

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 10 and 75 as follows:

6 (210 ILCS 9/10)

7 Sec. 10. Definitions. For purposes of this Act:

8 "Activities of daily living" means eating, dressing,
9 bathing, toileting, transferring, or personal hygiene.

10 "Advisory Board" means the Assisted Living and Shared
11 Housing Standards and Quality of Life Advisory Board.

12 "Assisted living establishment" or "establishment" means a
13 home, building, residence, or any other place where sleeping
14 accommodations are provided for at least 3 unrelated adults, at
15 least 80% of whom are 55 years of age or older and where the
16 following are provided consistent with the purposes of this
17 Act:

18 (1) services consistent with a social model that is
19 based on the premise that the resident's unit in assisted
20 living and shared housing is his or her own home;

21 (2) community-based residential care for persons who
22 need assistance with activities of daily living, including
23 personal, supportive, and intermittent health-related

1 services available 24 hours per day, if needed, to meet the
2 scheduled and unscheduled needs of a resident;

3 (3) mandatory services, whether provided directly by
4 the establishment or by another entity arranged for by the
5 establishment, with the consent of the resident or
6 resident's representative; and

7 (4) a physical environment that is a homelike setting
8 that includes the following and such other elements as
9 established by the Department in conjunction with the
10 Assisted Living and Shared Housing Standards and Quality of
11 Life Advisory Board: individual living units each of which
12 shall accommodate small kitchen appliances and contain
13 private bathing, washing, and toilet facilities, or
14 private washing and toilet facilities with a common bathing
15 room readily accessible to each resident. Units shall be
16 maintained for single occupancy except in cases in which 2
17 residents choose to share a unit. Sufficient common space
18 shall exist to permit individual and group activities.

19 "Assisted living establishment" or "establishment" does
20 not mean any of the following:

21 (1) A home, institution, or similar place operated by
22 the federal government or the State of Illinois.

23 (2) A long term care facility licensed under the
24 Nursing Home Care Act. However, a long term care facility
25 may convert distinct parts of the facility to assisted
26 living. If the long term care facility elects to do so, the

1 facility shall retain the Certificate of Need for its
2 nursing and sheltered care beds that were converted.

3 (3) A hospital, sanitarium, or other institution, the
4 principal activity or business of which is the diagnosis,
5 care, and treatment of human illness and that is required
6 to be licensed under the Hospital Licensing Act.

7 (4) A facility for child care as defined in the Child
8 Care Act of 1969.

9 (5) A community living facility as defined in the
10 Community Living Facilities Licensing Act.

11 (6) A nursing home or sanitarium operated solely by and
12 for persons who rely exclusively upon treatment by
13 spiritual means through prayer in accordance with the creed
14 or tenants of a well-recognized church or religious
15 denomination.

16 (7) A facility licensed by the Department of Human
17 Services as a community-integrated living arrangement as
18 defined in the Community-Integrated Living Arrangements
19 Licensure and Certification Act.

20 (8) A supportive residence licensed under the
21 Supportive Residences Licensing Act.

22 (9) The portion of a ~~A~~ life care facility as defined in
23 the Life Care Facilities Act not licensed as an assisted
24 living establishment under this Act; a life care facility
25 may apply under this Act to convert sections of the
26 community to assisted living.

1 (10) A free-standing hospice facility licensed under
2 the Hospice Program Licensing Act.

3 (11) A shared housing establishment.

4 (12) A supportive living facility as described in
5 Section 5-5.01a of the Illinois Public Aid Code.

6 "Department" means the Department of Public Health.

7 "Director" means the Director of Public Health.

8 "Emergency situation" means imminent danger of death or
9 serious physical harm to a resident of an establishment.

10 "License" means any of the following types of licenses
11 issued to an applicant or licensee by the Department:

12 (1) "Probationary license" means a license issued to an
13 applicant or licensee that has not held a license under
14 this Act prior to its application or pursuant to a license
15 transfer in accordance with Section 50 of this Act.

16 (2) "Regular license" means a license issued by the
17 Department to an applicant or licensee that is in
18 substantial compliance with this Act and any rules
19 promulgated under this Act.

20 "Licensee" means a person, agency, association,
21 corporation, partnership, or organization that has been issued
22 a license to operate an assisted living or shared housing
23 establishment.

24 "Licensed health care professional" means a registered
25 professional nurse, an advanced practice nurse, a physician
26 assistant, and a licensed practical nurse.

1 "Mandatory services" include the following:

2 (1) 3 meals per day available to the residents prepared
3 by the establishment or an outside contractor;

4 (2) housekeeping services including, but not limited
5 to, vacuuming, dusting, and cleaning the resident's unit;

6 (3) personal laundry and linen services available to
7 the residents provided or arranged for by the
8 establishment;

9 (4) security provided 24 hours each day including, but
10 not limited to, locked entrances or building or contract
11 security personnel;

12 (5) an emergency communication response system, which
13 is a procedure in place 24 hours each day by which a
14 resident can notify building management, an emergency
15 response vendor, or others able to respond to his or her
16 need for assistance; and

17 (6) assistance with activities of daily living as
18 required by each resident.

19 "Negotiated risk" is the process by which a resident, or
20 his or her representative, may formally negotiate with
21 providers what risks each are willing and unwilling to assume
22 in service provision and the resident's living environment. The
23 provider assures that the resident and the resident's
24 representative, if any, are informed of the risks of these
25 decisions and of the potential consequences of assuming these
26 risks.

1 "Owner" means the individual, partnership, corporation,
2 association, or other person who owns an assisted living or
3 shared housing establishment. In the event an assisted living
4 or shared housing establishment is operated by a person who
5 leases or manages the physical plant, which is owned by another
6 person, "owner" means the person who operates the assisted
7 living or shared housing establishment, except that if the
8 person who owns the physical plant is an affiliate of the
9 person who operates the assisted living or shared housing
10 establishment and has significant control over the day to day
11 operations of the assisted living or shared housing
12 establishment, the person who owns the physical plant shall
13 incur jointly and severally with the owner all liabilities
14 imposed on an owner under this Act.

15 "Physician" means a person licensed under the Medical
16 Practice Act of 1987 to practice medicine in all of its
17 branches.

18 "Resident" means a person residing in an assisted living or
19 shared housing establishment.

20 "Resident's representative" means a person, other than the
21 owner, agent, or employee of an establishment or of the health
22 care provider unless related to the resident, designated in
23 writing by a resident to be his or her representative. This
24 designation may be accomplished through the Illinois Power of
25 Attorney Act, pursuant to the guardianship process under the
26 Probate Act of 1975, or pursuant to an executed designation of

1 representative form specified by the Department.

2 "Self" means the individual or the individual's designated
3 representative.

4 "Shared housing establishment" or "establishment" means a
5 publicly or privately operated free-standing residence for 16
6 or fewer persons, at least 80% of whom are 55 years of age or
7 older and who are unrelated to the owners and one manager of
8 the residence, where the following are provided:

9 (1) services consistent with a social model that is
10 based on the premise that the resident's unit is his or her
11 own home;

12 (2) community-based residential care for persons who
13 need assistance with activities of daily living, including
14 housing and personal, supportive, and intermittent
15 health-related services available 24 hours per day, if
16 needed, to meet the scheduled and unscheduled needs of a
17 resident; and

18 (3) mandatory services, whether provided directly by
19 the establishment or by another entity arranged for by the
20 establishment, with the consent of the resident or the
21 resident's representative.

22 "Shared housing establishment" or "establishment" does not
23 mean any of the following:

24 (1) A home, institution, or similar place operated by
25 the federal government or the State of Illinois.

26 (2) A long term care facility licensed under the

1 Nursing Home Care Act. A long term care facility may,
2 however, convert sections of the facility to assisted
3 living. If the long term care facility elects to do so, the
4 facility shall retain the Certificate of Need for its
5 nursing beds that were converted.

6 (3) A hospital, sanitarium, or other institution, the
7 principal activity or business of which is the diagnosis,
8 care, and treatment of human illness and that is required
9 to be licensed under the Hospital Licensing Act.

10 (4) A facility for child care as defined in the Child
11 Care Act of 1969.

12 (5) A community living facility as defined in the
13 Community Living Facilities Licensing Act.

14 (6) A nursing home or sanitarium operated solely by and
15 for persons who rely exclusively upon treatment by
16 spiritual means through prayer in accordance with the creed
17 or tenants of a well-recognized church or religious
18 denomination.

19 (7) A facility licensed by the Department of Human
20 Services as a community-integrated living arrangement as
21 defined in the Community-Integrated Living Arrangements
22 Licensure and Certification Act.

23 (8) A supportive residence licensed under the
24 Supportive Residences Licensing Act.

25 (9) A life care facility as defined in the Life Care
26 Facilities Act; a life care facility may apply under this

1 Act to convert sections of the community to assisted
2 living.

3 (10) A free-standing hospice facility licensed under
4 the Hospice Program Licensing Act.

5 (11) An assisted living establishment.

6 (12) A supportive living facility as described in
7 Section 5-5.01a of the Illinois Public Aid Code.

8 "Total assistance" means that staff or another individual
9 performs the entire activity of daily living without
10 participation by the resident.

11 (Source: P.A. 93-1003, eff. 8-23-04.)

12 (210 ILCS 9/75)

13 Sec. 75. Residency Requirements.

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

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

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

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

25 (2) the person is not able to communicate his or her

1 needs and no resident representative residing in the
2 establishment, and with a prior relationship to the person,
3 has been appointed to direct the provision of services;

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

6 (4) the person requires the assistance of more than one
7 paid caregiver at any given time with an activity of daily
8 living;

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

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

24 (7) the person requires intravenous therapy or
25 intravenous feedings unless self-administered or
26 administered by a qualified, licensed health care

1 professional;

2 (8) the person requires gastrostomy feedings unless
3 self-administered or administered by a licensed health
4 care professional;

5 (9) the person requires insertion, sterile irrigation,
6 and replacement of catheter, except for routine
7 maintenance of urinary catheters, unless the catheter care
8 is self-administered or administered by a licensed health
9 care professional;

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

13 (11) the person requires sliding scale insulin
14 administration unless self-performed or administered by a
15 licensed health care professional;

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

19 (13) the person requires treatment of stage 3 or stage
20 4 decubitus ulcers or exfoliative dermatitis;

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

1 physician; or

2 (15) other reasons prescribed by the Department by
3 rule.

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

7 (e) Residency shall be terminated when services available
8 to the resident in the establishment are no longer adequate to
9 meet the needs of the resident. This provision shall not be
10 interpreted as limiting the authority of the Department to
11 require the residency termination of individuals.

12 (f) Subsection (d) of this Section shall not apply to
13 terminally ill residents who receive or would qualify for
14 hospice care and such care is coordinated by a hospice program
15 licensed under the Hospice Program Licensing Act or other
16 licensed health care professional employed by a licensed home
17 health agency and the establishment and all parties agree to
18 the continued residency.

19 (g) Items (3), (4), (5), and (9) of subsection (c) shall
20 not apply to a quadriplegic, paraplegic, or individual with
21 neuro-muscular diseases, such as muscular dystrophy and
22 multiple sclerosis, or other chronic diseases and conditions as
23 defined by rule if the individual is able to communicate his or
24 her needs and does not require assistance with complex medical
25 problems, and the establishment is able to accommodate the
26 individual's needs. The Department shall prescribe rules

1 pursuant to this Section that address special safety and
2 service needs of these individuals.

3 (h) For the purposes of items (7) through (10) of
4 subsection (c), a licensed health care professional may not be
5 employed by the owner or operator of the establishment, its
6 parent entity, or any other entity with ownership common to
7 either the owner or operator of the establishment or parent
8 entity, including but not limited to an affiliate of the owner
9 or operator of the establishment. Nothing in this Section is
10 meant to limit a resident's right to choose his or her health
11 care provider.

12 (i) Subsection (h) is not applicable to residents admitted
13 to an assisted living establishment under a life care contract
14 as defined in the Life Care Facilities Act if the life care
15 facility has both an assisted living establishment and a
16 skilled nursing facility. A licensed health care professional
17 providing health-related or supportive services at a life care
18 assisted living or shared housing establishment must be
19 employed by an entity licensed by the Department under the
20 Nursing Home Care Act or the Home Health, Home Services, and
21 Home Nursing Agency Licensing Act.

22 (Source: P.A. 93-141, eff. 7-10-03; 94-256, eff. 7-19-05;
23 94-570, eff. 8-12-05; revised 8-19-05.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.