



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2830

Introduced 2/15/2008, by Sen. Edward D. Maloney

SYNOPSIS AS INTRODUCED:

20 ILCS 105/4.03	from Ch. 23, par. 6104.03
20 ILCS 105/4.04	from Ch. 23, par. 6104.04
210 ILCS 9/110	
210 ILCS 9/117 new	
210 ILCS 45/2-214 new	
210 ILCS 45/3-210	from Ch. 111 1/2, par. 4153-210
210 ILCS 45/3-212	from Ch. 111 1/2, par. 4153-212
305 ILCS 5/5-5.01a	
815 ILCS 505/2BBB new	

Amends the Illinois Act on the Aging, the Assisted Living and Shared Housing Act, the Nursing Home Care Act, the Illinois Public Aid Code, and the Consumer Fraud and Deceptive Business Practices Act. Requires that each licensed long term care facility, assisted living or shared housing establishment, and supportive living facility complete and file with the Office of State Long Term Care Ombudsman a Consumer Choice Information Report on a form developed by the Office with the collaboration of the Attorney General. Specifies the contents of the Report. Requires that an initial Report be filed by July 1, 2009. Requires that subsequent Reports be filed at least annually and that verification of completion and filing must be included in the facility's or establishment's inspection. Specifies the various means by which the Office must make the information in the Reports available to the public. Provides that a violation of the reporting requirement is an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act against which the Attorney General may seek enforcement.

LRB095 19798 JAM 46185 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Act on the Aging is amended by
5 changing Sections 4.03 and 4.04 as follows:

6 (20 ILCS 105/4.03) (from Ch. 23, par. 6104.03)

7 Sec. 4.03. The Department on Aging, in cooperation with the
8 Department of Human Services and any other appropriate State,
9 local or federal agency, shall, without regard to income
10 guidelines, establish a nursing home prescreening program to
11 determine whether Alzheimer's Disease and related disorders
12 victims, and persons who are deemed as blind or disabled as
13 defined by the Social Security Act and who are in need of long
14 term care, may be satisfactorily cared for in their homes
15 through the use of home and community based services.
16 Responsibility for prescreening shall be vested with case
17 coordination units. Prescreening shall occur: (i) when
18 hospital discharge planners have advised the case coordination
19 unit of the imminent risk of nursing home placement of a
20 patient who meets the above criteria and in advance of
21 discharge of the patient; or (ii) when a case coordination unit
22 has been advised of the imminent risk of nursing home placement
23 of an individual in the community. The individual who is

1 prescreened shall be informed of all appropriate options,
2 including placement in a nursing home and the availability of
3 in-home and community-based services and shall be advised of
4 her or his right to refuse nursing home, in-home,
5 community-based, or all services. Case coordination units
6 under contract with the Department may charge a fee for the
7 prescreening provided under this Section and the fee shall be
8 no greater than the cost of such services to the case
9 coordination unit. At the time of each prescreening, case
10 coordination units shall provide information regarding the
11 Office of State Long Term Care Ombudsman's Residents Right to
12 Know database as authorized in subsection (c-5) of Section
13 4.04.

14 (Source: P.A. 95-80, eff. 8-13-07.)

15 (20 ILCS 105/4.04) (from Ch. 23, par. 6104.04)

16 Sec. 4.04. Long Term Care Ombudsman Program.

17 (a) Long Term Care Ombudsman Program. The Department shall
18 establish a Long Term Care Ombudsman Program, through the
19 Office of State Long Term Care Ombudsman ("the Office"), in
20 accordance with the provisions of the Older Americans Act of
21 1965, as now or hereafter amended.

22 (b) Definitions. As used in this Section, unless the
23 context requires otherwise:

24 (1) "Access" has the same meaning as in Section 1-104
25 of the Nursing Home Care Act, as now or hereafter amended;

1 that is, it means the right to:

2 (i) Enter any long term care facility or assisted
3 living or shared housing establishment or supportive
4 living facility;

5 (ii) Communicate privately and without restriction
6 with any resident, regardless of age, who consents to
7 the communication;

8 (iii) Seek consent to communicate privately and
9 without restriction with any resident, regardless of
10 age;

11 (iv) Inspect the clinical and other records of a
12 resident, regardless of age, with the express written
13 consent of the resident;

14 (v) Observe all areas of the long term care
15 facility or supportive living facilities, assisted
16 living or shared housing establishment except the
17 living area of any resident who protests the
18 observation.

19 (2) "Long Term Care Facility" means (i) any facility as
20 defined by Section 1-113 of the Nursing Home Care Act, as
21 now or hereafter amended; and (ii) any skilled nursing
22 facility or a nursing facility which meets the requirements
23 of Section 1819(a), (b), (c), and (d) or Section 1919(a),
24 (b), (c), and (d) of the Social Security Act, as now or
25 hereafter amended (42 U.S.C. 1395i-3(a), (b), (c), and (d)
26 and 42 U.S.C. 1396r(a), (b), (c), and (d)).

1 (2.5) "Assisted living establishment" and "shared
2 housing establishment" have the meanings given those terms
3 in Section 10 of the Assisted Living and Shared Housing
4 Act.

5 (2.7) "Supportive living facility" means a facility
6 established under Section 5-5.01a of the Illinois Public
7 Aid Code.

8 (3) "State Long Term Care Ombudsman" means any person
9 employed by the Department to fulfill the requirements of
10 the Office of State Long Term Care Ombudsman as required
11 under the Older Americans Act of 1965, as now or hereafter
12 amended, and Departmental policy.

13 (3.1) "Ombudsman" means any designated representative
14 of a regional long term care ombudsman program; provided
15 that the representative, whether he is paid for or
16 volunteers his ombudsman services, shall be qualified and
17 designated by the Office to perform the duties of an
18 ombudsman as specified by the Department in rules and in
19 accordance with the provisions of the Older Americans Act
20 of 1965, as now or hereafter amended.

21 (c) Ombudsman; rules. The Office of State Long Term Care
22 Ombudsman shall be composed of at least one full-time ombudsman
23 and shall include a system of designated regional long term
24 care ombudsman programs. Each regional program shall be
25 designated by the State Long Term Care Ombudsman as a
26 subdivision of the Office and any representative of a regional

1 program shall be treated as a representative of the Office.

2 The Department, in consultation with the Office, shall
3 promulgate administrative rules in accordance with the
4 provisions of the Older Americans Act of 1965, as now or
5 hereafter amended, to establish the responsibilities of the
6 Department and the Office of State Long Term Care Ombudsman and
7 the designated regional Ombudsman programs. The administrative
8 rules shall include the responsibility of the Office and
9 designated regional programs to investigate and resolve
10 complaints made by or on behalf of residents of long term care
11 facilities, supportive living facilities, and assisted living
12 and shared housing establishments, including the option to
13 serve residents under the age of 60, relating to actions,
14 inaction, or decisions of providers, or their representatives,
15 of long term care facilities, of supported living facilities,
16 of assisted living and shared housing establishments, of public
17 agencies, or of social services agencies, which may adversely
18 affect the health, safety, welfare, or rights of such
19 residents. The Office and designated regional programs may
20 represent all residents, but are not required by this Act to
21 represent persons under 60 years of age, except to the extent
22 required by federal law. When necessary and appropriate,
23 representatives of the Office shall refer complaints to the
24 appropriate regulatory State agency. The Department, in
25 consultation with the Office, shall cooperate with the
26 Department of Human Services and other State agencies in

1 providing information and training to designated regional long
2 term care ombudsman programs about the appropriate assessment
3 and treatment (including information about appropriate
4 supportive services, treatment options, and assessment of
5 rehabilitation potential) of the residents they serve,
6 including children, persons with mental illness (other than
7 Alzheimer's disease and related disorders), and persons with
8 developmental disabilities.

9 The State Long Term Care Ombudsman and all other ombudsmen,
10 as defined in paragraph (3.1) of subsection (b) must submit to
11 background checks under the Health Care Worker Background Check
12 Act and receive training, as prescribed by the Illinois
13 Department on Aging, before visiting facilities. The training
14 must include information specific to assisted living
15 establishments, supportive living facilities, and shared
16 housing establishments and to the rights of residents
17 guaranteed under the corresponding Acts and administrative
18 rules.

19 (c-5) Consumer Choice Information Reports. The Office
20 shall:

21 (1) In collaboration with the Attorney General, create
22 a Consumer Choice Information Report form to be completed
23 by all licensed long term care facilities, assisted living
24 or shared housing establishments, and supportive living
25 facilities to aid Illinoisans and their families in making
26 informed choices about long term care. The Office shall

1 create a Consumer Choice Information Report for each type
2 of licensed long term care facility, assisted living or
3 shared housing establishment, and supportive living
4 facility.

5 (2) Develop a database of Consumer Choice Information
6 Reports completed by licensed long term care facilities,
7 assisted living or shared housing establishments, and
8 supportive living facilities that includes information in
9 the following consumer categories:

10 (A) Medical Care, Services, and Treatment.

11 (B) Special Services and Amenities.

12 (C) Staffing.

13 (D) Facility Statistics and Resident Demographics.

14 (E) Ownership and Administration.

15 (F) Safety and Security.

16 (G) Meals and Nutrition.

17 (H) Rooms, Furnishings, and Equipment.

18 (I) Family, Volunteer, and Visitation Provisions.

19 (3) Make this information accessible to the public,
20 including on the Internet by means of a hyperlink labeled
21 "Resident's Right to Know" on the Office's World Wide Web
22 home page.

23 (4) Have the authority, with the Attorney General, to
24 verify that information provided by a facility or
25 establishment is accurate.

26 (5) Request a new report from any licensed facility or

1 establishment whenever it deems necessary.

2 (d) Access and visitation rights.

3 (1) In accordance with subparagraphs (A) and (E) of
4 paragraph (3) of subsection (c) of Section 1819 and
5 subparagraphs (A) and (E) of paragraph (3) of subsection
6 (c) of Section 1919 of the Social Security Act, as now or
7 hereafter amended (42 U.S.C. 1395i-3 (c) (3) (A) and (E) and
8 42 U.S.C. 1396r (c) (3) (A) and (E)), and Section 712 of the
9 Older Americans Act of 1965, as now or hereafter amended
10 (42 U.S.C. 3058f), a long term care facility, supportive
11 living facility, assisted living establishment, and shared
12 housing establishment must:

13 (i) permit immediate access to any resident,
14 regardless of age, by a designated ombudsman; and

15 (ii) permit representatives of the Office, with
16 the permission of the resident's legal representative
17 or legal guardian, to examine a resident's clinical and
18 other records, regardless of the age of the resident,
19 and if a resident is unable to consent to such review,
20 and has no legal guardian, permit representatives of
21 the Office appropriate access, as defined by the
22 Department, in consultation with the Office, in
23 administrative rules, to the resident's records.

24 (2) Each long term care facility, supportive living
25 facility, assisted living establishment, and shared
26 housing establishment shall display, in multiple,

1 conspicuous public places within the facility accessible
2 to both visitors and residents and in an easily readable
3 format, the address and phone number of the Office of the
4 Long Term Care Ombudsman, in a manner prescribed by the
5 Office.

6 (e) Immunity. An ombudsman or any representative of the
7 Office participating in the good faith performance of his or
8 her official duties shall have immunity from any liability
9 (civil, criminal or otherwise) in any proceedings (civil,
10 criminal or otherwise) brought as a consequence of the
11 performance of his official duties.

12 (f) Business offenses.

13 (1) No person shall:

14 (i) Intentionally prevent, interfere with, or
15 attempt to impede in any way any representative of the
16 Office in the performance of his official duties under
17 this Act and the Older Americans Act of 1965; or

18 (ii) Intentionally retaliate, discriminate
19 against, or effect reprisals against any long term care
20 facility resident or employee for contacting or
21 providing information to any representative of the
22 Office.

23 (2) A violation of this Section is a business offense,
24 punishable by a fine not to exceed \$501.

25 (3) The Director of Aging, in consultation with the
26 Office, shall notify the State's Attorney of the county in

1 which the long term care facility, supportive living
2 facility, or assisted living or shared housing
3 establishment is located, or the Attorney General, of any
4 violations of this Section.

5 (g) Confidentiality of records and identities. The
6 Department shall establish procedures for the disclosure by the
7 State Ombudsman or the regional ombudsmen entities of files
8 maintained by the program. The procedures shall provide that
9 the files and records may be disclosed only at the discretion
10 of the State Long Term Care Ombudsman or the person designated
11 by the State Ombudsman to disclose the files and records, and
12 the procedures shall prohibit the disclosure of the identity of
13 any complainant, resident, witness, or employee of a long term
14 care provider unless:

15 (1) the complainant, resident, witness, or employee of
16 a long term care provider or his or her legal
17 representative consents to the disclosure and the consent
18 is in writing;

19 (2) the complainant, resident, witness, or employee of
20 a long term care provider gives consent orally; and the
21 consent is documented contemporaneously in writing in
22 accordance with such requirements as the Department shall
23 establish; or

24 (3) the disclosure is required by court order.

25 (h) Legal representation. The Attorney General shall
26 provide legal representation to any representative of the

1 Office against whom suit or other legal action is brought in
2 connection with the performance of the representative's
3 official duties, in accordance with the State Employee
4 Indemnification Act.

5 (i) Treatment by prayer and spiritual means. Nothing in
6 this Act shall be construed to authorize or require the medical
7 supervision, regulation or control of remedial care or
8 treatment of any resident in a long term care facility operated
9 exclusively by and for members or adherents of any church or
10 religious denomination the tenets and practices of which
11 include reliance solely upon spiritual means through prayer for
12 healing.

13 (Source: P.A. 95-620, eff. 9-17-07.)

14 Section 10. The Assisted Living and Shared Housing Act is
15 amended by changing Section 110 and by adding Section 117 as
16 follows:

17 (210 ILCS 9/110)

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

19 (a) The Department shall conduct an annual unannounced
20 on-site visit at each assisted living and shared housing
21 establishment to determine compliance with applicable
22 licensure requirements and standards. Submission of an
23 establishment's current Consumer Choice Information Report
24 required by Section 117 shall be verified at time of

1 inspection. Additional visits may be conducted without prior
2 notice to the assisted living or shared housing establishment.

3 (b) Upon receipt of information that may indicate the
4 failure of the assisted living or shared housing establishment
5 or a service provider to comply with a provision of this Act,
6 the Department shall investigate the matter or make appropriate
7 referrals to other government agencies and entities having
8 jurisdiction over the subject matter of the possible violation.
9 The Department may also make referrals to any public or private
10 agency that the Department considers available for appropriate
11 assistance to those involved. The Department may oversee and
12 coordinate the enforcement of State consumer protection
13 policies affecting residents residing in an establishment
14 licensed under this Act.

15 (c) The Department shall establish by rule complaint
16 receipt, investigation, resolution, and involuntary residency
17 termination procedures. Resolution procedures shall provide
18 for on-site review and evaluation of an assisted living or
19 shared housing establishment found to be in violation of this
20 Act within a specified period of time based on the gravity and
21 severity of the violation and any pervasive pattern of
22 occurrences of the same or similar violations.

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

25 (e) The Department shall by rule establish penalties and
26 sanctions, which shall include, but need not be limited to, the

1 creation of a schedule of graduated penalties and sanctions to
2 include closure.

3 (f) The Department shall by rule establish procedures for
4 disclosure of information to the public, which shall include,
5 but not be limited to, ownership, licensure status, frequency
6 of complaints, disposition of substantiated complaints, and
7 disciplinary actions.

8 (g) (Blank).

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

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

12 (210 ILCS 9/117 new)

13 Sec. 117. Consumer Choice Information Reports.

14 (a) Every establishment shall complete a Consumer Choice
15 Information Report and shall file it with the Office of State
16 Long Term Care Ombudsman electronically as prescribed by the
17 Office. The Report shall be filed annually and upon request of
18 the Office of State Long Term Care Ombudsman. The first
19 Consumer Choice Information Report is due to the Office of
20 State Long Term Care Ombudsman on July 1, 2009. The Consumer
21 Choice Information Report must be completed by the
22 establishment in full.

23 (b) A violation of any of the provisions of this Section
24 constitutes an unlawful practice under the Consumer Fraud and
25 Deceptive Business Practices Act. All remedies, penalties, and

1 authority granted to the Attorney General by the Consumer Fraud
2 and Deceptive Business Practices Act shall be available to him
3 or her for the enforcement of this Section.

4 (c) The Department of Public Health shall include
5 verification of the submission of an establishment's current
6 Consumer Choice Information Report when conducting an annual
7 on-site visit under Section 110.

8 Section 15. The Nursing Home Care Act is amended by
9 changing Sections 3-210 and 3-212 and by adding Section 2-214
10 as follows:

11 (210 ILCS 45/2-214 new)

12 Sec. 2-214. Consumer Choice Information Reports.

13 (a) Every facility shall complete a Consumer Choice
14 Information Report and shall file it with the Office of State
15 Long Term Care Ombudsman electronically as prescribed by the
16 Office. The Report shall be filed annually and upon request of
17 the Office of State Long Term Care Ombudsman. The first
18 Consumer Choice Information Report is due to the Office of
19 State Long Term Care Ombudsman on July 1, 2009. The Consumer
20 Choice Information Report must be completed by the facility in
21 full.

22 (b) A violation of any of the provisions of this Section
23 constitutes an unlawful practice under the Consumer Fraud and
24 Deceptive Business Practices Act. All remedies, penalties, and

1 authority granted to the Attorney General by the Consumer Fraud
2 and Deceptive Business Practices Act shall be available to him
3 or her for the enforcement of this Section.

4 (c) The Department of Public Health shall include
5 verification of the submission of a facility's current Consumer
6 Choice Information Report when conducting an inspection
7 pursuant to Section 3-212.

8 (210 ILCS 45/3-210) (from Ch. 111 1/2, par. 4153-210)

9 Sec. 3-210. A facility shall retain the following for
10 public inspection:

11 (1) A complete copy of every inspection report of the
12 facility received from the Department during the past 5 years;

13 (2) A copy of every order pertaining to the facility issued
14 by the Department or a court during the past 5 years;

15 (3) A description of the services provided by the facility
16 and the rates charged for those services and items for which a
17 resident may be separately charged;

18 (4) A copy of the statement of ownership required by
19 Section 3-207;

20 (5) A record of personnel employed or retained by the
21 facility who are licensed, certified or registered by the
22 Department of Professional Regulation; ~~and~~

23 (6) A complete copy of the most recent inspection report of
24 the facility received from the Department; ~~and~~

25 (7) A copy of the current Consumer Choice Information

1 Report required by Section 2-214.

2 (Source: P.A. 85-1209)

3 (210 ILCS 45/3-212) (from Ch. 111 1/2, par. 4153-212)

4 Sec. 3-212. Inspection.

5 (a) The Department, whenever it deems necessary in
6 accordance with subsection (b), shall inspect, survey and
7 evaluate every facility to determine compliance with
8 applicable licensure requirements and standards. Submission of
9 a facility's current Consumer Choice Information Report
10 required by Section 2-214 shall be verified at time of
11 inspection. An inspection should occur within 120 days prior to
12 license renewal. The Department may periodically visit a
13 facility for the purpose of consultation. An inspection,
14 survey, or evaluation, other than an inspection of financial
15 records, shall be conducted without prior notice to the
16 facility. A visit for the sole purpose of consultation may be
17 announced. The Department shall provide training to surveyors
18 about the appropriate assessment, care planning, and care of
19 persons with mental illness (other than Alzheimer's disease or
20 related disorders) to enable its surveyors to determine whether
21 a facility is complying with State and federal requirements
22 about the assessment, care planning, and care of those persons.

23 (a-1) An employee of a State or unit of local government
24 agency charged with inspecting, surveying, and evaluating
25 facilities who directly or indirectly gives prior notice of an

1 inspection, survey, or evaluation, other than an inspection of
2 financial records, to a facility or to an employee of a
3 facility is guilty of a Class A misdemeanor.

4 An inspector or an employee of the Department who
5 intentionally prenotifies a facility, orally or in writing, of
6 a pending complaint investigation or inspection shall be guilty
7 of a Class A misdemeanor. Superiors of persons who have
8 prenotified a facility shall be subject to the same penalties,
9 if they have knowingly allowed the prenotification. A person
10 found guilty of prenotifying a facility shall be subject to
11 disciplinary action by his or her employer.

12 If the Department has a good faith belief, based upon
13 information that comes to its attention, that a violation of
14 this subsection has occurred, it must file a complaint with the
15 Attorney General or the State's Attorney in the county where
16 the violation took place within 30 days after discovery of the
17 information.

18 (a-2) An employee of a State or unit of local government
19 agency charged with inspecting, surveying, or evaluating
20 facilities who willfully profits from violating the
21 confidentiality of the inspection, survey, or evaluation
22 process shall be guilty of a Class 4 felony and that conduct
23 shall be deemed unprofessional conduct that may subject a
24 person to loss of his or her professional license. An action to
25 prosecute a person for violating this subsection (a-2) may be
26 brought by either the Attorney General or the State's Attorney

1 in the county where the violation took place.

2 (b) In determining whether to make more than the required
3 number of unannounced inspections, surveys and evaluations of a
4 facility the Department shall consider one or more of the
5 following: previous inspection reports; the facility's history
6 of compliance with standards, rules and regulations
7 promulgated under this Act and correction of violations,
8 penalties or other enforcement actions; the number and severity
9 of complaints received about the facility; any allegations of
10 resident abuse or neglect; weather conditions; health
11 emergencies; other reasonable belief that deficiencies exist.

12 (b-1) The Department shall not be required to determine
13 whether a facility certified to participate in the Medicare
14 program under Title XVIII of the Social Security Act, or the
15 Medicaid program under Title XIX of the Social Security Act,
16 and which the Department determines by inspection under this
17 Section or under Section 3-702 of this Act to be in compliance
18 with the certification requirements of Title XVIII or XIX, is
19 in compliance with any requirement of this Act that is less
20 stringent than or duplicates a federal certification
21 requirement. In accordance with subsection (a) of this Section
22 or subsection (d) of Section 3-702, the Department shall
23 determine whether a certified facility is in compliance with
24 requirements of this Act that exceed federal certification
25 requirements. If a certified facility is found to be out of
26 compliance with federal certification requirements, the

1 results of an inspection conducted pursuant to Title XVIII or
2 XIX of the Social Security Act may be used as the basis for
3 enforcement remedies authorized and commenced under this Act.
4 Enforcement of this Act against a certified facility shall be
5 commenced pursuant to the requirements of this Act, unless
6 enforcement remedies sought pursuant to Title XVIII or XIX of
7 the Social Security Act exceed those authorized by this Act. As
8 used in this subsection, "enforcement remedy" means a sanction
9 for violating a federal certification requirement or this Act.

10 (c) Upon completion of each inspection, survey and
11 evaluation, the appropriate Department personnel who conducted
12 the inspection, survey or evaluation shall submit a copy of
13 their report to the licensee upon exiting the facility, and
14 shall submit the actual report to the appropriate regional
15 office of the Department. Such report and any recommendations
16 for action by the Department under this Act shall be
17 transmitted to the appropriate offices of the associate
18 director of the Department, together with related comments or
19 documentation provided by the licensee which may refute
20 findings in the report, which explain extenuating
21 circumstances that the facility could not reasonably have
22 prevented, or which indicate methods and timetables for
23 correction of deficiencies described in the report. Without
24 affecting the application of subsection (a) of Section 3-303,
25 any documentation or comments of the licensee shall be provided
26 within 10 days of receipt of the copy of the report. Such

1 report shall recommend to the Director appropriate action under
2 this Act with respect to findings against a facility. The
3 Director shall then determine whether the report's findings
4 constitute a violation or violations of which the facility must
5 be given notice. Such determination shall be based upon the
6 severity of the finding, the danger posed to resident health
7 and safety, the comments and documentation provided by the
8 facility, the diligence and efforts to correct deficiencies,
9 correction of the reported deficiencies, the frequency and
10 duration of similar findings in previous reports and the
11 facility's general inspection history. Violations shall be
12 determined under this subsection no later than 60 days after
13 completion of each inspection, survey and evaluation.

14 (d) The Department shall maintain all inspection, survey
15 and evaluation reports for at least 5 years in a manner
16 accessible to and understandable by the public.

17 (Source: P.A. 91-799, eff. 6-13-00; 92-209, eff. 1-1-02.)

18 Section 20. The Illinois Public Aid Code is amended by
19 changing Section 5-5.01a as follows:

20 (305 ILCS 5/5-5.01a)

21 Sec. 5-5.01a. Supportive living facilities program;
22 Consumer Choice Information Reports.

23 (a) The Department shall establish and provide oversight
24 for a program of supportive living facilities that seek to

1 promote resident independence, dignity, respect, and
2 well-being in the most cost-effective manner.

3 A supportive living facility is either a free-standing
4 facility or a distinct physical and operational entity within a
5 nursing facility. A supportive living facility integrates
6 housing with health, personal care, and supportive services and
7 is a designated setting that offers residents their own
8 separate, private, and distinct living units.

9 Sites for the operation of the program shall be selected by
10 the Department based upon criteria that may include the need
11 for services in a geographic area, the availability of funding,
12 and the site's ability to meet the standards.

13 The Department may adopt rules to implement this Section.
14 Rules that establish or modify the services, standards, and
15 conditions for participation in the program shall be adopted by
16 the Department in consultation with the Department on Aging,
17 the Department of Rehabilitation Services, and the Department
18 of Mental Health and Developmental Disabilities (or their
19 successor agencies).

20 Facilities or distinct parts of facilities which are
21 selected as supportive living facilities and are in good
22 standing with the Department's rules are exempt from the
23 provisions of the Nursing Home Care Act and the Illinois Health
24 Facilities Planning Act.

25 (b) Consumer Choice Information Reports.

26 (1) Every supportive living facility shall complete a

1 Consumer Choice Information Report and shall file it with
2 the Office of State Long Term Care Ombudsman electronically
3 as prescribed by the Office. The Report shall be filed
4 annually and upon request of the Office of State Long Term
5 Care Ombudsman. The first Consumer Choice Information
6 Report is due to the Office of State Long Term Care
7 Ombudsman on July 1, 2009. The Consumer Choice Information
8 Report must be completed by the facility in full.

9 (2) A violation of any of the provisions of this
10 subsection constitutes an unlawful practice under the
11 Consumer Fraud and Deceptive Business Practices Act. All
12 remedies, penalties, and authority granted to the Attorney
13 General by the Consumer Fraud and Deceptive Business
14 Practices Act shall be available to him or her for the
15 enforcement of this subsection.

16 (3) The Department of Healthcare and Family Services
17 shall include verification of the submission of a
18 facility's current Consumer Choice Information Report when
19 conducting an inspection.

20 (Source: P.A. 94-342, eff. 7-26-05.)

21 Section 25. The Consumer Fraud and Deceptive Business
22 Practices Act is amended by adding Section 2BBB as follows:

23 (815 ILCS 505/2BBB new)

24 Sec. 2BBB. Long term care facility, assisted living or

1 shared housing establishment, supportive living facility;
2 Consumer Choice Information report. A long term care facility
3 that fails to comply with Section 2-214 of the Nursing Home
4 Care Act, an assisted living or shared housing establishment
5 that fails to comply with Section 117 of the Assisted Living
6 and Shared Housing Act, or a supportive living facility that
7 fails to comply with subsection (b) of Section 5-5.01a of the
8 Illinois Public Aid Code commits an unlawful practice within
9 the meaning of this Act.