



Human Services Committee

**Filed: 3/21/2007**

09500HB1775ham001

LRB095 07137 DRJ 33975 a

1 AMENDMENT TO HOUSE BILL 1775

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1775 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 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

1 compliance with lawful orders of the Department and lack of  
2 revocation of a license issued under this Act or the  
3 Nursing Home Care Act during the previous 5 years;

4 (2) that the establishment is under the supervision of  
5 a full-time director who is at least 21 years of age and  
6 has (i) at least 2 years of experience in providing health  
7 care services to adults with disabilities or the elderly  
8 population either in an assisted living program, inpatient  
9 hospital, long-term care setting, or adult day care or in a  
10 health-related field approved by the Department and (ii) at  
11 least 2 years of management experience ~~with ability,~~  
12 ~~training, and education appropriate to meet the needs of~~  
13 ~~the residents and to manage the operations of the~~  
14 ~~establishment and who participates in ongoing training for~~  
15 ~~these purposes;~~

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

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

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

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

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

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

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

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

18 (210 ILCS 9/125)

19 Sec. 125. Assisted Living and Shared Housing Standards and  
20 Quality of Life Advisory Board.

21 (a) The Director ~~Governor~~ shall appoint the Assisted Living  
22 and Shared Housing Standards and Quality of Life Advisory Board  
23 which shall be responsible for advising the Director in all  
24 aspects of the administration of the Act. The Board shall give  
25 advice to the Department concerning activities of the assisted

1 living ombudsman and all other matters deemed relevant by the  
2 Director and to the Director concerning the delivery of  
3 personal care services, the unique needs and concerns of  
4 seniors residing in housing projects, and all other issues  
5 affecting the quality of life of residents.

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

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

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

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

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

18 (5) one representative of the Association of Area  
19 Agencies on Aging;

20 (6) four members selected from the recommendations by  
21 provider organizations whose membership consist of nursing  
22 care or assisted living establishments;

23 (7) one member selected from the recommendations of  
24 provider organizations whose membership consists of home  
25 health agencies;

26 (8) two residents of assisted living or shared housing

1 establishments;

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

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

6 (11) one member who shall be a registered professional  
7 nurse selected from the recommendations of professional  
8 nursing associations;

9 (12) two citizen members with expertise in the area of  
10 gerontology research or legal research regarding  
11 implementation of assisted living statutes;

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

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

16 (c) Members of the Board appointed under paragraphs (5)  
17 through (14) of subsection (b) shall be appointed to serve for  
18 terms of 3 years except as otherwise provided in this Section.  
19 All members shall be appointed by January 1, 2001, except that  
20 the 2 members representing the Department on Aging appointed  
21 under paragraph (3) of subsection (b) and the members appointed  
22 under paragraphs (13) and (14) of subsection (b) shall be  
23 appointed by January 1, 2005. One third of the Board members'  
24 initial terms shall expire in one year; one third in 2 years,  
25 and one third in 3 years. Of the 3 members appointed under  
26 paragraphs (13) and (14) of subsection (b), one shall serve for

1 an initial term of one year, one shall serve for an initial  
2 term of 2 years, and one shall serve for an initial term of 3  
3 years. A member's term does not expire until a successor is  
4 appointed by the Director ~~Governor~~. Any member appointed to  
5 fill a vacancy occurring prior to the expiration of the term  
6 for which his or her predecessor was appointed shall be  
7 appointed for the remainder of that term. The Board shall meet  
8 at the call of the Director. The affirmative vote of 10 members  
9 of the Board shall be necessary for Board action. Members of  
10 this Board shall receive no compensation for their services,  
11 however, resident members shall be reimbursed for their actual  
12 expenses.

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

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

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law."