

1 AN ACT concerning assisted living.

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 25, 35, 75, and 150 and adding
6 Section 32 as follows:

7 (210 ILCS 9/25)

8 Sec. 25. License requirement. No person may establish,
9 operate, maintain, or offer an establishment as an assisted
10 living establishment or shared housing establishment as
11 defined by the Act within this State unless and until he or
12 she obtains a valid license, which remains unsuspended,
13 unrevoked, and unexpired. No public official, agent, or
14 employee may place any person in, or recommend that any
15 person be placed in, or directly or indirectly cause any
16 person to be placed in any establishment that meets the
17 definition under this Act that is being operated without a
18 valid license. No public official, agent, or employee may
19 place the name of an unlicensed establishment that is
20 required to be licensed under this Act on a list of programs.

21 An entity that operates as an assisted living or shared
22 housing establishment as defined by this Act without a
23 license shall be subject to the provisions, including
24 penalties, of the Nursing Home Care Act. No entity shall use
25 in its name or advertise "assisted living" unless licensed as
26 an assisted living establishment under this Act or as a
27 shelter care facility under the Nursing Home Care Act that
28 also meets the definition of an assisted living establishment
29 under this Act, except a shared housing establishment
30 licensed under this Act may advertise assisted living
31 services.

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

2 (210 ILCS 9/32 new)

3 Sec. 32. Floating license. An establishment (i) in which
4 80% of the residents are at least 55 years of age or older,
5 (ii) that is operated as housing for the elderly, and (iii)
6 that meets the construction and operating standards contained
7 in Section 20 of this Act may request a floating license for
8 any number of individual living units within the
9 establishment up to, but not including, total capacity. An
10 establishment requesting a floating license must specify the
11 number of individual living units within the establishment to
12 be licensed. Living units designated by the establishment as
13 a licensed living unit shall, for the purposes of this
14 Section, be referred to as a licensed living unit. An
15 establishment utilizing a floating license must have staff
16 adequate to meet the scheduled and unscheduled needs of the
17 residents residing in licensed living units within the
18 establishment. All staff providing services to licensed
19 living units must meet the requirements of this Act and its
20 rules. A living unit may only be designated as a licensed
21 unit if the living unit and the living unit's resident meet
22 the requirements of this Act and its rules. All mandatory
23 services must be made available to residents of licensed
24 living units, and residents of licensed living units may
25 receive any optional services permitted under the
26 establishment's license. Establishments may only provide
27 services under this Act in the individual living units
28 designated as licensed units. Designation as a licensed unit
29 may be temporary to accommodate a resident's changing needs
30 without requiring the resident to move.

31 An establishment with a floating license must keep a
32 current written list of those units designated under the
33 floating license. If a resident elects to receive services

1 in a unit that is not licensed and the unit qualifies for
2 licensure, the establishment must notify the resident that
3 the unit must be licensed and the requirements of this Act
4 must be met before services can be provided to residents in
5 that unit. Upon the initiation of an initial licensing
6 inspection, annual inspection, or complaint investigation,
7 the establishment shall provide to the Department a list of
8 the units designated under the floating license in which
9 residents are receiving services subject to this Act.

10 (210 ILCS 9/35)

11 Sec. 35. Issuance of license.

12 (a) Upon receipt and review of an application for a
13 license and review of the applicant establishment, the
14 Director may issue a license if he or she finds:

15 (1) that the individual applicant, or the
16 corporation, partnership, or other entity if the
17 applicant is not an individual, is a person responsible
18 and suitable to operate or to direct or participate in
19 the operation of an establishment by virtue of financial
20 capacity, appropriate business or professional
21 experience, a record of lawful compliance with lawful
22 orders of the Department and lack of revocation of a
23 license issued under this Act or the Nursing Home Care
24 Act during the previous 5 years;

25 (2) that the establishment is under the supervision
26 of a full-time director who is at least 21 years of age
27 with ability, training, and education appropriate to meet
28 the needs of the residents and to manage the operations
29 of the establishment and who participates in ongoing
30 training for these purposes;

31 (3) that the establishment has staff sufficient in
32 number with qualifications, adequate skills, education,
33 and experience to meet the 24 hour scheduled and

1 unscheduled needs of residents and who participate in
2 ongoing training to serve the resident population;

3 (4) that direct care staff meet the requirements of
4 the Health Care Worker Background Check Act;

5 (5) that the applicant is in substantial compliance
6 with this Act and such other requirements for a license
7 as the Department by rule may establish under this Act;

8 (6) that the applicant pays all required fees;

9 (7) that the applicant has provided to the
10 Department an accurate disclosure document in accordance
11 with the Alzheimer's Special Care Disclosure Act and in
12 substantial compliance with Section 150 of this Act.

13 Any license issued by the Director shall state the
14 physical location of the establishment, the date the license
15 was issued, and the expiration date. All licenses shall be
16 valid for one year, except as provided in Section 40. Each
17 license shall be issued only for the premises and persons
18 named in the application, and shall not be transferable or
19 assignable.

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

21 (210 ILCS 9/75)

22 Sec. 75. Residency Requirements.

23 (a) No individual shall be accepted for residency or
24 remain in residence if the establishment cannot provide or
25 secure appropriate services, if the individual requires a
26 level of service or type of service for which the
27 establishment is not licensed or which the establishment does
28 not provide, or if the establishment does not have the staff
29 appropriate in numbers and with appropriate skill to provide
30 such services.

31 (b) Only adults may be accepted for residency.

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

33 (1) the person poses a serious threat to himself or

1 herself or to others;

2 (2) the person is not able to communicate his or
3 her needs and no resident representative residing in the
4 establishment, and with a prior relationship to the
5 person, has been appointed to direct the provision of
6 services;

7 (3) the person requires total assistance with 2 or
8 more activities of daily living;

9 (4) the person requires the assistance of more than
10 one paid caregiver at any given time with an activity of
11 daily living;

12 (5) the person requires more than minimal
13 assistance in moving to a safe area in an emergency;

14 (6) the person has a severe mental illness, which
15 for the purposes of this Section means a condition that
16 is characterized by the presence of a major mental
17 disorder as classified in the Diagnostic and Statistical
18 Manual of Mental Disorders, Fourth Edition (DSM-IV)
19 (American Psychiatric Association, 1994), where the
20 individual is substantially disabled due to mental
21 illness in the areas of self-maintenance, social
22 functioning, activities of community living and work
23 skills, and the disability specified is expected to be
24 present for a period of not less than one year, but does
25 not mean Alzheimer's disease and other forms of dementia
26 based on organic or physical disorders;

27 (7) the person requires intravenous therapy or
28 intravenous feedings unless self-administered or
29 administered by a qualified, licensed health care
30 professional;

31 (8) the person requires gastrostomy feedings unless
32 self-administered or administered by a licensed health
33 care professional;

34 (9) the person requires insertion, sterile

1 irrigation, and replacement of catheter, except for
2 routine maintenance of urinary catheters, unless the
3 catheter care is self-administered or administered by a
4 licensed health care professional;

5 (10) the person requires sterile wound care unless
6 care is self-administered or administered by a licensed
7 health care professional;

8 (11) the person requires sliding scale insulin
9 administration unless self-performed or administered by a
10 licensed health care professional;

11 (12) the person is a diabetic requiring routine
12 insulin injections unless the injections are
13 self-administered or administered by a licensed health
14 care professional;

15 (13) the person requires treatment of stage 3 or
16 stage 4 decubitus ulcers or exfoliative dermatitis;

17 (14) the person requires 5 or more skilled nursing
18 visits per week for conditions other than those listed in
19 items (13) and (15) of this subsection for a period of 3
20 consecutive weeks or more except when the course of
21 treatment is expected to extend beyond a 3 week period
22 for rehabilitative purposes and is certified as temporary
23 by a physician; or

24 (15) other reasons prescribed by the Department by
25 rule.

26 (d) A resident with a condition listed in items (1)
27 through (15) of subsection (c) shall have his or her
28 residency terminated.

29 (e) Residency shall be terminated when services
30 available to the resident in the establishment are no longer
31 adequate to meet the needs of the resident. This provision
32 shall not be interpreted as limiting the authority of the
33 Department to require the residency termination of
34 individuals.

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

8 (g) Items (3), (4), (5), and (9) of subsection (c) shall
9 not apply to a quadriplegic, paraplegic, or individual with
10 neuro-muscular diseases, such as muscular dystrophy and
11 multiple sclerosis, or other chronic diseases and conditions
12 as defined by rule if the individual is able to communicate
13 his or her needs and does not require assistance with complex
14 medical problems, and the establishment is able to
15 accommodate the individual's needs. The Department shall
16 prescribe rules pursuant to this Section that address special
17 safety and service needs of these individuals.

18 (h) For the purposes of items (7) through (11) of
19 subsection (c), a licensed health care professional may not
20 be employed by the owner or operator of the establishment,
21 its parent entity, or any other entity with ownership common
22 to either the owner or operator of the establishment or
23 parent entity, including but not limited to an affiliate of
24 the owner or operator of the establishment. Nothing in this
25 Section is meant to limit a resident's right to choose his or
26 her health care provider.

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

28 (210 ILCS 9/150)

29 Sec. 150. Alzheimer and dementia programs.

30 (a) In addition to ~~Except-as-provided-in~~ this Section,
31 Alzheimer and dementia programs shall comply with all of the
32 other provisions of this Act.

33 (b) No person shall be admitted or retained if the

1 assisted living or shared housing establishment cannot
2 provide or secure appropriate care, if the resident requires
3 a level of service or type of service for which the
4 establishment is not licensed or which the establishment does
5 not provide, or if the establishment does not have the staff
6 appropriate in numbers and with appropriate skill to provide
7 such services.

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

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

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

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

30 (1) disclose to the Department and to a potential
31 or actual resident of the establishment information as
32 specified under the Alzheimer's Special Care Disclosure
33 Act;

34 (2) ensure that a resident's representative is

- 1 designated for the resident;
- 2 (3) develop and implement policies and procedures
- 3 that ensure the continued safety of all residents in the
- 4 establishment including, but not limited to, those who:
- 5 (A) may wander; and
- 6 (B) may need supervision and assistance when
- 7 evacuating the building in an emergency;
- 8 (4) provide coordination of communications with
- 9 each resident, resident's representative, relatives and
- 10 other persons identified in the resident's service plan;
- 11 (5) provide cognitive stimulation and activities to
- 12 maximize functioning;
- 13 (6) provide an appropriate number of staff for its
- 14 resident population, as established by rule;
- 15 (7) require the director or administrator and
- 16 direct care staff to complete sufficient comprehensive
- 17 and ongoing dementia and cognitive deficit training, the
- 18 content of which shall be established by rule; and
- 19 (8) develop emergency procedures and staffing
- 20 patterns to respond to the needs of residents.

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

22 Section 99. Effective date. This Act takes effect upon

23 becoming law.