



Aging Committee

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LRB095 09425 DRJ 34247 a

1 AMENDMENT TO HOUSE BILL 1646

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1646 by replacing  
3 everything after the enacting clause with the following:

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

1 Act:

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

5 (2) community-based residential care for persons who  
6 need assistance with activities of daily living, including  
7 personal, supportive, and intermittent health-related  
8 services available 24 hours per day, if needed, to meet the  
9 scheduled and unscheduled needs of a resident;

10 (3) mandatory services, whether provided directly by  
11 the establishment or by another entity arranged for by the  
12 establishment, with the consent of the resident or  
13 resident's representative; and

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

26 "Assisted living establishment" or "establishment" does

1 not mean any of the following:

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

4 (2) A long term care facility licensed under the  
5 Nursing Home Care Act. However, a long term care facility  
6 may convert distinct parts of the facility to assisted  
7 living. If the long term care facility elects to do so, the  
8 facility shall retain the Certificate of Need for its  
9 nursing and sheltered care beds that were converted.

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

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

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

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

23 (7) A facility licensed by the Department of Human  
24 Services as a community-integrated living arrangement as  
25 defined in the Community-Integrated Living Arrangements  
26 Licensure and Certification Act.

1           (8) A supportive residence licensed under the  
2 Supportive Residences Licensing Act.

3           (9) The portion of a ~~A~~ life care facility as defined in  
4 the Life Care Facilities Act not licensed as an assisted  
5 living establishment under this Act; a life care facility  
6 may apply under this Act to convert sections of the  
7 community to assisted living.

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

10           (11) A shared housing establishment.

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

13 "Department" means the Department of Public Health.

14 "Director" means the Director of Public Health.

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

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

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

23           (2) "Regular license" means a license issued by the  
24 Department to an applicant or licensee that is in  
25 substantial compliance with this Act and any rules  
26 promulgated under this Act.

1 "Licensee" means a person, agency, association,  
2 corporation, partnership, or organization that has been issued  
3 a license to operate an assisted living or shared housing  
4 establishment.

5 "Licensed health care professional" means a registered  
6 professional nurse, an advanced practice nurse, a physician  
7 assistant, and a licensed practical nurse.

8 "Mandatory services" include the following:

9 (1) 3 meals per day available to the residents prepared  
10 by the establishment or an outside contractor;

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

13 (3) personal laundry and linen services available to  
14 the residents provided or arranged for by the  
15 establishment;

16 (4) security provided 24 hours each day including, but  
17 not limited to, locked entrances or building or contract  
18 security personnel;

19 (5) an emergency communication response system, which  
20 is a procedure in place 24 hours each day by which a  
21 resident can notify building management, an emergency  
22 response vendor, or others able to respond to his or her  
23 need for assistance; and

24 (6) assistance with activities of daily living as  
25 required by each resident.

26 "Negotiated risk" is the process by which a resident, or

1 his or her representative, may formally negotiate with  
2 providers what risks each are willing and unwilling to assume  
3 in service provision and the resident's living environment. The  
4 provider assures that the resident and the resident's  
5 representative, if any, are informed of the risks of these  
6 decisions and of the potential consequences of assuming these  
7 risks.

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

22 "Physician" means a person licensed under the Medical  
23 Practice Act of 1987 to practice medicine in all of its  
24 branches.

25 "Resident" means a person residing in an assisted living or  
26 shared housing establishment.

1 "Resident's representative" means a person, other than the  
2 owner, agent, or employee of an establishment or of the health  
3 care provider unless related to the resident, designated in  
4 writing by a resident to be his or her representative. This  
5 designation may be accomplished through the Illinois Power of  
6 Attorney Act, pursuant to the guardianship process under the  
7 Probate Act of 1975, or pursuant to an executed designation of  
8 representative form specified by the Department.

9 "Self" means the individual or the individual's designated  
10 representative.

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

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

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

25 (3) mandatory services, whether provided directly by  
26 the establishment or by another entity arranged for by the

1 establishment, with the consent of the resident or the  
2 resident's representative.

3 "Shared housing establishment" or "establishment" does not  
4 mean any of the following:

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

7 (2) A long term care facility licensed under the  
8 Nursing Home Care Act. A long term care facility may,  
9 however, convert sections of the facility to assisted  
10 living. If the long term care facility elects to do so, the  
11 facility shall retain the Certificate of Need for its  
12 nursing beds that were converted.

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

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

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

21 (6) A nursing home or sanitarium operated solely by and  
22 for persons who rely exclusively upon treatment by  
23 spiritual means through prayer in accordance with the creed  
24 or tenants of a well-recognized church or religious  
25 denomination.

26 (7) A facility licensed by the Department of Human



1 Services as a community-integrated living arrangement as  
2 defined in the Community-Integrated Living Arrangements  
3 Licensure and Certification Act.

4 (8) A supportive residence licensed under the  
5 Supportive Residences Licensing Act.

6 (9) A life care facility as defined in the Life Care  
7 Facilities Act; a life care facility may apply under this  
8 Act to convert sections of the community to assisted  
9 living.

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

12 (11) An assisted living establishment.

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

15 "Total assistance" means that staff or another individual  
16 performs the entire activity of daily living without  
17 participation by the resident.

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

19 (210 ILCS 9/75)

20 Sec. 75. Residency Requirements.

21 (a) No individual shall be accepted for residency or remain  
22 in residence if the establishment cannot provide or secure  
23 appropriate services, if the individual requires a level of  
24 service or type of service for which the establishment is not  
25 licensed or which the establishment does not provide, or if the

1 establishment does not have the staff appropriate in numbers  
2 and with appropriate skill to provide such services.

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

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

5 (1) the person poses a serious threat to himself or  
6 herself or to others;

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

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

13 (4) the person requires the assistance of more than one  
14 paid caregiver at any given time with an activity of daily  
15 living;

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

18 (6) the person has a severe mental illness, which for  
19 the purposes of this Section means a condition that is  
20 characterized by the presence of a major mental disorder as  
21 classified in the Diagnostic and Statistical Manual of  
22 Mental Disorders, Fourth Edition (DSM-IV) (American  
23 Psychiatric Association, 1994), where the individual is  
24 substantially disabled due to mental illness in the areas  
25 of self-maintenance, social functioning, activities of  
26 community living and work skills, and the disability

1 specified is expected to be present for a period of not  
2 less than one year, but does not mean Alzheimer's disease  
3 and other forms of dementia based on organic or physical  
4 disorders;

5 (7) the person requires intravenous therapy or  
6 intravenous feedings unless self-administered or  
7 administered by a qualified, licensed health care  
8 professional;

9 (8) the person requires gastrostomy feedings unless  
10 self-administered or administered by a licensed health  
11 care professional;

12 (9) the person requires insertion, sterile irrigation,  
13 and replacement of catheter, except for routine  
14 maintenance of urinary catheters, unless the catheter care  
15 is self-administered or administered by a licensed health  
16 care professional;

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

20 (11) the person requires sliding scale insulin  
21 administration unless self-performed or administered by a  
22 licensed health care professional;

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

26 (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 program  
22 licensed under the Hospice Program Licensing Act or other  
23 licensed health care professional employed by a licensed home  
24 health agency and the establishment and all parties agree to  
25 the continued residency.

26 (g) Items (3), (4), (5), and (9) of subsection (c) shall

1 not apply to a quadriplegic, paraplegic, or individual with  
2 neuro-muscular diseases, such as muscular dystrophy and  
3 multiple sclerosis, or other chronic diseases and conditions as  
4 defined by rule if the individual is able to communicate his or  
5 her needs and does not require assistance with complex medical  
6 problems, and the establishment is able to accommodate the  
7 individual's needs. The Department shall prescribe rules  
8 pursuant to this Section that address special safety and  
9 service needs of these individuals.

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

19 (i) Subsection (h) is not applicable to residents admitted  
20 to an assisted living establishment under a life care contract  
21 as defined in the Life Care Facilities Act if the life care  
22 facility has both an assisted living establishment and a  
23 skilled nursing facility. A licensed health care professional  
24 providing health-related or supportive services at a life care  
25 assisted living or shared housing establishment must be  
26 employed by an entity licensed by the Department under the

1 Nursing Home Care Act or the Home Health, Home Services, and  
2 Home Nursing Agency Licensing Act.

3 (Source: P.A. 93-141, eff. 7-10-03; 94-256, eff. 7-19-05;  
4 94-570, eff. 8-12-05; revised 8-19-05.)

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