**Section 295.2000 Residency Requirements**

a) *No individual shall be accepted for residency or remain in residence if the establishment cannot provide or secure appropriate services, if the individual requires a level of service or type of service for which the establishment is not licensed or which the establishment does not provide, or if the establishment does not have the staff appropriate in numbers and with appropriate skill to provide such services.* (Section 75(a) of the Act)

b) *Only adults may be accepted for residency.* (Section 75(b) of the Act)

c) *A person shall not be accepted for residency if:*

1) *The person poses a serious threat to* themselves *or to others;*

2) *The person is not able to communicate* their *needs* in any manner *and no resident representative residing in the establishment, and with a prior relationship to the person, has been appointed to direct the provision of services;*

3) *The person requires total assistance with 2 or more activities of daily living;*

4) *The person requires the assistance of more than one paid caregiver at any given time with an activity of daily living;*

5) *The person requires more than minimal assistance in moving to a safe area in an emergency.* For the purpose of this Section, minimal assistance means that the resident is able to respond, with or without assistance, in an emergency to protect themselves, given the staffing and construction of the building;

6) *The person has a severe mental illness, which for the purposes of this Section means a condition that is characterized by the presence of a major mental disorder as classified in the* Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision DSM-5-TR*, where the individual is a person with a substantial disability due to mental illness in the areas of self-maintenance, social functioning, activities of community living and work skills, and the disability specified is expected to be present for a period of not less than one year, but does not mean Alzheimer's disease and other forms of dementia based on organic or physical disorders*. Nothing in this Section is meant to prohibit an individual with a diagnosis of depression from living in an establishment so long as the resident is not substantially disabled in the areas of self-maintenance, social functioning, activities of community living, and work skills;

7) *The person requires intravenous therapy or intravenous feedings unless self-administered or administered by a qualified, licensed health care professional;*

8) *The person requires gastrostomy feedings unless self-administered or administered by a licensed health care professional;*

9) *The person requires insertion, sterile irrigation, and replacement of catheter, except for routine maintenance of urinary catheters, unless the catheter care is self-administered or administered by a licensed health care professional;*

10) *The person requires sterile wound care unless care is self-administered or administered by a licensed health care professional;*

11) *The person is a diabetic requiring routine insulin injections unless the injections are self-administered or administered by a licensed health care professional;*

12) *The person requires treatment of stage 3 or stage 4 decubitus ulcers or exfoliative dermatitis; or*

13) *The person requires 5 or more skilled nursing visits per week for conditions other than those listed in* subsection (c)(12) *for a period of 3 consecutive weeks or more except when the course of treatment is expected to extend beyond a 3 week period for rehabilitative purposes and is certified as temporary by a physician.* (Section 75(c) of the Act)

d) *A resident with a condition listed in subsection (c)* shall have their *residency terminated* in accordance with Section 295.2010. (Section 75(d) of the Act)

e) *Residency shall be terminated* in accordance with Section 295.2010 *when services available to the resident in the establishment are no longer adequate to meet the needs of the resident. This provision shall not be interpreted as limiting the authority of the Department to require the residency termination of individuals.* (Section 75(e) of the Act)

f) Subsection (d) of this Section *shall not apply to terminally ill residents who receive or would qualify for hospice care and such care is coordinated by a hospice program licensed under the Hospice Program Licensing Act or other licensed health care professional employed by a licensed home health agency and the establishment and all parties agree to the continued residency.* (Section 75(f) of the Act)

g) Subsections (c)(3), (4), (5), and (9) *shall not apply to* individuals who are *quadriplegic or paraplegic, or individuals with neuro-muscular diseases, such as muscular dystrophy and multiple sclerosis, or other chronic diseases and conditions if the individual is able to communicate* their *needs and does not require assistance with complex medical problems, and the establishment is able to accommodate the individual's needs.* (Section 75(g) of the Act)

h) *For the purposes of* subsections (c)(7) through (10)*, a licensed health care professional may not be employed by the owner or operator of the establishment, its parent entity, or any other entity with ownership common to either the owner or operator of the establishment or parent entity, including but not limited to an affiliate of the owner or operator of the establishment. Nothing in this Section is meant to limit a resident's right to choose* their *health care provider.* (Section 75(h) of the Act)

i) *Before a prospective resident's admission to an assisted living establishment or a shared housing establishment that does not provide medication administration as an optional service, the establishment shall advise the prospective resident to consult a physician to determine whether the prospective resident should obtain a vaccination against pneumococcal pneumonia or influenza, or both.* (Section 76 of the Act)

(Source: Amended at 48 Ill. Reg. 12026, effective July 29, 2024)