



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5223

Introduced 1/31/2022, by Rep. Suzanne Ness

#### SYNOPSIS AS INTRODUCED:

210 ILCS 9/96 new

Amends the Assisted Living and Shared Housing Act. Provides that the Department of Public Health shall require each assisted living or shared housing establishment in the State, as a condition of establishment licensure, to adopt and implement written policies, provide for the availability of technology to establishment residents, and ensure that appropriate staff and other capabilities are in place to prevent the social isolation of establishment residents. Contains specified requirements for the social isolation prevention policies. Provides that the social isolation prevention policies shall not be interpreted as a substitute for in person visitation, but shall be wholly in addition to the existing in person visitation policies. Provides that an assisted living or shared housing establishment may apply to the Department for civil monetary penalty fund grants, and may request other available federal and State funds. Provides that whenever the Department conducts an inspection of an assisted living or shared housing establishment, the Department shall determine whether the establishment is in compliance with the provisions and the policies, protocols, and procedures adopted pursuant to the provisions. Provides that an establishment that fails to comply with the provisions or properly implement the policies, protocols, and procedures required shall be liable to pay an administrative penalty as a Type 3 violation on and after January 1, 2023. Contains other provisions. Effective immediately.

LRB102 22607 CPF 31750 b

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 adding Section 96 as follows:

6 (210 ILCS 9/96 new)

7 Sec. 96. Religious and recreational activities; social  
8 isolation.

9 (a) In this Section:

10 "Assistive and supportive technology and devices" means  
11 computers, video conferencing equipment, distance based  
12 communication technology, or other technological equipment,  
13 accessories, or electronic licenses as may be necessary to  
14 ensure that residents are able to engage in face-to-face,  
15 verbal-based, or auditory-based contact, communication,  
16 religious activity, or recreational activity with other  
17 assisted living or shared housing establishment residents and  
18 with family members, friends, loved ones, caregivers, and  
19 other external support systems, through electronic means, in  
20 accordance with the provisions of paragraphs (2) and (3) of  
21 subsection (c).

22 "Religious and recreational activities" includes any  
23 religious, social, or recreational activity that is consistent

1 with a resident's preferences and choosing, regardless of  
2 whether the activity is coordinated, offered, provided, or  
3 sponsored by establishment staff or by an outside activities  
4 provider.

5 "Resident's representative" has the same meaning as  
6 provided in Section 10.

7 "Social isolation" means a state of isolation wherein a  
8 resident of an assisted living or shared housing establishment  
9 is unable to engage in social interactions and religious and  
10 recreational activities with other establishment residents or  
11 with family members, friends, loved ones, caregivers and  
12 external support systems.

13 "Virtual visitation" means the use of face-to-face,  
14 verbal-based, or auditory-based contact through electronic  
15 means.

16 (b) The Department shall:

17 (1) require each assisted living or shared housing  
18 establishment in the State to adopt and implement written  
19 policies, provide for the availability of assistive and  
20 supportive technology and devices to establishment  
21 residents, and ensure that appropriate staff are in place  
22 to help prevent the social isolation of establishment  
23 residents; and

24 (2) communicate regularly with the Department of  
25 Healthcare and Family Services and the Department on Aging  
26 regarding intergovernmental cooperation concerning best

1 practices for potential funding for facilities to mitigate  
2 the potential for racial disparities as an unintended  
3 consequence of this Act.

4 The virtual visitation policies shall not be interpreted  
5 as a substitute for in-person visitation, but shall be wholly  
6 in addition to existing in-person visitation policies.

7 (c) The social isolation prevention policies adopted by  
8 each assisted living or shared housing establishment pursuant  
9 to subsection (b) shall be consistent with rights and  
10 privileges guaranteed to residents and shall include the  
11 following:

12 (1) authorization and inclusion of specific protocols  
13 and procedures to encourage and enable residents of the  
14 establishment to engage in in-person contact,  
15 communication, religious activity, and recreational  
16 activity with other establishment residents and with  
17 family members, friends, loved ones, caregivers, and other  
18 external support systems, except when prohibited,  
19 restricted, or limited by federal or State statute, rule,  
20 regulation, executive order, or guidance;

21 (2) authorization and inclusion of specific protocols  
22 and procedures to encourage and enable residents to engage  
23 in face-to-face, verbal-based, or auditory-based contact,  
24 communication, religious activity, and recreational  
25 activity with other establishment residents and with  
26 family members, friends, loved ones, caregivers, and other

1 external support systems through the use of electronic or  
2 virtual means and methods, including, but not limited to,  
3 computer technology, the Internet, social media,  
4 videoconferencing, videophone, and other innovative  
5 technological means or methods, whenever the resident is  
6 subject to restrictions that limit his or her ability to  
7 engage in in-person contact, communication, religious  
8 activity, or recreational activity as authorized by  
9 paragraph (1) and when the technology requested is not  
10 being used by other residents in the event of a limited  
11 number of items of technology in an establishment;

12 (3) a mechanism for residents of the establishment or  
13 the residents' representatives to request access to  
14 assistive and supportive technology and devices as may be  
15 necessary to facilitate the residents' engagement in  
16 face-to-face, verbal-based, or auditory-based contact,  
17 communication, religious activity, and recreational  
18 activity with other residents, family members, friends,  
19 and other external support systems, through electronic  
20 means, as provided under paragraph (2);

21 (4) specific administrative policies, procedures, and  
22 protocols governing:

23 (A) the acquisition, maintenance, and replacement  
24 of assistive and supportive technology and devices;

25 (B) the use of environmental barriers and other  
26 controls when the assistive and supportive technology

1 and devices acquired pursuant to subparagraph (A) are  
2 in use, especially in cases where the assistive and  
3 supportive technology and devices are likely to become  
4 contaminated with bodily substances, are touched  
5 frequently, or are difficult to clean; and

6 (C) the regular cleaning of the assistive and  
7 supportive technology and devices acquired pursuant to  
8 subparagraph (A) and any environmental barriers or  
9 other physical controls used in association therewith;

10 (5) a requirement that (i) upon admission and (ii) at  
11 the request of a resident or the resident's  
12 representative, appropriate staff shall develop and update  
13 an individualized virtual visitation schedule while taking  
14 into account the individual's requests and preferences  
15 with respect to the residents' participation in social  
16 interactions and religious and recreational activities;

17 (6) a requirement that appropriate staff, upon the  
18 request of a resident or the resident's family members,  
19 guardian, or representative, shall develop an  
20 individualized virtual visitation schedule for the  
21 resident, which shall:

22 (A) address the need for a virtual visitation  
23 schedule and establish a virtual visitation schedule  
24 if deemed to be appropriate;

25 (B) identify the assessed needs and preferences of  
26 the resident and any preferences specified by the

1 resident's representative, unless a preference  
2 specified by the resident conflicts with a preference  
3 specified by the resident's representative, in which  
4 case the resident's preference shall take priority;

5 (C) document the assisted living or shared housing  
6 establishment's defined virtual hours of visitation  
7 and inform the resident and the resident's  
8 representative that virtual visitation pursuant to  
9 paragraph (2) of subsection (c) will adhere to the  
10 defined visitation hours;

11 (D) describe the location within the establishment  
12 and assistive and supportive technology and devices to  
13 be used in virtual visitation; and

14 (E) describe the respective responsibilities of  
15 staff, visitors, and the resident when engaging in  
16 virtual visitation pursuant to the individualized  
17 visitation plan;

18 (7) a requirement (i) upon admission and (ii) at the  
19 request of the resident or the resident's representative,  
20 to provide notification to the resident and the resident's  
21 representative that they have the right to request of  
22 establishment staff the creation and review of a  
23 resident's individualized virtual visitation schedule;

24 (8) a requirement (i) upon admission and (ii) at the  
25 request of the resident or resident's representative, to  
26 provide, in writing to the resident or resident's

1 representative, virtual visitation hours, how to schedule  
2 a virtual visitation, and how to request assistive and  
3 supportive technology and devices;

4 (9) specific policies, protocols, and procedures  
5 governing a resident's requisition, use, and return of  
6 assistive and supportive technology and devices maintained  
7 pursuant to subparagraph (A) of paragraph (4), and require  
8 appropriate staff to communicate those policies,  
9 protocols, and procedures to residents; and

10 (10) the designation of at least one member of the  
11 therapeutic recreation or activities department, or, if  
12 the establishment does not have such a department, the  
13 designation of at least one senior staff member, as  
14 determined by establishment management, to train other  
15 appropriate establishment employees, including, but not  
16 limited to, activities professionals and volunteers,  
17 social workers, occupational therapists, and therapy  
18 assistants, to provide direct assistance to residents upon  
19 request and on an as-needed basis, as necessary to ensure  
20 that each resident is able to successfully access and use,  
21 for the purposes specified in paragraphs (2) and (3) of  
22 this subsection, the assistive and supportive technology  
23 and devices acquired pursuant to subparagraph (A) of  
24 paragraph (4).

25 (d) An assisted living or shared housing establishment may  
26 apply to the Department for civil monetary penalty fund grants



1 for assistive and supportive technology and devices and may  
2 request other available federal and State funds.

3 (e) The Department shall determine whether an assisted  
4 living or shared housing establishment is in compliance with  
5 the provisions of this Section and the policies, protocols,  
6 and procedures adopted pursuant to this Section in accordance  
7 with this Act for surveys and inspections.

8 In addition to any other applicable penalties provided by  
9 law, an assisted living or shared housing establishment that  
10 fails to comply with the provisions of this Section or  
11 properly implement the policies, protocols, and procedures  
12 adopted pursuant to subsection (b) shall be liable to pay an  
13 administrative penalty as a Type 3 violation, the amount of  
14 which shall be determined in accordance with a schedule  
15 established by the Department by rule. The schedule shall  
16 provide for an enhanced administrative penalty in the case of  
17 a repeat or ongoing violation. Implementation of an  
18 administrative penalty as a Type 3 violation under this  
19 subsection shall not be imposed prior to January 1, 2023.

20 (f) Whenever a complaint received by the Office of State  
21 Long Term Care Ombudsman discloses evidence that an assisted  
22 living or shared housing establishment has failed to comply  
23 with the provisions of this Section or to properly implement  
24 the policies, protocols, and procedures adopted pursuant to  
25 subsection (b), the Office of State Long Term Care Ombudsman  
26 shall refer the matter to the Department.

1       (g) This Section does not impact, limit, or constrict a  
2 resident's right to or usage of his or her personal property  
3 under Section 95.

4       (h) Specific protocols and procedures shall be developed  
5 to ensure that the quantity of assistive and supportive  
6 technology and devices maintained on-site at the establishment  
7 remains sufficient, at all times, to meet the assessed social  
8 and activity needs and preferences of each establishment  
9 resident. Residents' family members or caregivers should be  
10 considered, as appropriate, in the assessment and  
11 reassessment.

12       (i) Within 60 days after the effective date of this  
13 amendatory Act of the 102nd General Assembly, the Department  
14 shall file rules necessary to implement the provisions of this  
15 Section. The rules shall include, but need not be limited to,  
16 minimum standards for the social isolation prevention policies  
17 to be adopted pursuant to subsection (b), a penalty schedule  
18 to be used pursuant to subsection (e), and policies regarding  
19 an assisted living or shared housing establishment's Internet  
20 access and subsequent Internet barriers in relation to a  
21 resident's virtual visitation plan pursuant to paragraph (2)  
22 of subsection (c).

23       (j) The Department's rules under subsection (i) shall take  
24 into account Internet bandwidth limitations outside of the  
25 control of an assisted living or shared housing establishment.

26       (k) Nothing in this Section shall be interpreted to mean

1 that addressing the issues of social isolation shall take  
2 precedence over providing for the health and safety of the  
3 residents.

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