



Rep. Jack McGuire

Filed: 3/29/2004

09300HB4837ham003

LRB093 18943 BDD 49244 a

1 AMENDMENT TO HOUSE BILL 4837

2 AMENDMENT NO. _____. Amend House Bill 4837, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 1, as follows:

5 on page 2, immediately below line 19, by inserting the
6 following:

7 (e) Before January 1, 2008, the Department, in consultation
8 with the Assisted Living and Shared Housing Advisory Board,
9 must report to the General Assembly on the results of the
10 demonstration project. The report must include, without
11 limitation, any recommendations for changes or improvements,
12 including changes or improvements in the administration of the
13 program.

14

15 Section 10. The Assisted Living and Shared Housing Act is
16 amended by changing Sections 90 and 140 as follows:

17 (210 ILCS 9/90)

18 Sec. 90. Contents of service delivery contract. A contract
19 between an establishment and a resident must be entitled
20 "assisted living establishment contract" or "shared housing
21 establishment contract" as applicable, shall be printed in no
22 less than 12 point type, and shall include at least the
23 following elements in the body or through supporting documents
24 or attachments:

1 (1) the name, street address, and mailing address of
2 the establishment;

3 (2) the name and mailing address of the owner or owners
4 of the establishment and, if the owner or owners are not
5 natural persons, the type of business entity of the owner
6 or owners;

7 (3) the name and mailing address of the managing agent
8 of the establishment, whether hired under a management
9 agreement or lease agreement, if the managing agent is
10 different from the owner or owners;

11 (4) the name and address of at least one natural person
12 who is authorized to accept service on behalf of the owners
13 and managing agent;

14 (5) a statement describing the license status of the
15 establishment and the license status of all providers of
16 health-related or supportive services to a resident under
17 arrangement with the establishment;

18 (6) the duration of the contract;

19 (7) the base rate to be paid by the resident and a
20 description of the services to be provided as part of this
21 rate;

22 (8) a description of any additional services to be
23 provided for an additional fee by the establishment
24 directly or by a third party provider under arrangement
25 with the establishment;

26 (9) the fee schedules outlining the cost of any
27 additional services;

28 (10) a description of the process through which the
29 contract may be modified, amended, or terminated;

30 (11) a description of the establishment's complaint
31 resolution process available to residents and notice of the
32 availability of the Department on Aging's Senior Helpline
33 for complaints;

34 (12) the name of the resident's designated

1 representative, if any;

2 (13) the resident's obligations in order to maintain
3 residency and receive services including compliance with
4 all assessments required under Section 15;

5 (14) the billing and payment procedures and
6 requirements;

7 (15) a statement affirming the resident's freedom to
8 receive services from service providers with whom the
9 establishment does not have a contractual arrangement,
10 which may also disclaim liability on the part of the
11 establishment for those services;

12 (16) a statement that medical assistance under Article
13 V or Article VI of the Illinois Public Aid Code is not
14 available for payment for services provided in an
15 establishment, excluding contracts executed with residents
16 residing in licensed establishments participating in the
17 Department on Aging's Comprehensive Care in Residential
18 Settings Demonstration Project;

19 (17) a statement detailing the admission, risk
20 management, and residency termination criteria and
21 procedures;

22 (18) a statement listing the rights specified in
23 Section 95 and acknowledging that, by contracting with the
24 assisted living or shared housing establishment, the
25 resident does not forfeit those rights; and

26 (19) a statement detailing the Department's annual
27 on-site review process including what documents contained
28 in a resident's personal file shall be reviewed by the
29 on-site reviewer as defined by rule.

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

31 (210 ILCS 9/140)

32 Sec. 140. State and private funding. Nothing in this Act
33 shall:

1 (1) require or authorize the State agency responsible
2 for the administration of the medical assistance program
3 established under Article V and Article VI of the Illinois
4 Public Aid Code to approve, supply, or cover services
5 provided in an assisted living or shared housing
6 establishment, with the exception of licensed facilities
7 that participate in the Department on Aging's
8 Comprehensive Care in Residential Settings Demonstration
9 Project, which may be covered under provisions of the
10 Illinois Public Aid Code;

11 (2) require an agency or a managed care organization to
12 approve, supply, or cover services provided in an assisted
13 living or shared housing establishment; or

14 (3) require any other third party payer to approve,
15 supply or cover medically necessary home care services
16 provided in an assisted living establishment.

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

18 on page 2, line 21, by changing "10." to "90.".