



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

#### HB3417

Introduced 2/22/2021, by Rep. Terra Costa Howard

#### SYNOPSIS AS INTRODUCED:

210 ILCS 9/20  
210 ILCS 9/23 new  
210 ILCS 9/135  
210 ILCS 9/150  
210 ILCS 46/3-202.5

Amends the Assisted Living and Shared Housing Act. Provides that before commencing construction of new facilities or specified types of alteration or additions to an existing assisted living establishment or shared housing establishment involving major construction with an estimated cost greater than \$50,000, architectural drawings and specifications therefor shall be submitted to the Department of Public Health for review and approval. Contains provisions regarding review, notice, approval, and on-site inspections under the provisions. Requires the Department to charge specified fees in connection with its reviews. Provides that all fees received by the Department under the provisions shall be deposited into the Health Facility Plan Review Fund. Contains other provisions. Provides that the Department may assess a civil penalty not to exceed \$10,000 (rather than \$5,000) against any establishment subject to the Act for violations of the Act. Makes other changes. Amends the MC/DD Act. Provides that moneys shall be appropriated from the Health Facility Plan Review Fund to the Department of Public Health to pay the costs of conducting reviews under the Assisted Living and Shared Housing Act. Effective July 1, 2021.

LRB102 14426 CPF 19778 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 Assisted Living and Shared Housing Act is  
5 amended by changing Sections 20, 135 and 150 and by adding  
6 Section 23 as follows:

7 (210 ILCS 9/20)

8 Sec. 20. Construction and operating standards. The  
9 Department shall prescribe minimum standards for  
10 establishments. These standards shall include:

11 (1) the location and construction of the  
12 establishment, including plumbing, heating, lighting,  
13 ventilation, and other physical conditions which shall  
14 ensure the health, safety, and comfort of residents and  
15 their protection from fire hazards; these standards shall  
16 include, at a minimum, compliance with the residential  
17 board and care occupancies or health care occupancies  
18 chapters ~~chapter~~ of the National Fire Protection  
19 Association's Life Safety Code, local and State building  
20 codes for the building type, and accessibility standards  
21 of the Americans with Disabilities Act; compliance with a  
22 more recent edition of the National Fire Protection  
23 Association's Life Safety Code shall be deemed compliant

1 with the edition designated in the standards;

2 (2) the number and qualifications of all personnel  
3 having responsibility for any part of the services  
4 provided for residents;

5 (3) all sanitary conditions within the establishment  
6 and its surroundings, including water supply, sewage  
7 disposal, food handling, infection control, and general  
8 hygiene, which shall ensure the health and comfort of  
9 residents;

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

12 (5) adequate accommodations, staff, and services for  
13 the number and types of residents for whom the  
14 establishment is licensed;

15 (6) the development of evacuation and other  
16 appropriate safety plans for use during weather, health,  
17 fire, physical plant, environmental, and national defense  
18 emergencies; and

19 (7) the maintenance of minimum financial and other  
20 resources necessary to meet the standards established  
21 under this Section and to operate the establishment in  
22 accordance with this Act.

23 (Source: P.A. 96-975, eff. 7-2-10.)

24 (210 ILCS 9/23 new)

25 Sec. 23. Facility new constructions, alterations, or

1 additions; plan review; fees.

2 (a) Before commencing construction of new facilities or  
3 specified types of alteration or additions to an existing  
4 assisted living establishment or shared housing establishment  
5 involving major construction, as defined by rule by the  
6 Department, with an estimated cost greater than \$50,000,  
7 architectural drawings and specifications therefor shall be  
8 submitted to the Department for review and approval. A  
9 facility may submit architectural drawings and specifications  
10 for other construction projects for Department review  
11 according to subsection (b) that shall not be subject to fees  
12 under subsection (d). Review of drawings and specifications  
13 shall be conducted by an employee of the Department meeting  
14 the qualifications established by the Department of Central  
15 Management Services class specifications for such an  
16 individual's position or by a person contracting with the  
17 Department who meets those class specifications. Final  
18 approval of the drawings and specifications for compliance  
19 with design and construction standards shall be obtained from  
20 the Department before the alteration, addition, or new  
21 construction is begun.

22 (b) The Department shall inform an applicant in writing  
23 within 10 working days after receiving architectural drawings  
24 and specifications and the required fee, if any, from the  
25 applicant whether the applicant's submission is complete or  
26 incomplete. Failure to provide the applicant with this notice

1 within 10 working days shall result in the submission being  
2 deemed complete for purposes of initiating the 60 calendar day  
3 review period under this subsection. If the submission is  
4 incomplete, the Department shall inform the applicant of the  
5 deficiencies of the submission in writing. If the submission  
6 is complete and the required fee, if any, has been paid, the  
7 Department shall approve or disapprove drawings and  
8 specifications submitted to the Department no later than 60  
9 calendar days following receipt by the Department. The  
10 drawings and specifications shall be of sufficient detail, as  
11 provided by Department rule, to enable the Department to  
12 render a determination of compliance with design and  
13 construction standards under this Section. If the Department  
14 finds that the drawings are not of sufficient detail for it to  
15 render a determination of compliance, the plans shall be  
16 determined to be incomplete and shall not be considered for  
17 purposes of initiating the 60 calendar day review period. If a  
18 submission of drawings and specifications is incomplete, the  
19 applicant may submit additional information. The 60 calendar  
20 day review period shall not commence until the Department  
21 determines that a submission of drawings and specifications is  
22 complete or the submission is deemed complete. If the  
23 Department has not approved or disapproved the drawings and  
24 specifications within 60 calendar days, the new construction,  
25 alteration, or addition shall be deemed approved. If the  
26 drawings and specifications are disapproved, the Department

1 shall state in writing, with specificity, the reasons for the  
2 disapproval. The entity submitting the drawings and  
3 specifications may submit additional information in response  
4 to the written comments from the Department or request a  
5 reconsideration of the disapproval. A final decision of  
6 approval or disapproval shall be made within 45 calendar days  
7 of the receipt of the additional information or  
8 reconsideration request. If denied, the Department shall state  
9 the specific reasons for the denial.

10 (c) The Department shall provide written approval for  
11 occupancy pursuant to subsection (g).

12 (d) The Department shall charge the following fees in  
13 connection with its reviews conducted after July 1, 2021 under  
14 this Section:

15 (1) If the estimated dollar value of the new  
16 construction, alteration, or addition is \$50,000 or more  
17 but less than \$500,000, the fee shall be the greater of  
18 \$3,000 or 1.5% of that estimated dollar value.

19 (2) If the estimated dollar value of the new  
20 construction, alteration, or addition is \$500,000 or more  
21 but less than \$1,000,000, the fee shall be the greater of  
22 \$7,500 or 1.2% of that estimated dollar value.

23 (3) If the estimated dollar value of the new  
24 construction, alteration, or addition is \$1,000,000 or  
25 more but less than \$5,000,000, the fee shall be the  
26 greater of \$12,000 or 0.30% of that estimated dollar

1 value.

2 (4) If the estimated dollar value of the new  
3 construction, alteration, or addition is \$5,000,000 or  
4 more, the fee shall be the greater of \$15,000 or 0.15% of  
5 that estimated dollar value, but shall not exceed \$50,000.

6 The fees provided in this subsection shall not apply to  
7 major construction projects involving facility changes that  
8 are required by the Department by rule.

9 The Department shall not commence the facility plan review  
10 process under this Section until the applicable fee has been  
11 paid.

12 (e) All fees received by the Department under this Section  
13 shall be deposited into the Health Facility Plan Review Fund.  
14 Moneys shall be appropriated from that Fund to the Department  
15 to pay the costs of conducting reviews under this Section. All  
16 fees paid by establishments under subsection (d) shall be used  
17 only to cover the costs relating to the Department's review of  
18 establishment new constructions, alterations, or additions  
19 under this Section. None of the moneys in the Health Facility  
20 Plan Review Fund shall be used to reduce the amount of General  
21 Revenue Fund moneys appropriated to the Department for  
22 establishment plan reviews conducted pursuant to this Section.

23 (f) The Department shall review the fee structure 3 years  
24 after the effective date of this amendatory Act of the 102nd  
25 General Assembly and shall increase or decrease fees to  
26 maintain the plan review program. The fee structure shall be

1 re-evaluated every 5 years thereafter.

2 (g) The Department shall conduct an on-site inspection of  
3 a completed project no later than 30 working days after  
4 notification from the applicant that the project has been  
5 completed and all certifications required by the Department  
6 have been received and accepted by the Department. The  
7 Department shall provide written approval for occupancy to the  
8 applicant within 5 working days of the Department's final  
9 inspection, provided the applicant has demonstrated  
10 substantial compliance as defined by Department rule.  
11 Occupancy of a new major construction is prohibited until  
12 Department approval is received, unless the Department has not  
13 acted within the time frames provided in this subsection (g),  
14 in which case the construction shall be deemed approved.  
15 Occupancy shall be authorized after any required health  
16 inspection by the Department has been conducted.

17 (h) The Department shall establish, by rule, a procedure  
18 to conduct voluntary interim on-site review of large or  
19 complex construction projects for a fee of \$3,000 per interim  
20 on-site review.

21 (i) The Department shall establish, by rule, an expedited  
22 process for emergency repairs or replacement of like  
23 equipment.

24 (j) Nothing in this Section shall be construed to apply to  
25 maintenance, upkeep, or renovation that does not affect the  
26 structural integrity of a building, does not add units or



1 services over the number for which an establishment is  
2 licensed, and provides a reasonable degree of safety for the  
3 residents.

4 (210 ILCS 9/135)

5 Sec. 135. Civil penalties.

6 (a) The Department may assess a civil penalty not to  
7 exceed \$10,000 ~~\$5,000~~ against any establishment subject to  
8 this Act for violations of this Act. Each day a violation  
9 continues shall be deemed a separate violation.

10 (b) Beginning 180 days after the adoption of rules under  
11 this Act, the Department may assess a civil penalty not to  
12 exceed \$3,000 against any establishment subject to this Act  
13 for caring for a resident who exceeds the care needs defined in  
14 this Act. Each day a violation continues shall be deemed a  
15 separate violation.

16 (c) The Department is authorized to hold hearings in  
17 contested cases regarding appeals of the penalties assessed  
18 pursuant to this Section. Establishments are entitled to  
19 notices of denial, requests for hearings, and hearings under  
20 this Section as outlined in Section 60.

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

22 (210 ILCS 9/150)

23 Sec. 150. Alzheimer and dementia programs.

24 (a) In addition to this Section, Alzheimer and dementia

1 programs shall comply with all of the other provisions of this  
2 Act.

3 (b) No person shall be admitted or retained if the  
4 assisted living or shared housing establishment cannot provide  
5 or secure appropriate care, if the resident requires a level  
6 of service or type of service for which the establishment is  
7 not licensed or which the establishment does not provide, or  
8 if the establishment does not have the staff appropriate in  
9 numbers and with appropriate skill to provide such services.

10 (c) No person shall be accepted for residency or remain in  
11 residence if the person's mental or physical condition has so  
12 deteriorated to render residency in such a program to be  
13 detrimental to the health, welfare or safety of the person or  
14 of other residents of the establishment. The Department by  
15 rule shall identify a validated dementia-specific standard  
16 with inter-rater reliability that will be used to assess  
17 individual residents. The assessment must be reviewed ~~approved~~  
18 by the resident's physician and shall occur within 30 days of  
19 ~~prior to acceptance for~~ residency, annually, and at such time  
20 that a change in the resident's condition is identified by a  
21 family member, staff of the establishment, or the resident's  
22 physician.

23 (d) No person shall be accepted for residency or remain in  
24 residence if the person is dangerous to self or others and the  
25 establishment would be unable to eliminate the danger through  
26 the use of appropriate treatment modalities.

1 (e) No person shall be accepted for residency or remain in  
2 residence if the person meets the criteria provided in  
3 subsections (b) through (g) of Section 75 of this Act.

4 (f) An establishment that offers to provide a special  
5 program or unit for persons with Alzheimer's disease and  
6 related disorders shall:

7 (1) disclose to the Department and to a potential or  
8 actual resident of the establishment information as  
9 specified under the Alzheimer's Disease and Related  
10 Dementias Special Care Disclosure Act;

11 (2) ensure that a resident's representative is  
12 designated for the resident;

13 (3) develop and implement policies and procedures that  
14 ensure the continued safety of all residents in the  
15 establishment including, but not limited to, those who:

16 (A) may wander; and

17 (B) may need supervision and assistance when  
18 evacuating the building in an emergency;

19 (4) provide coordination of communications with each  
20 resident, resident's representative, relatives and other  
21 persons identified in the resident's service plan;

22 (5) provide cognitive stimulation and activities to  
23 maximize functioning;

24 (6) provide an appropriate number of staff for its  
25 resident population, as established by rule;

26 (7) require the director or administrator and direct

1 care staff to complete sufficient comprehensive and  
2 ongoing dementia and cognitive deficit training, the  
3 content of which shall be established by rule; and

4 (8) develop emergency procedures and staffing patterns  
5 to respond to the needs of residents.

6 (Source: P.A. 96-990, eff. 7-2-10.)

7 Section 10. The MC/DD Act is amended by changing Section  
8 3-202.5 as follows:

9 (210 ILCS 46/3-202.5)

10 Sec. 3-202.5. Facility plan review; fees.

11 (a) Before commencing construction of a new facility or  
12 specified types of alteration or additions to an existing  
13 facility involving major construction, as defined by rule by  
14 the Department, with an estimated cost greater than \$100,000,  
15 architectural drawings and specifications for the facility  
16 shall be submitted to the Department for review and approval.  
17 A facility may submit architectural drawings and  
18 specifications for other construction projects for Department  
19 review according to subsection (b) that shall not be subject  
20 to fees under subsection (d). Review of drawings and  
21 specifications shall be conducted by an employee of the  
22 Department meeting the qualifications established by the  
23 Department of Central Management Services class specifications  
24 for such an individual's position or by a person contracting

1 with the Department who meets those class specifications.  
2 Final approval of the drawings and specifications for  
3 compliance with design and construction standards shall be  
4 obtained from the Department before the alteration, addition,  
5 or new construction is begun.

6 (b) The Department shall inform an applicant in writing  
7 within 10 working days after receiving drawings and  
8 specifications and the required fee, if any, from the  
9 applicant whether the applicant's submission is complete or  
10 incomplete. Failure to provide the applicant with this notice  
11 within 10 working days shall result in the submission being  
12 deemed complete for purposes of initiating the 60 day review  
13 period under this Section. If the submission is incomplete,  
14 the Department shall inform the applicant of the deficiencies  
15 with the submission in writing. If the submission is complete  
16 the required fee, if any, has been paid, the Department shall  
17 approve or disapprove drawings and specifications submitted to  
18 the Department no later than 60 days following receipt by the  
19 Department. The drawings and specifications shall be of  
20 sufficient detail, as provided by Department rule, to enable  
21 the Department to render a determination of compliance with  
22 design and construction standards under this Act. If the  
23 Department finds that the drawings are not of sufficient  
24 detail for it to render a determination of compliance, the  
25 plans shall be determined to be incomplete and shall not be  
26 considered for purposes of initiating the 60 day review

1 period. If a submission of drawings and specifications is  
2 incomplete, the applicant may submit additional information.  
3 The 60 day review period shall not commence until the  
4 Department determines that a submission of drawings and  
5 specifications is complete or the submission is deemed  
6 complete. If the Department has not approved or disapproved  
7 the drawings and specifications within 60 days, the  
8 construction, major alteration, or addition shall be deemed  
9 approved. If the drawings and specifications are disapproved,  
10 the Department shall state in writing, with specificity, the  
11 reasons for the disapproval. The entity submitting the  
12 drawings and specifications may submit additional information  
13 in response to the written comments from the Department or  
14 request a reconsideration of the disapproval. A final decision  
15 of approval or disapproval shall be made within 45 days of the  
16 receipt of the additional information or reconsideration  
17 request. If denied, the Department shall state the specific  
18 reasons for the denial.

19 (c) The Department shall provide written approval for  
20 occupancy pursuant to subsection (g) and shall not issue a  
21 violation to a facility as a result of a licensure or complaint  
22 survey based upon the facility's physical structure if:

23 (1) the Department reviewed and approved or deemed  
24 approved the drawings and specifications for compliance  
25 with design and construction standards;

26 (2) the construction, major alteration, or addition

1 was built as submitted;

2 (3) the law or rules have not been amended since the  
3 original approval; and

4 (4) the conditions at the facility indicate that there  
5 is a reasonable degree of safety provided for the  
6 residents.

7 (d) (Blank).

8 (e) All fees received by the Department under this Section  
9 shall be deposited into the Health Facility Plan Review Fund,  
10 a special fund created in the State Treasury. Moneys shall be  
11 appropriated from that Fund to the Department only to pay the  
12 costs of conducting reviews under this Section, under Section  
13 3-202.5 of the Nursing Home Care Act, ~~or~~ under Section 3-202.5  
14 of the ID/DD Community Care Act, or under Section 23 of the  
15 Assisted Living and Shared Housing Act. None of the moneys in  
16 the Health Facility Plan Review Fund shall be used to reduce  
17 the amount of General Revenue Fund moneys appropriated to the  
18 Department for facility plan reviews conducted pursuant to  
19 this Section.

20 (f) (Blank).

21 (g) The Department shall conduct an on site inspection of  
22 the completed project no later than 30 days after notification  
23 from the applicant that the project has been completed and all  
24 certifications required by the Department have been received  
25 and accepted by the Department. The Department shall provide  
26 written approval for occupancy to the applicant within 5

1 working days of the Department's final inspection, provided  
2 the applicant has demonstrated substantial compliance as  
3 defined by Department rule. Occupancy of new major  
4 construction is prohibited until Department approval is  
5 received, unless the Department has not acted within the time  
6 frames provided in this subsection (g), in which case the  
7 construction shall be deemed approved. Occupancy shall be  
8 authorized after any required health inspection by the  
9 Department has been conducted.

10 (h) The Department shall establish, by rule, a procedure  
11 to conduct interim on site review of large or complex  
12 construction projects.

13 (i) The Department shall establish, by rule, an expedited  
14 process for emergency repairs or replacement of like  
15 equipment.

16 (j) Nothing in this Section shall be construed to apply to  
17 maintenance, upkeep, or renovation that does not affect the  
18 structural integrity of the building, does not add beds or  
19 services over the number for which the facility is licensed,  
20 and provides a reasonable degree of safety for the residents.

21 (Source: P.A. 99-180, eff. 7-29-15.)

22 Section 99. Effective date. This Act takes effect July 1,  
23 2021.