



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5072

by Rep. Patricia R. Bellock

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Act on the Aging. Requires the Office of State Long Term Care Ombudsman, in collaboration with the Attorney General, to create a Consumer Choice Information Report form for assisted living establishments and shared housing establishments under the Assisted Living and Shared Housing Act and supportive living facilities established under the Illinois Public Aid Code. Requires the Office to create a Consumer Choice Information Report and report database for these entities. Provides that the Office and Attorney General have the authority to verify the information provided by these entities. Provides that the Office may request a new report from these entities whenever it deems necessary. Amends the Assisted Living and Shared Housing Act, Specialized Mental Health Rehabilitation Act of 2013, and Illinois Public Aid Code. Requires an assisted living establishment, shared housing establishment, specialized mental health rehabilitation facility, or supportive living facility to complete and file a Consumer Choice Information Report on an annual basis and as requested by the Office. Requires the Department of Public Health to verify submission of a report by an assisted living establishment, shared housing establishment, or specialized mental health rehabilitation facility during an inspection. Requires the Department of Healthcare and Family Services to verify submission of a report by a supportive living facility during an inspection. Provides that a violation of the Consumer Choice Information Report provisions is an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. Amends the Consumer Fraud and Deceptive Business Practices Act to make corresponding changes.

LRB100 17471 MJP 32640 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Illinois Act on the Aging is amended by  
5 changing Section 4.04 as follows:

6 (20 ILCS 105/4.04) (from Ch. 23, par. 6104.04)

7 Sec. 4.04. Long Term Care Ombudsman Program. The purpose of  
8 the Long Term Care Ombudsman Program is to ensure that older  
9 persons and persons with disabilities receive quality  
10 services. This is accomplished by providing advocacy services  
11 for residents of long term care facilities and participants  
12 receiving home care and community-based care. Managed care is  
13 increasingly becoming the vehicle for delivering health and  
14 long-term services and supports to seniors and persons with  
15 disabilities, including dual eligible participants. The  
16 additional ombudsman authority will allow advocacy services to  
17 be provided to Illinois participants for the first time and  
18 will produce a cost savings for the State of Illinois by  
19 supporting the rebalancing efforts of the Patient Protection  
20 and Affordable Care Act.

21 (a) Long Term Care Ombudsman Program. The Department shall  
22 establish a Long Term Care Ombudsman Program, through the  
23 Office of State Long Term Care Ombudsman ("the Office"), in

1 accordance with the provisions of the Older Americans Act of  
2 1965, as now or hereafter amended. The Long Term Care Ombudsman  
3 Program is authorized, subject to sufficient appropriations,  
4 to advocate on behalf of older persons and persons with  
5 disabilities residing in their own homes or community-based  
6 settings, relating to matters which may adversely affect the  
7 health, safety, welfare, or rights of such individuals.

8 (b) Definitions. As used in this Section, unless the  
9 context requires otherwise:

10 (1) "Access" means the right to:

11 (i) Enter any long term care facility or assisted  
12 living or shared housing establishment or supportive  
13 living facility;

14 (ii) Communicate privately and without restriction  
15 with any resident, regardless of age, who consents to  
16 the communication;

17 (iii) Seek consent to communicate privately and  
18 without restriction with any participant or resident,  
19 regardless of age;

20 (iv) Inspect the clinical and other records of a  
21 participant or resident, regardless of age, with the  
22 express written consent of the participant or  
23 resident;

24 (v) Observe all areas of the long term care  
25 facility or supportive living facilities, assisted  
26 living or shared housing establishment except the

1 living area of any resident who protests the  
2 observation; and

3 (vi) Subject to permission of the participant or  
4 resident requesting services or his or her  
5 representative, enter a home or community-based  
6 setting.

7 (2) "Long Term Care Facility" means (i) any facility as  
8 defined by Section 1-113 of the Nursing Home Care Act, as  
9 now or hereafter amended; (ii) any skilled nursing facility  
10 or a nursing facility which meets the requirements of  
11 Section 1819(a), (b), (c), and (d) or Section 1919(a), (b),  
12 (c), and (d) of the Social Security Act, as now or  
13 hereafter amended (42 U.S.C. 1395i-3(a), (b), (c), and (d)  
14 and 42 U.S.C. 1396r(a), (b), (c), and (d)); (iii) any  
15 facility as defined by Section 1-113 of the ID/DD Community  
16 Care Act, as now or hereafter amended; (iv) any facility as  
17 defined by Section 1-113 of MC/DD Act, as now or hereafter  
18 amended; and (v) any facility licensed under Section 4-105  
19 or 4-201 of the Specialized Mental Health Rehabilitation  
20 Act of 2013, as now or hereafter amended.

21 (2.5) "Assisted living establishment" and "shared  
22 housing establishment" have the meanings given those terms  
23 in Section 10 of the Assisted Living and Shared Housing  
24 Act.

25 (2.7) "Supportive living facility" means a facility  
26 established under Section 5-5.01a of the Illinois Public

1 Aid Code.

2 (2.8) "Community-based setting" means any place of  
3 abode other than an individual's private home.

4 (3) "State Long Term Care Ombudsman" means any person  
5 employed by the Department to fulfill the requirements of  
6 the Office of State Long Term Care Ombudsman as required  
7 under the Older Americans Act of 1965, as now or hereafter  
8 amended, and Departmental policy.

9 (3.1) "Ombudsman" means any designated representative  
10 of the State Long Term Care Ombudsman Program; provided  
11 that the representative, whether he is paid for or  
12 volunteers his ombudsman services, shall be qualified and  
13 designated by the Office to perform the duties of an  
14 ombudsman as specified by the Department in rules and in  
15 accordance with the provisions of the Older Americans Act  
16 of 1965, as now or hereafter amended.

17 (4) "Participant" means an older person aged 60 or over  
18 or an adult with a disability aged 18 through 59 who is  
19 eligible for services under any of the following:

20 (i) A medical assistance waiver administered by  
21 the State.

22 (ii) A managed care organization providing care  
23 coordination and other services to seniors and persons  
24 with disabilities.

25 (5) "Resident" means an older person aged 60 or over or  
26 an adult with a disability aged 18 through 59 who resides

1 in a long-term care facility.

2 (c) Ombudsman; rules. The Office of State Long Term Care  
3 Ombudsman shall be composed of at least one full-time ombudsman  
4 and shall include a system of designated regional long term  
5 care ombudsman programs. Each regional program shall be  
6 designated by the State Long Term Care Ombudsman as a  
7 subdivision of the Office and any representative of a regional  
8 program shall be treated as a representative of the Office.

9 The Department, in consultation with the Office, shall  
10 promulgate administrative rules in accordance with the  
11 provisions of the Older Americans Act of 1965, as now or  
12 hereafter amended, to establish the responsibilities of the  
13 Department and the Office of State Long Term Care Ombudsman and  
14 the designated regional Ombudsman programs. The administrative  
15 rules shall include the responsibility of the Office and  
16 designated regional programs to investigate and resolve  
17 complaints made by or on behalf of residents of long term care  
18 facilities, supportive living facilities, and assisted living  
19 and shared housing establishments, and participants residing  
20 in their own homes or community-based settings, including the  
21 option to serve residents and participants under the age of 60,  
22 relating to actions, inaction, or decisions of providers, or  
23 their representatives, of such facilities and establishments,  
24 of public agencies, or of social services agencies, which may  
25 adversely affect the health, safety, welfare, or rights of such  
26 residents and participants. The Office and designated regional

1 programs may represent all residents and participants, but are  
2 not required by this Act to represent persons under 60 years of  
3 age, except to the extent required by federal law. When  
4 necessary and appropriate, representatives of the Office shall  
5 refer complaints to the appropriate regulatory State agency.  
6 The Department, in consultation with the Office, shall  
7 cooperate with the Department of Human Services and other State  
8 agencies in providing information and training to designated  
9 regional long term care ombudsman programs about the  
10 appropriate assessment and treatment (including information  
11 about appropriate supportive services, treatment options, and  
12 assessment of rehabilitation potential) of the participants  
13 they serve.

14 The State Long Term Care Ombudsman and all other ombudsmen,  
15 as defined in paragraph (3.1) of subsection (b) must submit to  
16 background checks under the Health Care Worker Background Check  
17 Act and receive training, as prescribed by the Illinois  
18 Department on Aging, before visiting facilities, private  
19 homes, or community-based settings. The training must include  
20 information specific to assisted living establishments,  
21 supportive living facilities, shared housing establishments,  
22 private homes, and community-based settings and to the rights  
23 of residents and participants guaranteed under the  
24 corresponding Acts and administrative rules.

25 (c-5) Consumer Choice Information Reports. The Office  
26 shall:

1           (1) In collaboration with the Attorney General, create  
2 a Consumer Choice Information Report form to be completed  
3 by all licensed long term care facilities, assisted living  
4 establishments, shared housing establishments, and  
5 supportive living facilities to aid Illinoisans and their  
6 families in making informed choices about long term care.  
7 The Office shall create a Consumer Choice Information  
8 Report for assisted living establishments, shared housing  
9 establishments, supportive living facilities, and each  
10 type of licensed long term care facility. The Office shall  
11 collaborate with the Attorney General and the Department of  
12 Human Services to create a Consumer Choice Information  
13 Report form for facilities licensed under the ID/DD  
14 Community Care Act or the MC/DD Act.

15           (2) Develop a database of Consumer Choice Information  
16 Reports completed by each entity subject to paragraph (1)  
17 ~~licensed long term care facilities~~ that includes  
18 information in the following consumer categories:

19                   (A) Medical Care, Services, and Treatment.

20                   (B) Special Services and Amenities.

21                   (C) Staffing.

22                   (D) Facility Statistics and Resident Demographics.

23                   (E) Ownership and Administration.

24                   (F) Safety and Security.

25                   (G) Meals and Nutrition.

26                   (H) Rooms, Furnishings, and Equipment.



1 (I) Family, Volunteer, and Visitation Provisions.

2 (3) Make this information accessible to the public,  
3 including on the Internet by means of a hyperlink labeled  
4 "Resident's Right to Know" on the Office's World Wide Web  
5 home page. Information about facilities licensed under the  
6 ID/DD Community Care Act or the MC/DD Act shall be made  
7 accessible to the public by the Department of Human  
8 Services, including on the Internet by means of a hyperlink  
9 labeled "Resident's and Families' Right to Know" on the  
10 Department of Human Services' "For Customers" website.

11 (4) Have the authority, with the Attorney General, to  
12 verify that information provided by an entity subject to  
13 paragraph (1) ~~a facility~~ is accurate.

14 (5) Request a new report from an entity subject to  
15 paragraph (1) ~~any licensed facility~~ whenever it deems  
16 necessary.

17 (6) Include in the Office's Consumer Choice  
18 Information Report for each entity subject to paragraph (1)  
19 ~~type of licensed long term care facility~~ additional  
20 information on each entity subject to paragraph (1)  
21 ~~licensed long term care facility~~ in the State of Illinois,  
22 including information regarding each entity's ~~facility's~~  
23 compliance with the relevant State and federal statutes,  
24 rules, and standards; customer satisfaction surveys; and  
25 information generated from quality measures developed by  
26 the Centers for Medicare and Medicaid Services.

1 (d) Access and visitation rights.

2 (1) In accordance with subparagraphs (A) and (E) of  
3 paragraph (3) of subsection (c) of Section 1819 and  
4 subparagraphs (A) and (E) of paragraph (3) of subsection  
5 (c) of Section 1919 of the Social Security Act, as now or  
6 hereafter amended (42 U.S.C. 1395i-3 (c) (3) (A) and (E) and  
7 42 U.S.C. 1396r (c) (3) (A) and (E)), and Section 712 of the  
8 Older Americans Act of 1965, as now or hereafter amended  
9 (42 U.S.C. 3058f), a long term care facility, supportive  
10 living facility, assisted living establishment, and shared  
11 housing establishment must:

12 (i) permit immediate access to any resident,  
13 regardless of age, by a designated ombudsman;

14 (ii) permit representatives of the Office, with  
15 the permission of the resident's legal representative  
16 or legal guardian, to examine a resident's clinical and  
17 other records, regardless of the age of the resident,  
18 and if a resident is unable to consent to such review,  
19 and has no legal guardian, permit representatives of  
20 the Office appropriate access, as defined by the  
21 Department, in consultation with the Office, in  
22 administrative rules, to the resident's records; and

23 (iii) permit a representative of the Program to  
24 communicate privately and without restriction with any  
25 participant who consents to the communication  
26 regardless of the consent of, or withholding of consent

1           by, a legal guardian or an agent named in a power of  
2           attorney executed by the participant.

3           (2) Each long term care facility, supportive living  
4           facility, assisted living establishment, and shared  
5           housing establishment shall display, in multiple,  
6           conspicuous public places within the facility accessible  
7           to both visitors and residents and in an easily readable  
8           format, the address and phone number of the Office of the  
9           Long Term Care Ombudsman, in a manner prescribed by the  
10          Office.

11          (e) Immunity. An ombudsman or any representative of the  
12          Office participating in the good faith performance of his or  
13          her official duties shall have immunity from any liability  
14          (civil, criminal or otherwise) in any proceedings (civil,  
15          criminal or otherwise) brought as a consequence of the  
16          performance of his official duties.

17          (f) Business offenses.

18                 (1) No person shall:

19                         (i) Intentionally prevent, interfere with, or  
20                         attempt to impede in any way any representative of the  
21                         Office in the performance of his official duties under  
22                         this Act and the Older Americans Act of 1965; or

23                         (ii) Intentionally retaliate, discriminate  
24                         against, or effect reprisals against any long term care  
25                         facility resident or employee for contacting or  
26                         providing information to any representative of the

1 Office.

2 (2) A violation of this Section is a business offense,  
3 punishable by a fine not to exceed \$501.

4 (3) The State Long Term Care Ombudsman shall notify the  
5 State's Attorney of the county in which the long term care  
6 facility, supportive living facility, or assisted living  
7 or shared housing establishment is located, or the Attorney  
8 General, of any violations of this Section.

9 (g) Confidentiality of records and identities. The  
10 Department shall establish procedures for the disclosure by the  
11 State Ombudsman or the regional ombudsmen entities of files  
12 maintained by the program. The procedures shall provide that  
13 the files and records may be disclosed only at the discretion  
14 of the State Long Term Care Ombudsman or the person designated  
15 by the State Ombudsman to disclose the files and records, and  
16 the procedures shall prohibit the disclosure of the identity of  
17 any complainant, resident, participant, witness, or employee  
18 of a long term care provider unless:

19 (1) the complainant, resident, participant, witness,  
20 or employee of a long term care provider or his or her  
21 legal representative consents to the disclosure and the  
22 consent is in writing;

23 (2) the complainant, resident, participant, witness,  
24 or employee of a long term care provider gives consent  
25 orally; and the consent is documented contemporaneously in  
26 writing in accordance with such requirements as the

1 Department shall establish; or

2 (3) the disclosure is required by court order.

3 (h) Legal representation. The Attorney General shall  
4 provide legal representation to any representative of the  
5 Office against whom suit or other legal action is brought in  
6 connection with the performance of the representative's  
7 official duties, in accordance with the State Employee  
8 Indemnification Act.

9 (i) Treatment by prayer and spiritual means. Nothing in  
10 this Act shall be construed to authorize or require the medical  
11 supervision, regulation or control of remedial care or  
12 treatment of any resident in a long term care facility operated  
13 exclusively by and for members or adherents of any church or  
14 religious denomination the tenets and practices of which  
15 include reliance solely upon spiritual means through prayer for  
16 healing.

17 (j) The Long Term Care Ombudsman Fund is created as a  
18 special fund in the State treasury to receive moneys for the  
19 express purposes of this Section. All interest earned on moneys  
20 in the fund shall be credited to the fund. Moneys contained in  
21 the fund shall be used to support the purposes of this Section.

22 (k) Each Regional Ombudsman may, in accordance with rules  
23 promulgated by the Office, establish a multi-disciplinary team  
24 to act in an advisory role for the purpose of providing  
25 professional knowledge and expertise in handling complex  
26 abuse, neglect, and advocacy issues involving participants.

1 Each multi-disciplinary team may consist of one or more  
2 volunteer representatives from any combination of at least 7  
3 members from the following professions: banking or finance;  
4 disability care; health care; pharmacology; law; law  
5 enforcement; emergency responder; mental health care; clergy;  
6 coroner or medical examiner; substance abuse; domestic  
7 violence; sexual assault; or other related fields. To support  
8 multi-disciplinary teams in this role, law enforcement  
9 agencies and coroners or medical examiners shall supply records  
10 as may be requested in particular cases. The Regional  
11 Ombudsman, or his or her designee, of the area in which the  
12 multi-disciplinary team is created shall be the facilitator of  
13 the multi-disciplinary team.

14 (Source: P.A. 98-380, eff. 8-16-13; 98-989, eff. 1-1-15;  
15 99-180, eff. 7-29-15; 99-712, eff. 8-5-16.)

16 Section 10. The Assisted Living and Shared Housing Act is  
17 amended by changing Section 105 and by adding Section 107 as  
18 follows:

19 (210 ILCS 9/105)

20 Sec. 105. Record retention. Service delivery contracts and  
21 related documents executed by each resident or resident's  
22 representative shall be maintained by an establishment subject  
23 to this Act from the date of execution until 3 years after the  
24 contract is terminated. The establishment shall also maintain

1 and retain records to support compliance with each individual  
2 contract and with applicable federal and State rules,  
3 including, but not limited to, a copy of the current Consumer  
4 Choice Information Report required by Section 107. The records  
5 and supporting documents, as defined by rule, shall be made  
6 available for on-site inspection by the Department upon request  
7 at any time.

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

9 (210 ILCS 9/107 new)

10 Sec. 107. Consumer Choice Information Reports.

11 (a) Every assisted living establishment and shared housing  
12 establishment shall complete a Consumer Choice Information  
13 Report and shall file it with the Office of State Long Term  
14 Care Ombudsman electronically as prescribed by the Office. The  
15 Consumer Choice Information Report shall be filed annually and  
16 upon request of the Office of State Long Term Care Ombudsman.  
17 The Consumer Choice Information Report must be completed by the  
18 assisted living establishment or shared housing establishment  
19 in full.

20 (b) A violation of this Section constitutes an unlawful  
21 practice under the Consumer Fraud and Deceptive Business  
22 Practices Act. All remedies, penalties, and authority granted  
23 to the Attorney General by the Consumer Fraud and Deceptive  
24 Business Practices Act shall be available to him or her for the  
25 enforcement of this Section.

1       (c) The Department of Public Health shall include  
2       verification of the submission of a facility's current Consumer  
3       Choice Information Report when conducting an inspection under  
4       this Act.

5           Section 15. The Specialized Mental Health Rehabilitation  
6       Act of 2013 is amended by changing Section 4-108 and by adding  
7       Section 4-108.3 as follows:

8           (210 ILCS 49/4-108)

9           Sec. 4-108. Surveys and inspections. The Department shall  
10       conduct surveys of licensed facilities and their certified  
11       programs and services. The Department shall review the records  
12       or premises, or both, as it deems appropriate for the purpose  
13       of determining compliance with this Act and the rules  
14       promulgated under this Act. The Department shall have access to  
15       and may reproduce or photocopy any books, records, and other  
16       documents maintained by the facility to the extent necessary to  
17       carry out this Act and the rules promulgated under this Act.  
18       The Department shall not divulge or disclose the contents of a  
19       record under this Section as otherwise prohibited by this Act.  
20       Any holder of a license or applicant for a license shall be  
21       deemed to have given consent to any authorized officer,  
22       employee, or agent of the Department to enter and inspect the  
23       facility in accordance with this Article. Refusal to permit  
24       such entry or inspection shall constitute grounds for denial,



1 suspension, or revocation of a license under this Act.

2 (1) The Department shall conduct surveys to determine  
3 compliance and may conduct surveys to investigate  
4 complaints.

5 (2) Determination of compliance with the service  
6 requirements shall be based on a survey centered on  
7 individuals that sample services being provided.

8 (3) Determination of compliance with the general  
9 administrative requirements shall be based on a review of  
10 facility records and observation of individuals and staff.

11 (4) The Department shall conduct surveys of licensed  
12 facilities and their certified programs and services to  
13 determine the extent to which these facilities provide high  
14 quality interventions, especially evidence-based  
15 practices, appropriate to the assessed clinical needs of  
16 individuals in the various levels of care.

17 (5) Submission of a facility's current Consumer Choice  
18 Information Report required by Section 4-108.3 shall be  
19 verified at the time of an inspection. A facility shall  
20 retain a copy of its Current Consumer Choice Information  
21 Report required by Section 4-108.3 for public inspection.

22 (Source: P.A. 98-104, eff. 7-22-13; 98-651, eff. 6-16-14.)

23 (210 ILCS 49/4-108.3 new)

24 Sec. 4-108.3. Consumer Choice Information Reports.

25 (a) Every facility shall complete a Consumer Choice

1 Information Report and shall file it with the Office of State  
2 Long Term Care Ombudsman electronically as prescribed by the  
3 Office. The Consumer Choice Information Report shall be filed  
4 annually and upon request of the Office of State Long Term Care  
5 Ombudsman. The Consumer Choice Information Report must be  
6 completed by the facility in full.

7 (b) A violation of this Section constitutes an unlawful  
8 practice under the Consumer Fraud and Deceptive Business  
9 Practices Act. All remedies, penalties, and authority granted  
10 to the Attorney General by the Consumer Fraud and Deceptive  
11 Business Practices Act shall be available to him or her for the  
12 enforcement of this Section.

13 (c) The Department of Public Health shall include  
14 verification of the submission of a facility's current Consumer  
15 Choice Information Report when conducting an inspection under  
16 Section 4-108.

17 Section 20. The Illinois Public Aid Code is amended by  
18 changing Section 5-5.01a as follows:

19 (305 ILCS 5/5-5.01a)

20 Sec. 5-5.01a. Supportive living facilities program.

21 (a) The Department shall establish and provide oversight  
22 for a program of supportive living facilities that seek to  
23 promote resident independence, dignity, respect, and  
24 well-being in the most cost-effective manner.

1           A supportive living facility is either a free-standing  
2 facility or a distinct physical and operational entity within a  
3 nursing facility. A supportive living facility integrates  
4 housing with health, personal care, and supportive services and  
5 is a designated setting that offers residents their own  
6 separate, private, and distinct living units.

7           Sites for the operation of the program shall be selected by  
8 the Department based upon criteria that may include the need  
9 for services in a geographic area, the availability of funding,  
10 and the site's ability to meet the standards.

11           Beginning July 1, 2014, subject to federal approval, the  
12 Medicaid rates for supportive living facilities shall be equal  
13 to the supportive living facility Medicaid rate effective on  
14 June 30, 2014 increased by 8.85%. Once the assessment imposed  
15 at Article V-G of this Code is determined to be a permissible  
16 tax under Title XIX of the Social Security Act, the Department  
17 shall increase the Medicaid rates for supportive living  
18 facilities effective on July 1, 2014 by 9.09%. The Department  
19 shall apply this increase retroactively to coincide with the  
20 imposition of the assessment in Article V-G of this Code in  
21 accordance with the approval for federal financial  
22 participation by the Centers for Medicare and Medicaid  
23 Services.

24           The Medicaid rates for supportive living facilities  
25 effective on July 1, 2017 must be equal to the rates in effect  
26 for supportive living facilities on June 30, 2017 increased by

1 2.8%.

2 The Department may adopt rules to implement this Section.  
3 Rules that establish or modify the services, standards, and  
4 conditions for participation in the program shall be adopted by  
5 the Department in consultation with the Department on Aging,  
6 the Department of Rehabilitation Services, and the Department  
7 of Mental Health and Developmental Disabilities (or their  
8 successor agencies).

9 Facilities or distinct parts of facilities which are  
10 selected as supportive living facilities and are in good  
11 standing with the Department's rules are exempt from the  
12 provisions of the Nursing Home Care Act and the Illinois Health  
13 Facilities Planning Act.

14 (b) Every supportive living facility shall complete a  
15 Consumer Choice Information Report and shall file it with the  
16 Office of State Long Term Care Ombudsman electronically as  
17 prescribed by the Office. The Consumer Choice Information  
18 Report shall be filed annually and upon request of the Office  
19 of State Long Term Care Ombudsman. The Consumer Choice  
20 Information Report must be completed by the facility in full. A  
21 supportive living facility shall retain a copy of the current  
22 Consumer Choice Information Report required under this  
23 subsection for public inspection.

24 A violation of this subsection constitutes an unlawful  
25 practice under the Consumer Fraud and Deceptive Business  
26 Practices Act. All remedies, penalties, and authority granted

1 to the Attorney General by the Consumer Fraud and Deceptive  
2 Business Practices Act shall be available to him or her for the  
3 enforcement of this subsection.

4 The Department of Healthcare and Family Services shall  
5 include verification of the submission of a supportive living  
6 facility's current Consumer Choice Information Report when  
7 conducting an inspection of the facility.

8 (Source: P.A. 100-23, eff. 7-6-17.)

9 Section 25. The Consumer Fraud and Deceptive Business  
10 Practices Act is amended by changing Section 2BBB as follows:

11 (815 ILCS 505/2BBB)

12 Sec. 2BBB. Long term care facility, ID/DD facility, MC/DD  
13 facility, ~~or~~ specialized mental health rehabilitation  
14 facility, assisted living establishment, shared housing  
15 establishment, or supportive living facility; Consumer Choice  
16 Information Report. A long term care facility that fails to  
17 comply with Section 2-214 of the Nursing Home Care Act, a  
18 facility that fails to comply with Section 2-214 of the ID/DD  
19 Community Care Act, ~~or~~ a facility that fails to comply with  
20 Section 2-214 of the MC/DD Act, a specialized mental health  
21 rehabilitation facility that fails to comply with Section  
22 4-108.3 of the Specialized Mental Health Rehabilitation Act of  
23 2013, an assisted living establishment or shared housing  
24 establishment that fails to comply with Section 107 of the

1 Assisted Living and Shared Housing Act, or a supportive living  
2 facility established under Section 5-5.01a of the Illinois  
3 Public Aid Code that fails to comply with subsection (b) of  
4 Section 5-5.01a of the Illinois Public Aid Code commits an  
5 unlawful practice within the meaning of this Act.

6 (Source: P.A. 98-104, eff. 7-22-13; 99-180, eff. 7-29-15.)

1 INDEX

2 Statutes amended in order of appearance

3 20 ILCS 105/4.04 from Ch. 23, par. 6104.04

4 210 ILCS 9/105

5 210 ILCS 9/107 new

6 210 ILCS 49/4-108

7 210 ILCS 49/4-108.3 new

8 305 ILCS 5/5-5.01a

9 815 ILCS 505/2BBB