

SB2982



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2982

Introduced 2/3/2010, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

210 ILCS 9/10

Amends the Assisted Living and Shared Housing Act. Provides that a "shared housing establishment" or "establishment" means a publicly or privately operated free-standing residence for 24 or fewer persons (rather than 16 or fewer persons), at least 80% of whom are 55 years of age or older and who are unrelated to the owners and one manager of the residence. Effective immediately.

LRB096 19764 KTG 35201 b

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 Section 10 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 24
7 ~~16~~ 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
10 to be licensed under the Hospital Licensing Act.

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

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

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

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

24 (8) A supportive residence licensed under the
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.

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

6 (11) An assisted living establishment.

7 (12) A supportive living facility as described in
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)

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

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25 not mean any of the following:

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1 the federal government or the State of Illinois.

2 (2) A long term care facility licensed under the
3 Nursing Home Care Act or a facility licensed under the
4 MR/DD Community Care Act. However, a facility licensed
5 under either of those Acts may convert distinct parts of
6 the facility to assisted living. If the facility elects to
7 do so, the facility shall retain the Certificate of Need
8 for its nursing and sheltered care beds that were
9 converted.

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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 Section 95. No acceleration or delay. Where this Act makes
21 changes in a statute that is represented in this Act by text
22 that is not yet or no longer in effect (for example, a Section
23 represented by multiple versions), the use of that text does
24 not accelerate or delay the taking effect of (i) the changes
25 made by this Act or (ii) provisions derived from any other

1 Public Act.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.