



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0838

Introduced 2/9/2009, by Rep. Joseph M. Lyons

SYNOPSIS AS INTRODUCED:

20 ILCS 105/4.02c
225 ILCS 7/3

Amends the Illinois Act on the Aging and the Board and Care Home Act. Provides that no person may establish, operate, maintain, or offer a facility operated as a participating project under the Comprehensive Care in Residential Settings Demonstration Project or as a board and care home until he or she obtains a valid license under the Assisted Living and Shared Housing Act, which remains unsuspended, unrevoked, and unexpired. Provides that no public official, agent, or employee may place any person in, or recommend that any person be placed in, or directly or indirectly cause any person to be placed in, any unlicensed facility that is required to be licensed under these provisions. Provides that no public official, agent, or employee may place the name of an unlicensed facility that is required to be licensed under these provisions on a list of programs. Provides that an entity that operates as a participating project under the Comprehensive Care in Residential Settings Demonstration Project or as a board and care home without a license is subject to the provisions, including penalties, of the Nursing Home Care Act. Effective immediately.

LRB096 03649 DRJ 13677 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 Illinois Act on the Aging is amended by
5 changing Section 4.02c as follows:

6 (20 ILCS 105/4.02c)

7 Sec. 4.02c. Comprehensive Care in Residential Settings
8 Demonstration Project.

9 (a) The Department may establish and fund a demonstration
10 program of bundled services designed to support the specialized
11 needs of clients currently residing in projects that were
12 formerly designated as Community Based Residential Facilities.
13 Participating projects must hold a valid license, which remains
14 unsuspended, unrevoked, and unexpired, under the provisions of
15 the Assisted Living and Shared Housing Act.

16 (a-5) No person may establish, operate, maintain, or offer
17 a facility operated as a participating project under this
18 Section until he or she obtains a valid license under the
19 Assisted Living and Shared Housing Act, which remains
20 unsuspended, unrevoked, and unexpired. No public official,
21 agent, or employee may place any person in, or recommend that
22 any person be placed in, or directly or indirectly cause any
23 person to be placed in, any unlicensed facility that is

1 required to be licensed under this Section. No public official,
2 agent, or employee may place the name of an unlicensed facility
3 that is required to be licensed under this Section on a list of
4 programs. An entity that operates as a participating project
5 under this Section without a license is subject to the
6 provisions, including penalties, of the Nursing Home Care Act.

7 (b) The demonstration program must include, at a minimum:

- 8 (1) 3 meals per day;
- 9 (2) routine housekeeping services;
- 10 (3) 24-hour-a-day security;
- 11 (4) an emergency response system;
- 12 (5) personal laundry and linen service;
- 13 (6) assistance with activities of daily living;
- 14 (7) medication management; and
- 15 (8) money management.

16 Optional services, such as transportation and social
17 activities, may be provided.

18 (c) Reimbursement for the program shall be based on the
19 client's level of need and functional impairment, as determined
20 by the Department. Clients must meet all eligibility
21 requirements established by rule. The Department may establish
22 a capitated reimbursement mechanism based on the client's level
23 of need and functional impairment. Reimbursement for program
24 must be made to the Department-contracted provider delivering
25 the services.

26 (d) The Department shall adopt rules and provide oversight

1 for the project, with assistance and advice provided by the
2 Assisted Living and Shared Housing Advisory Board and Assisted
3 Living and Shared Housing Quality of Life Committee.

4 The project may be funded through the Department
5 appropriations that may include Medicaid waiver funds.

6 (e) Before January 1, 2008, the Department, in consultation
7 with the Assisted Living and Shared Housing Advisory Board,
8 must report to the General Assembly on the results of the
9 demonstration project. The report must include, without
10 limitation, any recommendations for changes or improvements,
11 including changes or improvements in the administration of the
12 program and an evaluation.

13 (Source: P.A. 93-775, eff. 1-1-05.)

14 Section 10. The Board and Care Home Act is amended by
15 changing Section 3 as follows:

16 (225 ILCS 7/3)

17 Sec. 3. Licensure.

18 (a) Every board and care home located in this State shall
19 be licensed by the Department. Registration shall be in the
20 form prescribed by the Department as a shared housing or
21 assisted living establishment under the Assisted Living and
22 Shared Housing Act.

23 (a-5) No person may establish, operate, maintain, or offer
24 a board and care home under this Act until he or she obtains a

1 valid license under the Assisted Living and Shared Housing Act,
2 which remains unsuspended, unrevoked, and unexpired. No public
3 official, agent, or employee may place any person in, or
4 recommend that any person be placed in, or directly or
5 indirectly cause any person to be placed in, any unlicensed
6 facility that is required to be licensed under this Act. No
7 public official, agent, or employee may place the name of an
8 unlicensed facility that is required to be licensed under this
9 Act on a list of programs. An entity that operates as a board
10 and care home under this Act without a license is subject to
11 the provisions, including penalties, of the Nursing Home Care
12 Act.

13 (b) (Blank).

14 (c) (Blank).

15 (d) No public official, agent, or employee may place any
16 person in, or recommend that any person be placed in, or
17 directly or indirectly cause any person to be placed in any
18 board and care home that is not licensed as an assisted living
19 or shared housing establishment.

20 (e) No public official, agent, or employee may place the
21 name of an unlicensed establishment that is required to be
22 licensed under this Act on a list of programs.

23 (f) Failure of a board and care home to comply with the
24 provisions of this Section is punishable by a fine of up to
25 \$1,000.

26 (g) Failure of a board and care home to comply with the

1 provisions of this Section within 90 days after the initial
2 finding of noncompliance is punishable by a fine of \$1,000 on
3 each day the provisions of this Section are not complied with.
4 (Source: P.A. 94-21, eff. 1-1-06; 95-651, eff. 10-11-07.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.