



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4143

by Rep. Kathleen A. Ryg

SYNOPSIS AS INTRODUCED:

210 ILCS 9/30
210 ILCS 9/45

Amends the Assisted Living and Shared Housing Act. Provides that for assisted living or shared housing establishments granted a 2-year license, the Department of Public Health shall conduct an on-site review every 2 years (instead of annually). Requires revocation of a 2-year license and replacement with a one-year license if a licensee has admitted or retained a resident in violation of provisions of the Act concerning residency requirements in the preceding 24 months. Effective immediately.

LRB095 13790 DRJ 39542 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 Sections 30 and 45 as follows:

6 (210 ILCS 9/30)

7 Sec. 30. Licensing.

8 (a) The Department, in consultation with the Advisory
9 Board, shall establish by rule forms, procedures, and fees for
10 the annual licensing of assisted living and shared housing
11 establishments; shall establish and enforce sanctions and
12 penalties for operating in violation of this Act, as provided
13 in Section 135 of this Act and rules adopted under Section 110
14 of this Act. The Department shall conduct an annual on-site
15 review for each establishment covered by this Act, except for
16 those establishments granted a 2-year license as provided in
17 Section 45. For those establishments granted a 2-year license,
18 the Department shall conduct an on-site review every 2 years.
19 The on-site review ~~which~~ shall include, but not be limited to,
20 compliance with this Act and rules adopted hereunder, focus on
21 solving resident issues and concerns, and the quality
22 improvement process implemented by the establishment to
23 address resident issues. The quality improvement process

1 implemented by the establishment must benchmark performance,
2 be customer centered, be data driven, and focus on resident
3 satisfaction.

4 (b) An establishment shall provide the following
5 information to the Department to be considered for licensure:

6 (1) the business name, street address, mailing
7 address, and telephone number of the establishment;

8 (2) the name and mailing address of the owner or owners
9 of the establishment and if the owner or owners are not
10 natural persons, identification of the type of business
11 entity of the owners, and the names and addresses of the
12 officers and members of the governing body, or comparable
13 persons for partnerships, limited liability companies, or
14 other types of business organizations;

15 (3) financial information, content and form to be
16 determined by rules which may provide different standards
17 for assisted living establishments and shared housing
18 establishments, establishing that the project is
19 financially feasible;

20 (4) the name and mailing address of the managing agent
21 of the establishment, whether hired under a management
22 agreement or lease agreement, if different from the owner
23 or owners, and the name of the full-time director;

24 (5) verification that the establishment has entered or
25 will enter into a service delivery contract as provided in
26 Section 90, as required under this Act, with each resident

1 or resident's representative;

2 (6) the name and address of at least one natural person
3 who shall be responsible for dealing with the Department on
4 all matters provided for in this Act, on whom personal
5 service of all notices and orders shall be made, and who
6 shall be authorized to accept service on behalf of the
7 owner or owners and the managing agent. Notwithstanding a
8 contrary provision of the Code of Civil Procedure, personal
9 service on the person identified pursuant to this
10 subsection shall be considered service on the owner or
11 owners and the managing agent, and it shall not be a
12 defense to any action that personal service was not made on
13 each individual or entity;

14 (7) the signature of the authorized representative of
15 the owner or owners;

16 (8) proof of an ongoing quality improvement program in
17 accordance with rules adopted by the Department in
18 collaboration with the Advisory Board;

19 (9) information about the number and types of units,
20 the maximum census, and the services to be provided at the
21 establishment, proof of compliance with applicable State
22 and local residential standards, and a copy of the standard
23 contract offered to residents;

24 (10) documentation of adequate liability insurance;
25 and

26 (11) other information necessary to determine the

1 identity and qualifications of an applicant or licensee to
2 operate an establishment in accordance with this Act as
3 required by the Department by rule.

4 (c) The information in the statement of ownership shall be
5 public information and shall be available from the Department.

6 (Source: P.A. 91-656, eff. 1-1-01.)

7 (210 ILCS 9/45)

8 Sec. 45. Renewal of licenses. At least 120 days, but not
9 more than 150 days prior to license expiration, the licensee
10 shall submit an application for renewal of the license in such
11 form and containing such information as the Department
12 requires. If the application is approved, and if the licensee
13 (i) has not committed a Type 1 violation in the preceding 24
14 months, (ii) has not committed a Type 2 violation in the
15 preceding 24 months, (iii) has not had an inspection, review,
16 or evaluation that resulted in a finding of 10 or more Type 3
17 violations in the preceding 24 months, and (iv) ~~the licensee~~
18 has not admitted or retained a resident in violation of Section
19 75 of this Act in the preceding 24 months, the Department may
20 renew the license for an additional period of 2 years. If a
21 licensee whose license has been renewed for 2 years under this
22 Section subsequently fails to meet any of the conditions set
23 forth in items (i), (ii), ~~and~~ (iii), and (iv), then, in
24 addition to any other sanctions that the Department may impose
25 under this Act, the Department shall revoke the 2-year license

1 and replace it with a one-year license until the licensee again
2 meets all of the conditions set forth in items (i), (ii), ~~and~~
3 (iii), and (iv). If appropriate, the renewal application shall
4 not be approved unless the applicant has provided to the
5 Department an accurate disclosure document in accordance with
6 the Alzheimer's Special Care Disclosure Act. If the application
7 for renewal is not timely filed, the Department shall so inform
8 the licensee.

9 (Source: P.A. 95-590, eff. 9-10-07.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.