



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1729

Introduced 2/22/2007, by Rep. Kevin Joyce

#### SYNOPSIS AS INTRODUCED:

210 ILCS 9/160

210 ILCS 85/6.09

225 ILCS 7/1

225 ILCS 7/2a

225 ILCS 7/3

225 ILCS 7/7

from Ch. 111 1/2, par. 147.09

Amends the Assisted Living and Shared Housing Act, the Hospital Licensing Act, and the Board and Care Home Registration Act to change the name of the Board and Care Home Registration Act to the Board and Care Home Act. In the Board and Care Home Registration Act, provides for the licensure (rather than the registration) of board and care homes by the Department of Public Health. Provides that a board and care home must be licensed as a shared housing or assisted living establishment under the Assisted Living and Shared Housing Act in order to be licensed under the Board and Care Home Registration Act. Makes other changes. Effective immediately.

LRB095 09624 RAS 29824 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Section 160 as follows:

6 (210 ILCS 9/160)

7 Sec. 160. Assisted Living and Shared Housing Regulatory  
8 Fund. There is created in the State treasury a special fund to  
9 be known as the Assisted Living and Shared Housing Regulatory  
10 Fund. All moneys received by the Department under this Act and  
11 the Board and Care Home ~~Registration~~ Act shall be deposited  
12 into the Fund. Subject to appropriation, moneys in the Fund  
13 shall be used for the administration of this Act and the Board  
14 and Care Home ~~Registration~~ Act. Interest earned on moneys in  
15 the Fund shall be deposited into the Fund.

16 (Source: P.A. 94-21, eff. 1-1-06.)

17 Section 10. The Hospital Licensing Act is amended by  
18 changing Section 6.09 as follows:

19 (210 ILCS 85/6.09) (from Ch. 111 1/2, par. 147.09)

20 Sec. 6.09. (a) In order to facilitate the orderly  
21 transition of aged and disabled patients from hospitals to

1 post-hospital care, whenever a patient who qualifies for the  
2 federal Medicare program is hospitalized, the patient shall be  
3 notified of discharge at least 24 hours prior to discharge from  
4 the hospital. With regard to pending discharges to a skilled  
5 nursing facility or if home health services are ordered, the  
6 hospital must inform its designated case coordination unit, as  
7 defined in 89 Ill. Adm. Code 240.260, of the pending discharge  
8 and must provide the patient with the case coordination unit's  
9 telephone number and other contact information.

10 (b) Every hospital shall develop procedures for a physician  
11 with medical staff privileges at the hospital or any  
12 appropriate medical staff member to provide the discharge  
13 notice prescribed in subsection (a) of this Section. The  
14 procedures must include prohibitions against discharging or  
15 referring a patient to any of the following if unlicensed,  
16 uncertified, or unregistered: (i) a board and care facility, as  
17 defined in the Board and Care Home ~~Registration~~ Act; (ii) an  
18 assisted living and shared housing establishment, as defined in  
19 the Assisted Living and Shared Housing Act; (iii) a facility  
20 licensed under the Nursing Home Care Act; (iv) a supportive  
21 living facility, as defined in Section 5-5.01a of the Illinois  
22 Public Aid Code; or (v) a free-standing hospice facility  
23 licensed under the Hospice Program Licensing Act if licensure,  
24 certification, or registration is required. The Department of  
25 Public Health shall annually provide hospitals with a list of  
26 licensed, certified, or registered board and care facilities,

1 assisted living and shared housing establishments, nursing  
2 homes, supportive living facilities, and hospice facilities.  
3 Reliance upon this list by a hospital shall satisfy compliance  
4 with this requirement. The procedure may also include a waiver  
5 for any case in which a discharge notice is not feasible due to  
6 a short length of stay in the hospital by the patient, or for  
7 any case in which the patient voluntarily desires to leave the  
8 hospital before the expiration of the 24 hour period.

9 (c) At least 24 hours prior to discharge from the hospital,  
10 the patient shall receive written information on the patient's  
11 right to appeal the discharge pursuant to the federal Medicare  
12 program, including the steps to follow to appeal the discharge  
13 and the appropriate telephone number to call in case the  
14 patient intends to appeal the discharge.

15 (Source: P.A. 94-335, eff. 7-26-05.)

16 Section 15. The Board and Care Home Registration Act is  
17 amended by changing Sections 1, 2a, 3, and 7 as follows:

18 (225 ILCS 7/1)

19 Sec. 1. Short title. This Act may be cited as the Board and  
20 Care Home ~~Registration~~ Act.

21 (Source: P.A. 89-387, eff. 8-20-95.)

22 (225 ILCS 7/2a)

23 Sec. 2a. Staff. The staff of the facility may provide room,

1 housekeeping, meals, protective oversight and other types of  
2 assistance to the residents, as permitted under the Assisted  
3 Living and Shared Housing Act.

4 (Source: P.A. 89-387, eff. 8-20-95.)

5 (225 ILCS 7/3)

6 Sec. 3. Licensure ~~Registration.~~

7 (a) Every board and care home located in this State shall  
8 be licensed by ~~register with~~ the Department. Registration shall  
9 be in the form prescribed by the Department as a shared housing  
10 or assisted living establishment under the Assisted Living and  
11 Shared Housing Act. ~~and shall include the following:~~

12 ~~(1) The name, address, and telephone number of the~~  
13 ~~facility.~~

14 ~~(2) The name, address, and telephone number of the~~  
15 ~~owner of the facility.~~

16 ~~(3) The number of residents of the facility.~~

17 (4) ~~A registration fee, as determined, by the~~  
18 ~~Department.~~

19 (b) (Blank). ~~Every registration issued under this Act shall~~  
20 ~~be valid for 2 years. Upon renewal, the facility must re-apply~~  
21 ~~and meet the registration requirements under this Section.~~

22 (c) (Blank). ~~The Department shall promulgate rules to~~  
23 ~~protect the rights and safety of the residents and to enforce~~  
24 ~~the provisions of this Act.~~

25 (d) No public official, agent, or employee may place any

1 person in, or recommend that any person be placed in, or  
2 directly or indirectly cause any person to be placed in any  
3 board and care home that is not licensed as an assisted living  
4 or shared housing establishment ~~registered~~.

5 (e) No public official, agent, or employee may place the  
6 name of an unlicensed ~~unregistered~~ establishment that is  
7 required to be licensed ~~registered~~ under this Act on a list of  
8 programs.

9 (f) Failure of a board and care home to comply with the  
10 provisions of this Section is punishable by a fine of up to  
11 \$1,000.

12 (g) Failure of a board and care home to comply with the  
13 provisions of this Section within 90 days after the initial  
14 finding of noncompliance is punishable by a fine of \$1,000 on  
15 each day the provisions of this Section are not complied with.

16 (Source: P.A. 94-21, eff. 1-1-06.)

17 (225 ILCS 7/7)

18 Sec. 7. Assisted Living and Shared Housing Regulatory Fund.  
19 All licensure ~~registration~~ fees and fines collected pursuant to  
20 the provisions of this Act shall be deposited into the Assisted  
21 Living and Shared Housing Regulatory Fund. Subject to  
22 appropriation, moneys deposited into the Fund shall be used for  
23 the administration of this Act and the Assisted Living and  
24 Shared Housing Act.

25 (Source: P.A. 94-21, eff. 1-1-06.)

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.