

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 10, 20, 30, and 110 as follows:

6 (210 ILCS 9/10)

7 (Text of Section before amendment by P.A. 96-339)

8 Sec. 10. Definitions. For purposes of this Act:

9 "Activities of daily living" means eating, dressing,
10 bathing, toileting, transferring, or personal hygiene.

11 ~~"Advisory Board" means the Assisted Living and Shared~~
12 ~~Housing Standards and Quality of Life Advisory Board.~~

13 "Assisted living establishment" or "establishment" means a
14 home, building, residence, or any other place where sleeping
15 accommodations are provided for at least 3 unrelated adults, at
16 least 80% of whom are 55 years of age or older and where the
17 following are provided consistent with the purposes of this
18 Act:

19 (1) services consistent with a social model that is
20 based on the premise that the resident's unit in assisted
21 living and shared housing is his or her own home;

22 (2) community-based residential care for persons who
23 need assistance with activities of daily living, including

1 personal, supportive, and intermittent health-related
2 services available 24 hours per day, if needed, to meet the
3 scheduled and unscheduled needs of a resident;

4 (3) mandatory services, whether provided directly by
5 the establishment or by another entity arranged for by the
6 establishment, with the consent of the resident or
7 resident's representative; and

8 (4) a physical environment that is a homelike setting
9 that includes the following and such other elements as
10 established by the Department ~~in conjunction with the~~
11 ~~Assisted Living and Shared Housing Standards and Quality of~~
12 ~~Life Advisory Board~~: individual living units each of which
13 shall accommodate small kitchen appliances and contain
14 private bathing, washing, and toilet facilities, or
15 private washing and toilet facilities with a common bathing
16 room readily accessible to each resident. Units shall be
17 maintained for single occupancy except in cases in which 2
18 residents choose to share a unit. Sufficient common space
19 shall exist to permit individual and group activities.

20 "Assisted living establishment" or "establishment" does
21 not mean any of the following:

22 (1) A home, institution, or similar place operated by
23 the federal government or the State of Illinois.

24 (2) A long term care facility licensed under the
25 Nursing Home Care Act. However, a long term care facility
26 may convert distinct parts of the facility to assisted

1 living. If the long term care facility elects to do so, the
2 facility shall retain the Certificate of Need for its
3 nursing and sheltered care beds that were converted.

4 (3) A hospital, sanitarium, or other institution, the
5 principal activity or business of which is the diagnosis,
6 care, and treatment of human illness and that is required
7 to be licensed under the Hospital Licensing Act.

8 (4) A facility for child care as defined in the Child
9 Care Act of 1969.

10 (5) A community living facility as defined in the
11 Community Living Facilities Licensing Act.

12 (6) A nursing home or sanitarium operated solely by and
13 for persons who rely exclusively upon treatment by
14 spiritual means through prayer in accordance with the creed
15 or tenants of a well-recognized church or religious
16 denomination.

17 (7) A facility licensed by the Department of Human
18 Services as a community-integrated living arrangement as
19 defined in the Community-Integrated Living Arrangements
20 Licensure and Certification Act.

21 (8) A supportive residence licensed under the
22 Supportive Residences Licensing Act.

23 (9) The portion of a life care facility as defined in
24 the Life Care Facilities Act not licensed as an assisted
25 living establishment under this Act; a life care facility
26 may apply under this Act to convert sections of the

1 community to assisted living.

2 (10) A free-standing hospice facility licensed under
3 the Hospice Program Licensing Act.

4 (11) A shared housing establishment.

5 (12) A supportive living facility as described in
6 Section 5-5.01a of the Illinois Public Aid Code.

7 "Department" means the Department of Public Health.

8 "Director" means the Director of Public Health.

9 "Emergency situation" means imminent danger of death or
10 serious physical harm to a resident of an establishment.

11 "License" means any of the following types of licenses
12 issued to an applicant or licensee by the Department:

13 (1) "Probationary license" means a license issued to an
14 applicant or licensee that has not held a license under
15 this Act prior to its application or pursuant to a license
16 transfer in accordance with Section 50 of this Act.

17 (2) "Regular license" means a license issued by the
18 Department to an applicant or licensee that is in
19 substantial compliance with this Act and any rules
20 promulgated under this Act.

21 "Licensee" means a person, agency, association,
22 corporation, partnership, or organization that has been issued
23 a license to operate an assisted living or shared housing
24 establishment.

25 "Licensed health care professional" means a registered
26 professional nurse, an advanced practice nurse, a physician

1 assistant, and a licensed practical nurse.

2 "Mandatory services" include the following:

3 (1) 3 meals per day available to the residents prepared
4 by the establishment or an outside contractor;

5 (2) housekeeping services including, but not limited
6 to, vacuuming, dusting, and cleaning the resident's unit;

7 (3) personal laundry and linen services available to
8 the residents provided or arranged for by the
9 establishment;

10 (4) security provided 24 hours each day including, but
11 not limited to, locked entrances or building or contract
12 security personnel;

13 (5) an emergency communication response system, which
14 is a procedure in place 24 hours each day by which a
15 resident can notify building management, an emergency
16 response vendor, or others able to respond to his or her
17 need for assistance; and

18 (6) assistance with activities of daily living as
19 required by each resident.

20 "Negotiated risk" is the process by which a resident, or
21 his or her representative, may formally negotiate with
22 providers what risks each are willing and unwilling to assume
23 in service provision and the resident's living environment. The
24 provider assures that the resident and the resident's
25 representative, if any, are informed of the risks of these
26 decisions and of the potential consequences of assuming these

1 risks.

2 "Owner" means the individual, partnership, corporation,
3 association, or other person who owns an assisted living or
4 shared housing establishment. In the event an assisted living
5 or shared housing establishment is operated by a person who
6 leases or manages the physical plant, which is owned by another
7 person, "owner" means the person who operates the assisted
8 living or shared housing establishment, except that if the
9 person who owns the physical plant is an affiliate of the
10 person who operates the assisted living or shared housing
11 establishment and has significant control over the day to day
12 operations of the assisted living or shared housing
13 establishment, the person who owns the physical plant shall
14 incur jointly and severally with the owner all liabilities
15 imposed on an owner under this Act.

16 "Physician" means a person licensed under the Medical
17 Practice Act of 1987 to practice medicine in all of its
18 branches.

19 "Resident" means a person residing in an assisted living or
20 shared housing establishment.

21 "Resident's representative" means a person, other than the
22 owner, agent, or employee of an establishment or of the health
23 care provider unless related to the resident, designated in
24 writing by a resident to be his or her representative. This
25 designation may be accomplished through the Illinois Power of
26 Attorney Act, pursuant to the guardianship process under the

1 Probate Act of 1975, or pursuant to an executed designation of
2 representative form specified by the Department.

3 "Self" means the individual or the individual's designated
4 representative.

5 "Shared housing establishment" or "establishment" means a
6 publicly or privately operated free-standing residence for 16
7 or fewer persons, at least 80% of whom are 55 years of age or
8 older and who are unrelated to the owners and one manager of
9 the residence, where the following are provided:

10 (1) services consistent with a social model that is
11 based on the premise that the resident's unit is his or her
12 own home;

13 (2) community-based residential care for persons who
14 need assistance with activities of daily living, including
15 housing and personal, supportive, and intermittent
16 health-related services available 24 hours per day, if
17 needed, to meet the scheduled and unscheduled needs of a
18 resident; and

19 (3) mandatory services, whether provided directly by
20 the establishment or by another entity arranged for by the
21 establishment, with the consent of the resident or the
22 resident's representative.

23 "Shared housing establishment" or "establishment" does not
24 mean any of the following:

25 (1) A home, institution, or similar place operated by
26 the federal government or the State of Illinois.

1 (2) A long term care facility licensed under the
2 Nursing Home Care Act. A long term care facility may,
3 however, convert sections of the facility to assisted
4 living. If the long term care facility elects to do so, the
5 facility shall retain the Certificate of Need for its
6 nursing beds that were converted.

7 (3) A hospital, sanitarium, or other institution, the
8 principal activity or business of which is the diagnosis,
9 care, and treatment of human illness and that is required
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23 Licensure and Certification Act.

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25 Supportive Residences Licensing Act.

26 (9) A life care facility as defined in the Life Care

1 Facilities Act; a life care facility may apply under this
2 Act to convert sections of the community to assisted
3 living.

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8 Section 5-5.01a of the Illinois Public Aid Code.

9 "Total assistance" means that staff or another individual
10 performs the entire activity of daily living without
11 participation by the resident.

12 (Source: P.A. 95-216, eff. 8-16-07.)

13 (Text of Section after amendment by P.A. 96-339)

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14 (12) A supportive living facility as described in
15 Section 5-5.01a of the Illinois Public Aid Code.

16 "Total assistance" means that staff or another individual
17 performs the entire activity of daily living without
18 participation by the resident.

19 (Source: P.A. 95-216, eff. 8-16-07; 96-339, eff. 7-1-10.)

20 (210 ILCS 9/20)

21 Sec. 20. Construction and operating standards. The
22 Department, ~~in consultation with the Advisory Board,~~ shall
23 prescribe minimum standards for establishments. These
24 standards shall include:

25 (1) the location and construction of the

1 establishment, including plumbing, heating, lighting,
2 ventilation, and other physical conditions which shall
3 ensure the health, safety, and comfort of residents and
4 their protection from fire hazards; these standards shall
5 include, at a minimum, compliance with the residential
6 board and care occupancies chapter of the National Fire
7 Protection Association's Life Safety Code, local and State
8 building codes for the building type, and accessibility
9 standards of the Americans with Disabilities Act;

10 (2) the number and qualifications of all personnel
11 having responsibility for any part of the services provided
12 for residents;

13 (3) all sanitary conditions within the establishment
14 and its surroundings, including water supply, sewage
15 disposal, food handling, infection control, and general
16 hygiene, which shall ensure the health and comfort of
17 residents;

18 (4) a program for adequate maintenance of physical
19 plant and equipment;

20 (5) adequate accommodations, staff, and services for
21 the number and types of residents for whom the
22 establishment is licensed;

23 (6) the development of evacuation and other
24 appropriate safety plans for use during weather, health,
25 fire, physical plant, environmental, and national defense
26 emergencies; and

1 (7) the maintenance of minimum financial and other
2 resources necessary to meet the standards established
3 under this Section and to operate the establishment in
4 accordance with this Act.

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

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, which shall
16 include, but not be limited to, compliance with this Act and
17 rules adopted hereunder, focus on solving resident issues and
18 concerns, and the quality improvement process implemented by
19 the establishment to address resident issues. The quality
20 improvement process implemented by the establishment must
21 benchmark performance, be customer centered, be data driven,
22 and focus on resident satisfaction.

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

25 (1) the business name, street address, mailing

1 address, and telephone number of the establishment;

2 (2) the name and mailing address of the owner or owners
3 of the establishment and if the owner or owners are not
4 natural persons, identification of the type of business
5 entity of the owners, and the names and addresses of the
6 officers and members of the governing body, or comparable
7 persons for partnerships, limited liability companies, or
8 other types of business organizations;

9 (3) financial information, content and form to be
10 determined by rules which may provide different standards
11 for assisted living establishments and shared housing
12 establishments, establishing that the project is
13 financially feasible;

14 (4) the name and mailing address of the managing agent
15 of the establishment, whether hired under a management
16 agreement or lease agreement, if different from the owner
17 or owners, and the name of the full-time director;

18 (5) verification that the establishment has entered or
19 will enter into a service delivery contract as provided in
20 Section 90, as required under this Act, with each resident
21 or resident's representative;

22 (6) the name and address of at least one natural person
23 who shall be responsible for dealing with the Department on
24 all matters provided for in this Act, on whom personal
25 service of all notices and orders shall be made, and who
26 shall be authorized to accept service on behalf of the

1 owner or owners and the managing agent. Notwithstanding a
2 contrary provision of the Code of Civil Procedure, personal
3 service on the person identified pursuant to this
4 subsection shall be considered service on the owner or
5 owners and the managing agent, and it shall not be a
6 defense to any action that personal service was not made on
7 each individual or entity;

8 (7) the signature of the authorized representative of
9 the owner or owners;

10 (8) proof of an ongoing quality improvement program in
11 accordance with rules adopted by the Department ~~in~~
12 ~~collaboration with the Advisory Board;~~

13 (9) information about the number and types of units,
14 the maximum census, and the services to be provided at the
15 establishment, proof of compliance with applicable State
16 and local residential standards, and a copy of the standard
17 contract offered to residents;

18 (10) documentation of adequate liability insurance;
19 and

20 (11) other information necessary to determine the
21 identity and qualifications of an applicant or licensee to
22 operate an establishment in accordance with this Act as
23 required by the Department by rule.

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

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

1 (210 ILCS 9/110)

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

3 (a) The Department shall conduct an annual unannounced
4 on-site visit at each assisted living and shared housing
5 establishment to determine compliance with applicable
6 licensure requirements and standards. Additional visits may be
7 conducted without prior notice to the assisted living or shared
8 housing establishment.

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

21 (c) The Department shall establish by rule complaint
22 receipt, investigation, resolution, and involuntary residency
23 termination procedures. Resolution procedures shall provide
24 for on-site review and evaluation of an assisted living or
25 shared housing establishment found to be in violation of this

1 Act within a specified period of time based on the gravity and
2 severity of the violation and any pervasive pattern of
3 occurrences of the same or similar violations.

4 (d) (Blank). ~~The Governor shall establish an Assisted~~
5 ~~Living and Shared Housing Standards and Quality of Life~~
6 ~~Advisory Board.~~

7 (e) The Department shall by rule establish penalties and
8 sanctions, which shall include, but need not be limited to, the
9 creation of a schedule of graduated penalties and sanctions to
10 include closure.

11 (f) The Department shall by rule establish procedures for
12 disclosure of information to the public, which shall include,
13 but not be limited to, ownership, licensure status, frequency
14 of complaints, disposition of substantiated complaints, and
15 disciplinary actions.

16 (g) (Blank).

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

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

20 (210 ILCS 9/125 rep.)

21 Section 10. The Assisted Living and Shared Housing Act is
22 amended by repealing Section 125.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.