



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0700

Introduced 02/01/05, by Rep. Joseph M. Lyons - William Delgado
- Kevin Joyce - Elizabeth Coulson - John D'Amico

SYNOPSIS AS INTRODUCED:

210 ILCS 9/70
210 ILCS 9/75
210 ILCS 9/90

Amends the Assisted Living and Shared Housing Act. Provides that "medication administration" refers to a licensed health care professional engaging in administering insulin and vitamin B-12 injections (instead of "routine" insulin and vitamin B-12 injections). From the list of purposes for which an assisted living or shared housing establishment may not may not employ a licensed health care professional, eliminates the purpose concerning a person who requires sliding scale insulin administration unless self-performed or administered by a licensed health care professional. Provides that an assisted living or shared housing establishment contract must include a statement outlining whether the establishment charges a community fee and, if so, the amount of the fee and whether it is refundable. Provides that if the fee is refundable, the contract must describe the conditions under which it is refundable and how the amount of the refund is determined. Effective immediately.

LRB094 04956 DRJ 37832 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 changing Sections 70, 75, and 90 as follows:

6 (210 ILCS 9/70)

7 Sec. 70. Service requirements. An establishment must
8 provide all mandatory services and may provide optional
9 services, including medication reminders, supervision of
10 self-administered medication and medication administration as
11 defined by this Section and nonmedical services defined by
12 rule, whether provided directly by the establishment or by
13 another entity arranged for by the establishment with the
14 consent of the resident or the resident's representative.

15 For the purposes of this Section, "medication reminders"
16 means reminding residents to take pre-dispensed,
17 self-administered medication, observing the resident, and
18 documenting whether or not the resident took the medication.

19 For the purposes of this Section, "supervision of
20 self-administered medication" means assisting the resident
21 with self-administered medication using any combination of the
22 following: reminding residents to take medication, reading the
23 medication label to residents, checking the self-administered
24 medication dosage against the label of the medication,
25 confirming that residents have obtained and are taking the
26 dosage as prescribed, and documenting in writing that the
27 resident has taken (or refused to take) the medication. If
28 residents are physically unable to open the container, the
29 container may be opened for them. Supervision of
30 self-administered medication shall be under the direction of a
31 licensed health care professional.

32 For the purposes of this Section, "medication

1 administration" refers to a licensed health care professional
2 employed by an establishment engaging in administering ~~routine~~
3 insulin and vitamin B-12 injections, oral medications, topical
4 treatments, eye and ear drops, or nitroglycerin patches.
5 Non-licensed staff may not administer any medication.

6 The Department shall specify by rule procedures for
7 medication reminders, supervision of self-administered
8 medication, and medication administration.

9 Nothing in this Act shall preclude a physician licensed to
10 practice medicine in all its branches from providing services
11 to any resident.

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

13 (210 ILCS 9/75)

14 Sec. 75. Residency Requirements.

15 (a) No individual shall be accepted for residency or remain
16 in residence if the establishment cannot provide or secure
17 appropriate services, if the individual requires a level of
18 service or type of service for which the establishment is not
19 licensed or which the establishment does not provide, or if the
20 establishment does not have the staff appropriate in numbers
21 and with appropriate skill to provide such services.

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

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

24 (1) the person poses a serious threat to himself or
25 herself or to others;

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

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

32 (4) the person requires the assistance of more than one
33 paid caregiver at any given time with an activity of daily
34 living;

35 (5) the person requires more than minimal assistance in

1 moving to a safe area in an emergency;

2 (6) the person has a severe mental illness, which for
3 the purposes of this Section means a condition that is
4 characterized by the presence of a major mental disorder as
5 classified in the Diagnostic and Statistical Manual of
6 Mental Disorders, Fourth Edition (DSM-IV) (American
7 Psychiatric Association, 1994), where the individual is
8 substantially disabled due to mental illness in the areas
9 of self-maintenance, social functioning, activities of
10 community living and work skills, and the disability
11 specified is expected to be present for a period of not
12 less than one year, but does not mean Alzheimer's disease
13 and other forms of dementia based on organic or physical
14 disorders;

15 (7) the person requires intravenous therapy or
16 intravenous feedings unless self-administered or
17 administered by a qualified, licensed health care
18 professional;

19 (8) the person requires gastrostomy feedings unless
20 self-administered or administered by a licensed health
21 care professional;

22 (9) the person requires insertion, sterile irrigation,
23 and replacement of catheter, except for routine
24 maintenance of urinary catheters, unless the catheter care
25 is self-administered or administered by a licensed health
26 care professional;

27 (10) the person requires sterile wound care unless care
28 is self-administered or administered by a licensed health
29 care professional;

30 (11) the person requires sliding scale insulin
31 administration unless self-performed or administered by a
32 licensed health care professional;

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

36 (13) the person requires treatment of stage 3 or stage

1 4 decubitus ulcers or exfoliative dermatitis;

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

9 (15) other reasons prescribed by the Department by
10 rule.

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

14 (e) Residency shall be terminated when services available
15 to the resident in the establishment are no longer adequate to
16 meet the needs of the resident. This provision shall not be
17 interpreted as limiting the authority of the Department to
18 require the residency termination of individuals.

19 (f) Subsection (d) of this Section shall not apply to
20 terminally ill residents who receive or would qualify for
21 hospice care and such care is coordinated by a hospice licensed
22 under the Hospice Program Licensing Act or other licensed
23 health care professional employed by a licensed home health
24 agency and the establishment and all parties agree to the
25 continued residency.

26 (g) Items (3), (4), (5), and (9) of subsection (c) shall
27 not apply to a quadriplegic, paraplegic, or individual with
28 neuro-muscular diseases, such as muscular dystrophy and
29 multiple sclerosis, or other chronic diseases and conditions as
30 defined by rule if the individual is able to communicate his or
31 her needs and does not require assistance with complex medical
32 problems, and the establishment is able to accommodate the
33 individual's needs. The Department shall prescribe rules
34 pursuant to this Section that address special safety and
35 service needs of these individuals.

36 (h) For the purposes of items (7) through (10) ~~(11)~~ of

1 subsection (c), a licensed health care professional may not be
2 employed by the owner or operator of the establishment, its
3 parent entity, or any other entity with ownership common to
4 either the owner or operator of the establishment or parent
5 entity, including but not limited to an affiliate of the owner
6 or operator of the establishment. Nothing in this Section is
7 meant to limit a resident's right to choose his or her health
8 care provider.

9 (Source: P.A. 93-141, eff. 7-10-03.)

10 (210 ILCS 9/90)

11 Sec. 90. Contents of service delivery contract. A contract
12 between an establishment and a resident must be entitled
13 "assisted living establishment contract" or "shared housing
14 establishment contract" as applicable, shall be printed in no
15 less than 12 point type, and shall include at least the
16 following elements in the body or through supporting documents
17 or attachments:

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

20 (2) the name and mailing address of the owner or owners
21 of the establishment and, if the owner or owners are not
22 natural persons, the type of business entity of the owner
23 or owners;

24 (3) the name and mailing address of the managing agent
25 of the establishment, whether hired under a management
26 agreement or lease agreement, if the managing agent is
27 different from the owner or owners;

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

31 (5) a statement describing the license status of the
32 establishment and the license status of all providers of
33 health-related or supportive services to a resident under
34 arrangement with the establishment;

35 (6) the duration of the contract;

1 (7) the base rate to be paid by the resident and a
2 description of the services to be provided as part of this
3 rate;

4 (8) a description of any additional services to be
5 provided for an additional fee by the establishment
6 directly or by a third party provider under arrangement
7 with the establishment;

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

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

12 (11) a description of the establishment's complaint
13 resolution process available to residents and notice of the
14 availability of the Department on Aging's Senior Helpline
15 for complaints;

16 (12) the name of the resident's designated
17 representative, if any;

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

21 (14) the billing and payment procedures and
22 requirements;

23 (15) a statement affirming the resident's freedom to
24 receive services from service providers with whom the
25 establishment does not have a contractual arrangement,
26 which may also disclaim liability on the part of the
27 establishment for those services;

28 (16) a statement that medical assistance under Article
29 V or Article VI of the Illinois Public Aid Code is not
30 available for payment for services provided in an
31 establishment, excluding contracts executed with residents
32 residing in licensed establishments participating in the
33 Department on Aging's Comprehensive Care in Residential
34 Settings Demonstration Project;

35 (17) a statement detailing the admission, risk
36 management, and residency termination criteria and

1 procedures;

2 (18) a statement listing the rights specified in
3 Section 95 and acknowledging that, by contracting with the
4 assisted living or shared housing establishment, the
5 resident does not forfeit those rights; ~~and~~

6 (19) a statement detailing the Department's annual
7 on-site review process including what documents contained
8 in a resident's personal file shall be reviewed by the
9 on-site reviewer as defined by rule; and.

10 (20) a statement outlining whether the establishment
11 charges a community fee and, if so, the amount of the fee
12 and whether it is refundable; if the fee is refundable, the
13 contract must describe the conditions under which it is
14 refundable and how the amount of the refund is determined.

15 (Source: P.A. 93-775, eff. 1-1-05.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.