felony offense described in Section 10-5 of the Nurse Practice Act;

(ii) a felony offense described in Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card and Debit Card Act;

(iii) a felony offense described in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis Control Act;

(iv) a felony offense described in Section 401, 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois Controlled Substances Act; and

(v) a felony offense described in the Methamphetamine Control and Community Protection Act.

(2) Has been convicted of, adjudicated delinquent for, found not guilty by reason of insanity for, or found unfit

to stand trial for any sex offense as defined in subsection (c) of Section 10 of the Sex Offender Management Board Act.

"Transitional living units" are residential units within a facility that have the purpose of assisting the consumer in developing and reinforcing the necessary skills to live independently outside of the facility. The duration of stay in such a setting shall not exceed 120 days for each consumer. Nothing in this definition shall be construed to be a prerequisite for transitioning out of a facility.

"Licensee" means the person, persons, firm, partnership, association, organization, company, corporation, or business trust to which a license has been issued.

"Misappropriation of a consumer's property" means the deliberate misplacement, exploitation, or wrongful temporary or permanent use of a consumer's belongings or money without the consent of a consumer or his or her guardian.

"Neglect" means a facility's failure to provide, or willful withholding of, adequate medical care, mental health treatment, psychiatric rehabilitation, personal care, or assistance that is necessary to avoid physical harm and mental anguish of a consumer.

"Personal care" means assistance with meals, dressing, movement, bathing, or other personal needs, maintenance, or general supervision and oversight of the physical and mental well-being of an individual who is incapable of maintaining a

private, independent residence or who is incapable of managing his or her person, whether or not a guardian has been appointed for such individual. "Personal care" shall not be construed to confine or otherwise constrain a facility's pursuit to develop the skills and abilities of a consumer to become self-sufficient and capable of increasing levels of independent functioning.

"Recovery and rehabilitation supports" means a program that facilitates a consumer's longer-term symptom management and stabilization while preparing the consumer for transitional living units by improving living skills and community socialization. The duration of stay in such a setting shall be established by the Department by rule.

"Restraint" means:

(i) a physical restraint that is any manual method or physical or mechanical device, material, or equipment attached or adjacent to a consumer's body that the consumer cannot remove easily and restricts freedom of movement or normal access to one's body; devices used for positioning, including, but not limited to, bed rails, gait belts, and cushions, shall not be considered to be restraints for purposes of this Section; or

(ii) a chemical restraint that is any drug used for discipline or convenience and not required to treat medical symptoms; the Department shall, by rule, designate certain devices as restraints, including at least all

those devices that have been determined to be restraints by the United States Department of Health and Human Services in interpretive guidelines issued for the purposes of administering Titles XVIII and XIX of the federal Social Security Act. For the purposes of this Act, restraint shall be administered only after utilizing a coercive free environment and culture.

"Self-administration of medication" means consumers shall be responsible for the control, management, and use of their own medication.

"Crisis stabilization" means a secure and separate unit that provides short-term behavioral, emotional, or psychiatric crisis stabilization as an alternative to hospitalization or re-hospitalization for consumers from residential or community placement. The duration of stay in such a setting shall not exceed 21 days for each consumer.

"Therapeutic separation" means the removal of a consumer from the milieu to a room or area which is designed to aid in the emotional or psychiatric stabilization of that consumer.

"Triage center" means a non-residential 23-hour center that serves as an alternative to emergency room care, hospitalization, or re-hospitalization for consumers in need of short-term crisis stabilization. Consumers may access a triage center from a number of referral sources, including family, emergency rooms, hospitals, community behavioral health providers, federally qualified health providers, or

schools, including colleges or universities. A triage center may be located in a building separate from the licensed location of a facility, but shall not be more than 1,000 feet from the licensed location of the facility and must meet all of the facility standards applicable to the licensed location. If the triage center does operate in a separate building, safety personnel shall be provided, on site, 24 hours per day and the triage center shall meet all other staffing requirements without counting any staff employed in the main facility building.

(Source: P.A. 102-1053, eff. 6-10-22; 102-1118, eff. 1-18-23.)

Section 110. The Hospital Licensing Act is amended by changing Section 3 as follows:

(210 ILCS 85/3)

Sec. 3. As used in this Act:

(A) "Hospital" means any institution, place, building, buildings on a campus, or agency, public or private, whether organized for profit or not, devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of 2 or more unrelated persons admitted for overnight stay or longer in order to obtain medical, including obstetric, psychiatric and nursing, care of illness, disease, injury, infirmity, or deformity.

The term "hospital", without regard to length of stay,

shall also include:

(a) any facility which is devoted primarily to providing psychiatric and related services and programs for the diagnosis and treatment or care of 2 or more unrelated persons suffering from emotional or nervous diseases;

(b) all places where pregnant females are received, cared for, or treated during delivery irrespective of the number of patients received; and

(c) on and after January 1, 2023, a rural emergency hospital, as that term is defined under subsection (kkk)(2) of Section 1861 of the federal Social Security Act; to provide for the expeditious and timely implementation of this amendatory Act of the 102nd General Assembly, emergency rules to implement the changes made to the definition of "hospital" by this amendatory Act of the 102nd General Assembly may be adopted by the Department subject to the provisions of Section 5-45 of the Illinois Administrative Procedure Act.

The term "hospital" includes general and specialized hospitals, tuberculosis sanatoria, mental or psychiatric hospitals and sanatoria, and includes maternity homes, lying-in homes, and homes for unwed mothers in which care is given during delivery.

The term "hospital" does not include:

(1) any person or institution required to be licensed

pursuant to the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act;

(2) hospitalization or care facilities maintained by the State or any department or agency thereof, where such department or agency has authority under law to establish and enforce standards for the hospitalization or care facilities under its management and control;

(3) hospitalization or care facilities maintained by the federal government or agencies thereof;

(4) hospitalization or care facilities maintained by any university or college established under the laws of this State and supported principally by public funds raised by taxation;

(5) any person or facility required to be licensed pursuant to the Substance Use Disorder Act;

(6) any facility operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination;

(7) an Alzheimer's disease management center alternative health care model licensed under the Alternative Health Care Delivery Act; ~~or~~

(8) any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 or

maintained by a State-supported or publicly funded university or college; or -

(9) a psychiatric residential treatment facility certified under the Psychiatric Residential Treatment Facilities (PRTF) Act.

(B) "Person" means the State, and any political subdivision or municipal corporation, individual, firm, partnership, corporation, company, association, or joint stock association, or the legal successor thereof.

(C) "Department" means the Department of Public Health of the State of Illinois.

(D) "Director" means the Director of Public Health of the State of Illinois.

(E) "Perinatal" means the period of time between the conception of an infant and the end of the first month after birth.

(F) "Federally designated organ procurement agency" means the organ procurement agency designated by the Secretary of the U.S. Department of Health and Human Services for the service area in which a hospital is located; except that in the case of a hospital located in a county adjacent to Wisconsin which currently contracts with an organ procurement agency located in Wisconsin that is not the organ procurement agency designated by the U.S. Secretary of Health and Human Services for the service area in which the hospital is located, if the hospital applies for a waiver pursuant to 42 U.S.C.

1320b-8(a), it may designate an organ procurement agency located in Wisconsin to be thereafter deemed its federally designated organ procurement agency for the purposes of this Act.

(G) "Tissue bank" means any facility or program operating in Illinois that is certified by the American Association of Tissue Banks or the Eye Bank Association of America and is involved in procuring, furnishing, donating, or distributing corneas, bones, or other human tissue for the purpose of injecting, transfusing, or transplanting any of them into the human body. "Tissue bank" does not include a licensed blood bank. For the purposes of this Act, "tissue" does not include organs.

(H) "Campus", as this term applies to operations, has the same meaning as the term "campus" as set forth in federal Medicare regulations, 42 CFR 413.65.

(Source: P.A. 102-1118, eff. 1-18-23.)

Section 115. The Nursing Home Care Act is amended by changing Section 1-113 as follows:

(210 ILCS 45/1-113) (from Ch. 111 1/2, par. 4151-113)

Sec. 1-113. "Facility" or "long-term care facility" means a private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division

5-21 or 5-22 of the Counties Code, or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for 3 or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the federal Social Security Act. It also includes homes, institutions, or other places operated by or under the authority of the Illinois Department of Veterans' Affairs.

"Facility" does not include the following:

(1) A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois, other than homes, institutions, or other places operated by or under the authority of the Illinois Department of Veterans' Affairs;

(2) A hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation as organized facilities therefor, which is required to be licensed under the Hospital Licensing Act;

(3) Any "facility for child care" as defined in the Child Care Act of 1969;

(4) Any "Community Living Facility" as defined in the Community Living Facilities Licensing Act;

(5) Any "community residential alternative" as defined

in the Community Residential Alternatives Licensing Act;

(6) Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;

(7) Any facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act;

(8) Any "Supportive Residence" licensed under the Supportive Residences Licensing Act;

(9) Any "supportive living facility" in good standing with the program established under Section 5-5.01a of the Illinois Public Aid Code, except only for purposes of the employment of persons in accordance with Section 3-206.01;

(10) Any assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act, except only for purposes of the employment of persons in accordance with Section 3-206.01;

(11) An Alzheimer's disease management center alternative health care model licensed under the Alternative Health Care Delivery Act;

(12) A facility licensed under the ID/DD Community

Care Act;

(13) A facility licensed under the Specialized Mental Health Rehabilitation Act of 2013;

(14) A facility licensed under the MC/DD Act; ~~or~~

(15) A medical foster home, as defined in 38 CFR 17.73, that is under the oversight of the United States Department of Veterans Affairs; or ~~or~~

(16) A psychiatric residential treatment facility certified under the Psychiatric Residential Treatment Facilities (PRTF) Act.

(Source: P.A. 98-104, eff. 7-22-13; 99-180, eff. 7-29-15; 99-376, eff. 1-1-16; 99-642, eff. 7-28-16.)

Section 120. The ID/DD Community Care Act is amended by changing Section 1-113 as follows:

(210 ILCS 47/1-113)

Sec. 1-113. Facility. "ID/DD facility" or "facility" means an intermediate care facility for persons with developmental disabilities, whether operated for profit or not, which provides, through its ownership or management, personal care or nursing for 3 or more persons not related to the applicant or owner by blood or marriage. It includes intermediate care facilities for the intellectually disabled as the term is defined in Title XVIII and Title XIX of the federal Social Security Act.

"Facility" does not include the following:

(1) A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois, other than homes, institutions, or other places operated by or under the authority of the Illinois Department of Veterans' Affairs;

(2) A hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation as organized facilities therefore, which is required to be licensed under the Hospital Licensing Act;

(3) Any "facility for child care" as defined in the Child Care Act of 1969;

(4) Any "community living facility" as defined in the Community Living Facilities Licensing Act;

(5) Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act;

(6) Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;

(7) Any facility licensed by the Department of Human Services as a community-integrated living arrangement as

defined in the Community-Integrated Living Arrangements Licensure and Certification Act;

(8) Any "supportive residence" licensed under the Supportive Residences Licensing Act;

(9) Any "supportive living facility" in good standing with the program established under Section 5-5.01a of the Illinois Public Aid Code, except only for purposes of the employment of persons in accordance with Section 3-206.01;

(10) Any assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act, except only for purposes of the employment of persons in accordance with Section 3-206.01;

(11) An Alzheimer's disease management center alternative health care model licensed under the Alternative Health Care Delivery Act;

(12) A home, institution, or other place operated by or under the authority of the Illinois Department of Veterans' Affairs; ~~or~~

(13) Any MC/DD facility licensed under the MC/DD Act; or ~~or~~

(14) A psychiatric residential treatment facility certified under the Psychiatric Residential Treatment Facilities (PRTF) Act.

(Source: P.A. 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; 99-642, eff. 7-28-16.)

Section 125. The Child Care Act of 1969 is amended by changing Section 2.06 as follows:

(225 ILCS 10/2.06) (from Ch. 23, par. 2212.06)

Sec. 2.06. "Child care institution" means a child care facility where more than 7 children are received and maintained for the purpose of providing them with care or training or both. The term "child care institution" includes residential schools, primarily serving ambulatory children with disabilities, and those operating a full calendar year, but does not include:

(a) any State-operated institution for child care established by legislative action;

(b) any juvenile detention or shelter care home established and operated by any county or child protection district established under the "Child Protection Act";

(c) any institution, home, place or facility operating under a license pursuant to the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act;

(d) any bona fide boarding school in which children are primarily taught branches of education corresponding to those taught in public schools, grades one through 12, or taught in public elementary schools, high schools, or both elementary and high schools, and which operates on a regular academic school year basis;

(e) any facility licensed as a "group home" as defined in this Act; ~~or~~

(f) any qualified residential treatment program; or ~~-~~

(g) any psychiatric residential treatment facility certified under the Psychiatric Residential Treatment Facilities (PRTF) Act.

(Source: P.A. 103-564, eff. 11-17-23.)

Section 999. Effective date. This Act takes effect upon becoming law.