

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, 45, and 110 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 (d) Notwithstanding any other rulemaking authority that
7 may exist, neither the Governor nor any agency or agency head
8 under the jurisdiction of the Governor has any authority to
9 make or promulgate rules to implement or enforce the provisions
10 of this amendatory Act of the 95th General Assembly. If,
11 however, the Governor believes that rules are necessary to
12 implement or enforce the provisions of this amendatory Act of
13 the 95th General Assembly, the Governor may suggest rules to
14 the General Assembly by filing them with the Clerk of the House
15 and Secretary of the Senate and by requesting that the General
16 Assembly authorize such rulemaking by law, enact those
17 suggested rules into law, or take any other appropriate action
18 in the General Assembly's discretion. Nothing contained in this
19 amendatory Act of the 95th General Assembly shall be
20 interpreted to grant rulemaking authority under any other
21 Illinois statute where such authority is not otherwise
22 explicitly given. For the purposes of this amendatory Act of
23 the 95th General Assembly, "rules" is given the meaning
24 contained in Section 1-70 of the Illinois Administrative
25 Procedure Act, and "agency" and "agency head" are given the
26 meanings contained in Sections 1-20 and 1-25 of the Illinois

1 Administrative Procedure Act to the extent that such
2 definitions apply to agencies or agency heads under the
3 jurisdiction of the Governor.

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

5 (210 ILCS 9/45)

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

1 (iii), and (iv). If appropriate, the renewal application shall
2 not be approved unless the applicant has provided to the
3 Department an accurate disclosure document in accordance with
4 the Alzheimer's Special Care Disclosure Act. If the application
5 for renewal is not timely filed, the Department shall so inform
6 the licensee.

7 Notwithstanding any other rulemaking authority that may
8 exist, neither the Governor nor any agency or agency head under
9 the jurisdiction of the Governor has any authority to make or
10 promulgate rules to implement or enforce the provisions of this
11 amendatory Act of the 95th General Assembly. If, however, the
12 Governor believes that rules are necessary to implement or
13 enforce the provisions of this amendatory Act of the 95th
14 General Assembly, the Governor may suggest rules to the General
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25 contained in Section 1-70 of the Illinois Administrative
26 Procedure Act, and "agency" and "agency head" are given the

1 meanings contained in Sections 1-20 and 1-25 of the Illinois
2 Administrative Procedure Act to the extent that such
3 definitions apply to agencies or agency heads under the
4 jurisdiction of the Governor.

5 (Source: P.A. 95-590, eff. 9-10-07; revised 11-15-07.)

6 (210 ILCS 9/110)

7 Sec. 110. Powers and duties of the Department.

8 (a) The Department shall conduct an annual unannounced
9 on-site visit at each assisted living and shared housing
10 establishment to determine compliance with applicable
11 licensure requirements and standards, except for those
12 establishments granted a 2-year license as provided in Section
13 45. For those establishments granted a 2-year license, the
14 Department shall conduct an unannounced on-site visit every 2
15 years. Additional visits may be conducted without prior notice
16 to the assisted living or shared housing establishment.

17 (b) Upon receipt of information that may indicate the
18 failure of the assisted living or shared housing establishment
19 or a service provider to comply with a provision of this Act,
20 the Department shall investigate the matter or make appropriate
21 referrals to other government agencies and entities having
22 jurisdiction over the subject matter of the possible violation.
23 The Department may also make referrals to any public or private
24 agency that the Department considers available for appropriate
25 assistance to those involved. The Department may oversee and

1 coordinate the enforcement of State consumer protection
2 policies affecting residents residing in an establishment
3 licensed under this Act.

4 (c) The Department shall establish by rule complaint
5 receipt, investigation, resolution, and involuntary residency
6 termination procedures. Resolution procedures shall provide
7 for on-site review and evaluation of an assisted living or
8 shared housing establishment found to be in violation of this
9 Act within a specified period of time based on the gravity and
10 severity of the violation and any pervasive pattern of
11 occurrences of the same or similar violations.

12 (d) The Governor shall establish an Assisted Living and
13 Shared Housing Standards and Quality of Life Advisory Board.

14 (e) The Department shall by rule establish penalties and
15 sanctions, which shall include, but need not be limited to, the
16 creation of a schedule of graduated penalties and sanctions to
17 include closure.

18 (f) The Department shall by rule establish procedures for
19 disclosure of information to the public, which shall include,
20 but not be limited to, ownership, licensure status, frequency
21 of complaints, disposition of substantiated complaints, and
22 disciplinary actions.

23 (g) (Blank).

24 (h) Beginning January 1, 2000, the Department shall begin
25 drafting rules necessary for the administration of this Act.

26 (i) Notwithstanding any other rulemaking authority that

1 may exist, neither the Governor nor any agency or agency head
2 under the jurisdiction of the Governor has any authority to
3 make or promulgate rules to implement or enforce the provisions
4 of this amendatory Act of the 95th General Assembly. If,
5 however, the Governor believes that rules are necessary to
6 implement or enforce the provisions of this amendatory Act of
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18 contained in Section 1-70 of the Illinois Administrative
19 Procedure Act, and "agency" and "agency head" are given the
20 meanings contained in Sections 1-20 and 1-25 of the Illinois
21 Administrative Procedure Act to the extent that such
22 definitions apply to agencies or agency heads under the
23 jurisdiction of the Governor.

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

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.