

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 35 and 125 as follows:

6 (210 ILCS 9/35)

7 Sec. 35. Issuance of license.

8 (a) Upon receipt and review of an application for a license
9 and review of the applicant establishment, the Director may
10 issue a license if he or she finds:

11 (1) that the individual applicant, or the corporation,
12 partnership, or other entity if the applicant is not an
13 individual, is a person responsible and suitable to operate
14 or to direct or participate in the operation of an
15 establishment by virtue of financial capacity, appropriate
16 business or professional experience, a record of lawful
17 compliance with lawful orders of the Department and lack of
18 revocation of a license issued under this Act or the
19 Nursing Home Care Act during the previous 5 years;

20 (2) that the establishment is under the supervision of
21 a full-time director who is at least 21 years of age and
22 has a high school diploma or equivalent plus either:

23 (A) 2 years of management experience or 2 years of

1 experience in positions of progressive responsibility
2 in health care, housing with services, or adult day
3 care or providing similar services to the elderly; or

4 (B) 2 years of management experience or 2 years of
5 experience in positions of progressive responsibility
6 in hospitality and training in health care and housing
7 with services management as defined by rule ~~with~~
8 ~~ability, training, and education appropriate to meet~~
9 ~~the needs of the residents and to manage the operations~~
10 ~~of the establishment and who participates in ongoing~~
11 ~~training for these purposes;~~

12 (3) that the establishment has staff sufficient in
13 number with qualifications, adequate skills, education,
14 and experience to meet the 24 hour scheduled and
15 unscheduled needs of residents and who participate in
16 ongoing training to serve the resident population;

17 (4) that direct care staff meet the requirements of the
18 Health Care Worker Background Check Act;

19 (5) that the applicant is in substantial compliance
20 with this Act and such other requirements for a license as
21 the Department by rule may establish under this Act;

22 (6) that the applicant pays all required fees;

23 (7) that the applicant has provided to the Department
24 an accurate disclosure document in accordance with the
25 Alzheimer's Special Care Disclosure Act and in substantial
26 compliance with Section 150 of this Act.

1 In addition to any other requirements set forth in this
2 Act, as a condition of licensure under this Act, the director
3 of an establishment must participate in at least 20 hours of
4 training every 2 years to assist him or her in better meeting
5 the needs of the residents of the establishment and manage the
6 operation of the establishment.

7 Any license issued by the Director shall state the physical
8 location of the establishment, the date the license was issued,
9 and the expiration date. All licenses shall be valid for one
10 year, except as provided in Section 40. Each license shall be
11 issued only for the premises and persons named in the
12 application, and shall not be transferable or assignable.

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

14 (210 ILCS 9/125)

15 Sec. 125. Assisted Living and Shared Housing Standards and
16 Quality of Life Advisory Board.

17 (a) The Director ~~Governor~~ shall appoint the Assisted Living
18 and Shared Housing Standards and Quality of Life Advisory Board
19 which shall be responsible for advising the Director in all
20 aspects of the administration of the Act. The Board shall give
21 advice to the Department concerning activities of the assisted
22 living ombudsman and all other matters deemed relevant by the
23 Director and to the Director concerning the delivery of
24 personal care services, the unique needs and concerns of
25 seniors residing in housing projects, and all other issues

1 affecting the quality of life of residents.

2 (b) The Board shall be comprised of the following persons:

3 (1) the Director who shall serve as chair, ex officio
4 and nonvoting;

5 (2) the Director of Aging who shall serve as
6 vice-chair, ex officio and nonvoting;

7 (3) one representative each of the Departments of
8 Public Health, Healthcare and Family Services ~~Public Aid~~,
9 and Human Services, the Office of the State Fire Marshal,
10 and the Illinois Housing Development Authority, and 2
11 representatives of the Department on Aging, all nonvoting
12 members;

13 (4) the State Ombudsman or his or her designee;

14 (5) one representative of the Association of Area
15 Agencies on Aging;

16 (6) four members selected from the recommendations by
17 provider organizations whose membership consist of nursing
18 care or assisted living establishments;

19 (7) one member selected from the recommendations of
20 provider organizations whose membership consists of home
21 health agencies;

22 (8) two residents of assisted living or shared housing
23 establishments;

24 (9) three members selected from the recommendations of
25 consumer organizations which engage solely in advocacy or
26 legal representation on behalf of the senior population;

1 (10) one member who shall be a physician;

2 (11) one member who shall be a registered professional
3 nurse selected from the recommendations of professional
4 nursing associations;

5 (12) two citizen members with expertise in the area of
6 gerontology research or legal research regarding
7 implementation of assisted living statutes;

8 (13) two members representing providers of community
9 care services; and

10 (14) one member representing agencies providing case
11 coordination services.

12 (c) Members of the Board appointed under paragraphs (5)
13 through (14) of subsection (b) shall be appointed to serve for
14 terms of 3 years except as otherwise provided in this Section.
15 All members shall be appointed by January 1, 2001, except that
16 the 2 members representing the Department on Aging appointed
17 under paragraph (3) of subsection (b) and the members appointed
18 under paragraphs (13) and (14) of subsection (b) shall be
19 appointed by January 1, 2005. One third of the Board members'
20 initial terms shall expire in one year; one third in 2 years,
21 and one third in 3 years. Of the 3 members appointed under
22 paragraphs (13) and (14) of subsection (b), one shall serve for
23 an initial term of one year, one shall serve for an initial
24 term of 2 years, and one shall serve for an initial term of 3
25 years. A member's term does not expire until a successor is
26 appointed by the Director ~~Governor~~. Any member appointed to

1 fill a vacancy occurring prior to the expiration of the term
2 for which his or her predecessor was appointed shall be
3 appointed for the remainder of that term. The Board shall meet
4 at the call of the Director. The affirmative vote of 10 members
5 of the Board shall be necessary for Board action. Members of
6 this Board shall receive no compensation for their services,
7 however, resident members shall be reimbursed for their actual
8 expenses.

9 (d) The Board shall be provided copies of all
10 administrative rules and changes to administrative rules for
11 review and comment prior to notice being given to the public.
12 If the Board, having been asked for its review, fails to advise
13 the Department within 90 days, the rules shall be considered
14 acted upon.

15 (Source: P.A. 93-1003, eff. 8-23-04; revised 12-15-05.)

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