



Rep. Lou Lang

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LRB097 09338 RPM 54997 a

1 AMENDMENT TO SENATE BILL 2147

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2147 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Assisted Living and Shared Housing Act is  
5 amended by changing Sections 5, 10, 20, 25, 30, 32, 35, 40, 45,  
6 55, 60, 65, and 75 as follows:

7 (210 ILCS 9/5)

8 Sec. 5. Legislative purpose. The purpose of this Act is to  
9 permit the development and availability of assisted living  
10 establishments and shared housing establishments based on a  
11 social model that promotes the dignity, individuality,  
12 privacy, independence, autonomy, and decision-making ability  
13 and the right to negotiated risk of those persons; to provide  
14 for the health, safety, and welfare of those residents residing  
15 in assisted living and shared housing establishments in this  
16 State; to promote continuous quality improvement in assisted

1 living; and to encourage the development of innovative and  
2 affordable assisted living establishments and shared housing  
3 with service establishments for elderly persons of all income  
4 levels. It is the public policy of this State that assisted  
5 living is an important part of the continuum of long term care.  
6 In support of the goal of aging in place within the parameters  
7 established by this Act, assisted living and shared housing  
8 establishments shall be operated as residential environments  
9 with supportive services designed to meet the individual  
10 resident's changing needs and preferences. The residential  
11 environment shall be designed to encourage family and community  
12 involvement. The services available to residents, either  
13 directly or through contracts or agreements, are intended to  
14 help residents remain as independent as possible. Assisted  
15 living, which promotes resident choice, autonomy, and decision  
16 making, should be based on a contract model designed to result  
17 in a negotiated agreement between the resident or the  
18 resident's representative and the provider, clearly  
19 identifying the services to be provided. This model assumes  
20 that residents are able to direct services provided for them  
21 and will designate a representative to direct these services if  
22 they themselves are unable to do so. This model supports the  
23 principle that there is an acceptable balance between consumer  
24 protection and resident willingness to accept risk and that  
25 most consumers are competent to make their own judgments about  
26 the services they are obtaining. Regulation of assisted living

1 establishments and shared housing establishments must be  
2 sufficiently flexible to allow residents to age in place within  
3 the parameters of this Act. The administration of this Act and  
4 services provided must therefore ensure that the residents have  
5 the rights and responsibilities to direct the scope of services  
6 they receive and to make individual choices based on their  
7 needs and preferences. These establishments shall be operated  
8 in a manner that provides the least restrictive and most  
9 homelike environment and that promotes independence, autonomy,  
10 individuality, privacy, dignity, and the right to negotiated  
11 risk in residential surroundings. It is not the intent of the  
12 State that certified establishments ~~licensed~~ under this Act be  
13 used as halfway houses for alcohol and substance abusers.

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

15 (210 ILCS 9/10)

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

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

19 "Assisted living establishment" or "establishment" means a  
20 home, building, residence, or any other place where sleeping  
21 accommodations are provided for at least 3 unrelated adults, at  
22 least 80% of whom are 55 years of age or older and where the  
23 following are provided consistent with the purposes of this  
24 Act:

25 (1) services consistent with a social model that is

1 based on the premise that the resident's unit in assisted  
2 living and shared housing is his or her own home;

3 (2) community-based residential care for persons who  
4 need assistance with activities of daily living, including  
5 personal, supportive, and intermittent health-related  
6 services available 24 hours per day, if needed, to meet the  
7 scheduled and unscheduled needs of a resident;

8 (3) mandatory services, whether provided directly by  
9 the establishment or by another entity arranged for by the  
10 establishment, with the consent of the resident or  
11 resident's representative; and

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

23 "Assisted living establishment" or "establishment" does  
24 not 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 or a facility licensed under the  
3           MR/DD Community Care Act. However, a facility licensed  
4           under either of those Acts may convert distinct parts of  
5           the facility to assisted living. If the facility elects to  
6           do so, the facility shall retain the Certificate of Need  
7           for its nursing and sheltered care beds that were  
8           converted.

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

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

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

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

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

26          (8) A supportive residence licensed under the

1 Supportive Residences Licensing Act.

2 (9) The portion of a life care facility as defined in  
3 the Life Care Facilities Act not licensed as an assisted  
4 living establishment under this Act; a life care facility  
5 may apply under this Act to convert sections of the  
6 community to assisted living.

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

9 (11) A shared housing establishment.

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

12 "Department" means the Department of Public Health.

13 "Director" means the Director of Public Health.

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

16 "Certificate License" means any of the following types of  
17 certificates licenses issued ~~to an applicant or licensee~~ by the  
18 Department:

19 (1) "Probationary certificate license" means a  
20 certificate license issued to an applicant or the holder of  
21 a certificate licensee that has not held a certificate or  
22 license under this Act prior to its application or pursuant  
23 to a license transfer in accordance with Section 50 of this  
24 Act.

25 (2) "Regular certification license" means a  
26 certificate license issued by the Department to an

1 applicant or the holder of a certificate ~~licensee~~ that is  
2 in substantial compliance with this Act and any rules  
3 promulgated under this Act.

4 "Holder of a certificate ~~Licensee~~" means a person, agency,  
5 association, corporation, partnership, or organization that  
6 has been issued a certificate ~~license~~ to operate an assisted  
7 living or shared housing establishment.

8 "Licensed health care professional" means a registered  
9 professional nurse, an advanced practice nurse, a physician  
10 assistant, and a licensed practical nurse.

11 "Mandatory services" include the following:

12 (1) 3 meals per day available to the residents prepared  
13 by the establishment or an outside contractor;

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

16 (3) personal laundry and linen services available to  
17 the residents provided or arranged for by the  
18 establishment;

19 (4) security provided 24 hours each day including, but  
20 not limited to, locked entrances or building or contract  
21 security personnel;

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

1           (6) assistance with activities of daily living as  
2           required by each resident.

3           "Negotiated risk" is the process by which a resident, or  
4           his or her representative, may formally negotiate with  
5           providers what risks each are willing and unwilling to assume  
6           in service provision and the resident's living environment. The  
7           provider assures that the resident and the resident's  
8           representative, if any, are informed of the risks of these  
9           decisions and of the potential consequences of assuming these  
10          risks.

11          "Owner" means the individual, partnership, corporation,  
12          association, or other person who owns an assisted living or  
13          shared housing establishment. In the event an assisted living  
14          or shared housing establishment is operated by a person who  
15          leases or manages the physical plant, which is owned by another  
16          person, "owner" means the person who operates the assisted  
17          living or shared housing establishment, except that if the  
18          person who owns the physical plant is an affiliate of the  
19          person who operates the assisted living or shared housing  
20          establishment and has significant control over the day to day  
21          operations of the assisted living or shared housing  
22          establishment, the person who owns the physical plant shall  
23          incur jointly and severally with the owner all liabilities  
24          imposed on an owner under this Act.

25          "Physician" means a person licensed under the Medical  
26          Practice Act of 1987 to practice medicine in all of its



1 branches.

2 "Resident" means a person residing in an assisted living or  
3 shared housing establishment.

4 "Resident's representative" means a person, other than the  
5 owner, agent, or employee of an establishment or of the health  
6 care provider unless related to the resident, designated in  
7 writing by a resident to be his or her representative. This  
8 designation may be accomplished through the Illinois Power of  
9 Attorney Act, pursuant to the guardianship process under the  
10 Probate Act of 1975, or pursuant to an executed designation of  
11 representative form specified by the Department.

12 "Self" means the individual or the individual's designated  
13 representative.

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

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

22 (2) community-based residential care for persons who  
23 need assistance with activities of daily living, including  
24 housing and personal, supportive, and intermittent  
25 health-related services available 24 hours per day, if  
26 needed, to meet the scheduled and unscheduled needs of a

1 resident; and

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

6 "Shared housing establishment" or "establishment" does not  
7 mean any of the following:

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

10 (2) A long term care facility licensed under the  
11 Nursing Home Care Act or a facility licensed under the  
12 MR/DD Community Care Act. A facility licensed under either  
13 of those Acts may, however, convert sections of the  
14 facility to assisted living. If the facility elects to do  
15 so, the facility shall retain the Certificate of Need for  
16 its nursing beds that were converted.

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

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

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

25 (6) A nursing home or sanitarium operated solely by and  
26 for persons who rely exclusively upon treatment by

1 spiritual means through prayer in accordance with the creed  
2 or tenants of a well-recognized church or religious  
3 denomination.

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

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

10 (9) A life care facility as defined in the Life Care  
11 Facilities Act; a life care facility may apply under this  
12 Act to convert sections of the community to assisted  
13 living.

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

16 (11) An assisted living establishment.

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

19 "Total assistance" means that staff or another individual  
20 performs the entire activity of daily living without  
21 participation by the resident.

22 (Source: P.A. 95-216, eff. 8-16-07; 96-339, eff. 7-1-10;  
23 96-975, eff. 7-2-10.)

24 (210 ILCS 9/20)

25 Sec. 20. Construction and operating standards. The

1 Department shall prescribe minimum standards for  
2 establishments. These standards shall include:

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

13 (2) the number and qualifications of all personnel  
14 having responsibility for any part of the services provided  
15 for residents;

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

21 (4) a program for adequate maintenance of physical  
22 plant and equipment;

23 (5) adequate accommodations, staff, and services for  
24 the number and types of residents for whom the  
25 establishment is certified ~~licensed~~;

26 (6) the development of evacuation and other

1 appropriate safety plans for use during weather, health,  
2 fire, physical plant, environmental, and national defense  
3 emergencies; and

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

8 (Source: P.A. 96-975, eff. 7-2-10.)

9 (210 ILCS 9/25)

10 Sec. 25. Certification ~~License~~ requirement. No person may  
11 establish, operate, maintain, or offer an establishment as an  
12 assisted living establishment or shared housing establishment  
13 as defined by the Act within this State unless and until he or  
14 she obtains a valid certificate ~~license~~, which remains  
15 unsuspended, unrevoked, and unexpired. No public official,  
16 agent, or employee may place any person in, or recommend that  
17 any person be placed in, or directly or indirectly cause any  
18 person to be placed in any establishment that meets the  
19 definition under this Act that is being operated without a  
20 valid certificate ~~license~~. No public official, agent, or  
21 employee may place the name of an uncertified ~~unlicensed~~  
22 establishment that is required to be certified ~~licensed~~ under  
23 this Act on a list of programs. An entity that operates as an  
24 assisted living or shared housing establishment as defined by  
25 this Act without being certified ~~a license~~ shall be subject to

1 the provisions, including penalties, of the Nursing Home Care  
2 Act. No entity shall use in its name or advertise "assisted  
3 living" unless certified ~~licensed~~ as an assisted living  
4 establishment under this Act or as a shelter care facility  
5 under the Nursing Home Care Act that also meets the definition  
6 of an assisted living establishment under this Act, except a  
7 shared housing establishment certified ~~licensed~~ under this Act  
8 may advertise assisted living services. A valid license issued  
9 pursuant to this Act prior to the effective date of this  
10 amendatory Act of the 97th General Assembly shall be deemed a  
11 valid certificate pursuant to this Act subject to all renewal,  
12 suspension, revocation, and disciplinary provisions of this  
13 Act until such time as the Department shall establish means for  
14 certification under this Act.

15 (Source: P.A. 93-141, eff. 7-10-03.)

16 (210 ILCS 9/30)

17 Sec. 30. Certification ~~Licensing~~.

18 (a) The Department shall establish by rule forms,  
19 procedures, and fees for the annual certification ~~licensing~~ of  
20 assisted living and shared housing establishments; shall  
21 establish and enforce sanctions and penalties for operating in  
22 violation of this Act, as provided in Section 135 of this Act  
23 and rules adopted under Section 110 of this Act. The Department  
24 shall conduct an annual on-site review for each establishment  
25 covered by this Act, which shall include, but not be limited

1 to, compliance with this Act and rules adopted hereunder, focus  
2 on solving resident issues and concerns, and the quality  
3 improvement process implemented by the establishment to  
4 address resident issues. The quality improvement process  
5 implemented by the establishment must benchmark performance,  
6 be customer centered, be data driven, and focus on resident  
7 satisfaction.

8 (b) An establishment shall provide the following  
9 information to the Department to be considered for  
10 certification licensure:

11 (1) the business name, street address, mailing  
12 address, and telephone number of the establishment;

13 (2) the name and mailing address of the owner or owners  
14 of the establishment and if the owner or owners are not  
15 natural persons, identification of the type of business  
16 entity of the owners, and the names and addresses of the  
17 officers and members of the governing body, or comparable  
18 persons for partnerships, limited liability companies, or  
19 other types of business organizations;

20 (3) financial information, content and form to be  
21 determined by rules which may provide different standards  
22 for assisted living establishments and shared housing  
23 establishments, establishing that the project is  
24 financially feasible;

25 (4) the name and mailing address of the managing agent  
26 of the establishment, whether hired under a management

1 agreement or lease agreement, if different from the owner  
2 or owners, and the name of the full-time director;

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

7 (6) the name and address of at least one natural person  
8 who shall be responsible for dealing with the Department on  
9 all matters provided for in this Act, on whom personal  
10 service of all notices and orders shall be made, and who  
11 shall be authorized to accept service on behalf of the  
12 owner or owners and the managing agent. Notwithstanding a  
13 contrary provision of the Code of Civil Procedure, personal  
14 service on the person identified pursuant to this  
15 subsection shall be considered service on the owner or  
16 owners and the managing agent, and it shall not be a  
17 defense to any action that personal service was not made on  
18 each individual or entity;

19 (7) the signature of the authorized representative of  
20 the owner or owners;

21 (8) proof of an ongoing quality improvement program in  
22 accordance with rules adopted by the Department;

23 (9) information about the number and types of units,  
24 the maximum census, and the services to be provided at the  
25 establishment, proof of compliance with applicable State  
26 and local residential standards, and a copy of the standard



1 contract offered to residents;

2 (10) documentation of adequate liability insurance;  
3 and

4 (11) other information necessary to determine the  
5 identity and qualifications of an applicant or the holder  
6 of a certificate licensee to operate an establishment in  
7 accordance with this Act as required by the Department by  
8 rule.

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

11 (Source: P.A. 96-975, eff. 7-2-10.)

12 (210 ILCS 9/32)

13 Sec. 32. Floating certification ~~license~~. An establishment  
14 (i) in which 80% of the residents are at least 55 years of age  
15 or older, (ii) that is operated as housing for the elderly, and  
16 (iii) that meets the construction and operating standards  
17 contained in Section 20 of this Act may request a floating  
18 assisted living certificate ~~license~~ for any number of  
19 individual living units within the establishment up to, but not  
20 including, total capacity. An establishment requesting a  
21 floating assisted living certificate ~~license~~ must specify the  
22 number of individual living units within the establishment to  
23 be certified ~~licensed~~. Living units designated by the  
24 establishment as a certified assisted ~~licensed~~ living unit  
25 shall, for the purposes of this Section, be referred to as a

1 certified assisted ~~licensed~~ living unit. An establishment  
2 utilizing a floating assisted living certificate ~~license~~ must  
3 have staff adequate to meet the scheduled and unscheduled needs  
4 of the residents residing in certified assisted ~~licensed~~ living  
5 units within the establishment. All staff providing services to  
6 certified assisted ~~licensed~~ living units must meet the  
7 requirements of this Act and its rules. A living unit may only  
8 be designated as a certified assisted living ~~licensed~~ unit if  
9 the living unit and the living unit's resident meet the  
10 requirements of this Act and its rules. All mandatory services  
11 must be made available to residents of certified assisted  
12 ~~licensed~~ living units, and residents of certified assisted  
13 ~~licensed~~ living units may receive any optional services  
14 permitted under the establishment's assisted living  
15 certificate ~~license~~. Establishments may only provide services  
16 under this Act in the individual living units designated as  
17 certified assisted living ~~licensed~~ units. Designation as a  
18 certified assisted living ~~licensed~~ unit may be temporary to  
19 accommodate a resident's changing needs without requiring the  
20 resident to move.

21 An establishment with a floating assisted living  
22 certification ~~license~~ must keep a current written list of those  
23 units designated under the floating assisted living  
24 certificate ~~license~~. If a resident elects to receive services  
25 in a unit that is not certified ~~licensed~~ and the unit qualifies  
26 for assisted living certification ~~licensure~~, the establishment

1 must notify the resident that the unit must be certified as an  
2 assisting living unit ~~licensed~~ and the requirements of this Act  
3 must be met before services can be provided to residents in  
4 that unit. Upon the initiation of an initial assisted living  
5 certification ~~licensing~~ inspection, annual inspection, or  
6 complaint investigation, the establishment shall provide to  
7 the Department a list of the units designated under the  
8 floating assisted living certification ~~license~~ in which  
9 residents are receiving services subject to this Act.

10 (Source: P.A. 93-141, eff. 7-10-03.)

11 (210 ILCS 9/35)

12 Sec. 35. Issuance of certification ~~license~~.

13 (a) Upon receipt and review of an application for a  
14 certificate ~~license~~ and review of the applicant establishment,  
15 the Director may issue a certificate ~~license~~ if he or she  
16 finds:

17 (1) that the individual applicant, or the corporation,  
18 partnership, or other entity if the applicant is not an  
19 individual, is a person responsible and suitable to operate  
20 or to direct or participate in the operation of an  
21 establishment by virtue of financial capacity, appropriate  
22 business or professional experience, a record of lawful  
23 compliance with lawful orders of the Department and lack of  
24 revocation of a certificate or license issued under this  
25 Act, the Nursing Home Care Act, or the MR/DD Community Care

1 Act during the previous 5 years;

2 (2) that the establishment is under the supervision of  
3 a full-time director who is at least 21 years of age and  
4 has a high school diploma or equivalent plus either:

5 (A) 2 years of management experience or 2 years of  
6 experience in positions of progressive responsibility  
7 in health care, housing with services, or adult day  
8 care or providing similar services to the elderly; or

9 (B) 2 years of management experience or 2 years of  
10 experience in positions of progressive responsibility  
11 in hospitality and training in health care and housing  
12 with services management as defined by rule;

13 (3) that the establishment has staff sufficient in  
14 number with qualifications, adequate skills, education,  
15 and experience to meet the 24 hour scheduled and  
16 unscheduled needs of residents and who participate in  
17 ongoing training to serve the resident population;

18 (4) that all employees who are subject to the Health  
19 Care Worker Background Check Act meet the requirements of  
20 that Act;

21 (5) that the applicant is in substantial compliance  
22 with this Act and such other requirements for a certificate  
23 ~~license~~ as the Department by rule may establish under this  
24 Act;

25 (6) that the applicant pays all required fees;

26 (7) that the applicant has provided to the Department

1 an accurate disclosure document in accordance with the  
2 Alzheimer's Disease and Related Dementias Special Care  
3 Disclosure Act and in substantial compliance with Section  
4 150 of this Act.

5 In addition to any other requirements set forth in this  
6 Act, as a condition of certification ~~licensure~~ under this Act,  
7 the director of an establishment must participate in at least  
8 20 hours of training every 2 years to assist him or her in  
9 better meeting the needs of the residents of the establishment  
10 and managing the operation of the establishment.

11 Any certificate ~~license~~ issued by the Director shall state  
12 the physical location of the establishment, the date the  
13 certificate ~~license~~ was issued, and the expiration date. All  
14 certificates ~~licenses~~ shall be valid for one year, except as  
15 provided in Sections 40 and 45. Each certificate ~~license~~ shall  
16 be issued only for the premises and persons named in the  
17 application, and shall not be transferable or assignable.

18 (Source: P.A. 95-79, eff. 8-13-07; 95-590, eff. 9-10-07;  
19 95-628, eff. 9-25-07; 95-876, eff. 8-21-08; 96-339, eff.  
20 7-1-10; 96-990, eff. 7-2-10.)

21 (210 ILCS 9/40)

22 Sec. 40. Probationary certification ~~licenses~~. If the  
23 applicant has not been previously certified or licensed under  
24 this Act or if the establishment is not in operation at the  
25 time the application is made and if the Department determines

1 that the applicant meets the certification licensure  
2 requirements of this Act, the Department shall issue a  
3 probationary certificate license. A probationary certificate  
4 license shall be valid for 120 days unless sooner suspended or  
5 revoked. Within 30 days prior to the termination of a  
6 probationary certificate license, the Department shall fully  
7 and completely review the establishment and, if the  
8 establishment meets the applicable requirements for  
9 certification licensure, shall issue a certificate license. If  
10 the Department finds that the establishment does not meet the  
11 requirements for certification licensure, but has made  
12 substantial progress toward meeting those requirements, the  
13 certificate license may be renewed once for a period not to  
14 exceed 120 days from the expiration date of the initial  
15 probationary certificate license.

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

17 (210 ILCS 9/45)

18 Sec. 45. Renewal of certification licenses. At least 120  
19 days, but not more than 150 days prior to the license  
20 expiration of a certificate, the holder of a certificate  
21 licensee shall submit an application for renewal of the  
22 certificate license in such form and containing such  
23 information as the Department requires. If the application is  
24 approved, and if the holder of a certificate licensee (i) has  
25 not committed a Type 1 violation in the preceding 24 months,

1 (ii) has not committed a Type 2 violation in the preceding 24  
2 months, (iii) has not had an inspection, review, or evaluation  
3 that resulted in a finding of 10 or more Type 3 violations in  
4 the preceding 24 months, and (iv) has not admitted or retained  
5 a resident in violation of Section 75 of this Act in the  
6 preceding 24 months, the Department may renew the certificate  
7 ~~license~~ for an additional period of 2 years at the request of  
8 the holder of a certificate licensee. If a holder of a  
9 certificate licensee whose certificate license has been  
10 renewed for 2 years under this Section subsequently fails to  
11 meet any of the conditions set forth in items (i), (ii), and  
12 (iii), then, in addition to any other sanctions that the  
13 Department may impose under this Act, the Department shall  
14 revoke the 2-year certificate license and replace it with a  
15 one-year certificate license until the holder of a certificate  
16 ~~licensee~~ again meets all of the conditions set forth in items  
17 (i), (ii), and (iii). If appropriate, the renewal application  
18 shall not be approved unless the applicant has provided to the  
19 Department an accurate disclosure document in accordance with  
20 the Alzheimer's Disease and Related Dementias Special Care  
21 Disclosure Act. If the application for renewal is not timely  
22 filed, the Department shall so inform the holder of a  
23 certificate licensee.

24 (Source: P.A. 95-590, eff. 9-10-07; 95-876, eff. 8-21-08;  
25 96-990, eff. 7-2-10; 96-1275, eff. 7-26-10; revised 9-2-10.)

1 (210 ILCS 9/55)

2 Sec. 55. Grounds for denial of a certificate ~~license~~. An  
3 application for a certificate ~~license~~ may be denied for any of  
4 the following reasons:

5 (1) failure to meet any of the standards set forth in  
6 this Act or by rules adopted by the Department under this  
7 Act;

8 (2) conviction of the applicant, or if the applicant is  
9 a firm, partnership, or association, of any of its members,  
10 or if a corporation, the conviction of the corporation or  
11 any of its officers or stockholders, or of the person  
12 designated to manage or supervise the establishment, of a  
13 felony or of 2 or more misdemeanors involving moral  
14 turpitude during the previous 5 years as shown by a  
15 certified copy of the record of the court of conviction;

16 (3) personnel insufficient in number or unqualified by  
17 training or experience to properly care for the residents;

18 (4) insufficient financial or other resources to  
19 operate and conduct the establishment in accordance with  
20 standards adopted by the Department under this Act;

21 (5) revocation of a certificate or license during the  
22 previous 5 years, if such prior certificate or license was  
23 issued to the individual applicant, a controlling owner or  
24 controlling combination of owners of the applicant; or any  
25 affiliate of the individual applicant or controlling owner  
26 of the applicant and such individual applicant,



1 controlling owner of the applicant or affiliate of the  
2 applicant was a controlling owner of the prior certificate  
3 or license; provided, however, that the denial of an  
4 application for a certificate ~~license~~ pursuant to this  
5 Section must be supported by evidence that the prior  
6 revocation renders the applicant unqualified or incapable  
7 of meeting or maintaining an establishment in accordance  
8 with the standards and rules adopted by the Department  
9 under this Act; or

10 (6) the establishment is not under the direct  
11 supervision of a full-time director, as defined by rule.

12 The Department shall deny an application for a certificate  
13 ~~license~~ if 6 months after submitting its initial application  
14 the applicant has not provided the Department with all of the  
15 information required for review and approval or the applicant  
16 is not actively pursuing the processing of its application. In  
17 addition, the Department shall determine whether the applicant  
18 has violated any provision of the Nursing Home Care Act or the  
19 MR/DD Community Care Act.

20 (Source: P.A. 96-339, eff. 7-1-10.)

21 (210 ILCS 9/60)

22 Sec. 60. Notice of denial; request for hearing; hearing.

23 (a) Immediately upon the denial of any application or  
24 reapplication for a certificate ~~license~~ under this Act, the  
25 Department shall notify the applicant in writing. Notice of

1 denial shall include a clear and concise statement of the  
2 violations of this Act on which the denial is based and notice  
3 of the opportunity for a hearing. If the applicant or the  
4 holder of a certificate licensee wishes to contest the denial  
5 of a certificate license, it shall provide written notice to  
6 the Department of a request for a hearing within 10 days after  
7 receipt of the notice of denial. The Department shall commence  
8 a hearing under this Section.

9 (b) A request for a hearing by aggrieved persons shall be  
10 taken to the Department as follows:

11 (1) Upon the receipt of a request in writing for a  
12 hearing, the Director or a person designated in writing by  
13 the Director to act as a hearing officer shall conduct a  
14 hearing to review the decision.

15 (2) Before the hearing is held notice of the hearing  
16 shall be sent by the Department to the person making the  
17 request for the hearing and to the person making the  
18 decision which is being reviewed. In the notice the  
19 Department shall specify the date, time, and place of the  
20 hearing, which shall be held not less than 10 days after  
21 the notice is mailed or delivered. The notice shall  
22 designate the decision being reviewed. The notice may be  
23 served by delivering it personally to the parties or their  
24 representatives or by mailing it by certified mail to the  
25 parties' addresses.

26 (3) The Department shall commence the hearing within 30

1 days after the receipt of request for hearing. The hearing  
2 shall proceed as expeditiously as practicable, but in all  
3 cases shall conclude within 90 days after commencement.

4 (c) The Director or hearing officer shall permit any party  
5 to appear in person and to be represented by counsel at the  
6 hearing, at which time the applicant or the holder of a  
7 certificate ~~licensee~~ shall be afforded an opportunity to  
8 present all relevant matter in support of his or her position.  
9 In the event of the inability of any party or the Department to  
10 procure the attendance of witnesses to give testimony or  
11 produce books and papers, any party or the Department may take  
12 the deposition of witnesses in accordance with the provisions  
13 of the laws of this State. All testimony shall be reduced to  
14 writing, and all testimony and other evidence introduced at the  
15 hearing shall be a part of the record of the hearing.

16 (d) The Director or hearing officer shall make findings of  
17 fact in the hearing, and the Director shall render his or her  
18 decision within 30 days after the termination of the hearing,  
19 unless additional time not to exceed 90 days is required by him  
20 or her for a proper disposition of the matter. When the hearing  
21 has been conducted by a hearing officer, the Director shall  
22 review the record and findings of fact before rendering a  
23 decision. All decisions rendered by the Director shall be  
24 binding upon and complied with by the Department, the  
25 establishment, or the persons involved in the hearing, as  
26 appropriate to each case.

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

2 (210 ILCS 9/65)

3 Sec. 65. Revocation, suspension, or refusal to renew  
4 certificate ~~license~~.

5 (a) The Department, after notice to the applicant or the  
6 holder of a certificate ~~licensee~~, may suspend, revoke, or  
7 refuse to renew a certificate ~~license~~ in any case in which the  
8 Department finds any of the following:

9 (1) that there has been a substantial failure to comply  
10 with this Act or the rules promulgated by the Department  
11 under this Act;

12 (2) that there has been a conviction of the the holder  
13 of a certificate ~~licensee~~, or of the person designated to  
14 manage or supervise the establishment, of a felony or of 2  
15 or more misdemeanors involving moral turpitude during the  
16 previous 5 years as shown by a certified copy of the record  
17 of the court of conviction;

18 (3) that the personnel is insufficient in number or  
19 unqualified by training or experience to properly care for  
20 the number and type of residents served by the  
21 establishment;

22 (4) that the financial or other resources are  
23 insufficient to conduct and operate the establishment in  
24 accordance with standards promulgated by the Department  
25 under this Act; or

1           (5) that the establishment is not under the direct  
2 supervision of a full-time director, as defined by rule.

3           (b) Notice under this Section shall include a clear and  
4 concise statement of the violations on which the nonrenewal or  
5 revocation is based, the statute or rule violated, and notice  
6 of the opportunity for a hearing under Section 60.

7           (c) If an establishment desires to contest the nonrenewal  
8 or revocation of a certificate ~~license~~, the establishment  
9 shall, within 10 days after receipt of notice under subsection  
10 (b) of this Section, notify the Department in writing of its  
11 request for a hearing under Section 60. Upon receipt of the  
12 request the Department shall send notice to the establishment  
13 and hold a hearing as provided under Section 60.

14           (d) The effective date of nonrenewal or revocation of a  
15 certificate ~~license~~ by the Department shall be any of the  
16 following:

17           (1) until otherwise ordered by the circuit court,  
18 revocation is effective on the date set by the Department  
19 in the notice of revocation, or upon final action after  
20 hearing under Section 60, whichever is later;

21           (2) until otherwise ordered by the circuit court,  
22 nonrenewal is effective on the date of expiration of any  
23 existing certificate or license, or upon final action after  
24 hearing under Section 60, whichever is later; however, a  
25 certificate or license shall not be deemed to have expired  
26 if the Department fails to timely respond to a timely

1 request for renewal under this Act or for a hearing to  
2 contest nonrenewal; or

3 (3) the Department may extend the effective date of  
4 certificate ~~license~~ revocation or expiration in any case in  
5 order to permit orderly removal and relocation of  
6 residents.

7 (e) The Department may refuse to issue or may suspend the  
8 certificate ~~license~~ of any person who fails to file a return,  
9 or to pay the tax, penalty or interest shown in a filed return,  
10 or to pay any final assessment of tax, penalty or interest, as  
11 required by any tax Act administered by the Illinois Department  
12 of Revenue, until such time as the requirements of any such tax  
13 Act are satisfied.

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

15 (210 ILCS 9/75)

16 Sec. 75. Residency Requirements.

17 (a) No individual shall be accepted for residency or remain  
18 in residence if the establishment cannot provide or secure  
19 appropriate services, if the individual requires a level of  
20 service or type of service for which the establishment is not  
21 certificated ~~licensed~~ or which the establishment does not  
22 provide, or if the establishment does not have the staff  
23 appropriate in numbers and with appropriate skill to provide  
24 such services.

25 (b) Only adults may be accepted for residency.

1 (c) A person shall not be accepted for residency if:

2 (1) the person poses a serious threat to himself or  
3 herself or to others;

4 (2) the person is not able to communicate his or her  
5 needs and no resident representative residing in the  
6 establishment, and with a prior relationship to the person,  
7 has been appointed to direct the provision of services;

8 (3) the person requires total assistance with 2 or more  
9 activities of daily living;

10 (4) the person requires the assistance of more than one  
11 paid caregiver at any given time with an activity of daily  
12 living;

13 (5) the person requires more than minimal assistance in  
14 moving to a safe area in an emergency;

15 (6) the person has a severe mental illness, which for  
16 the purposes of this Section means a condition that is  
17 characterized by the presence of a major mental disorder as  
18 classified in the Diagnostic and Statistical Manual of  
19 Mental Disorders, Fourth Edition (DSM-IV) (American  
20 Psychiatric Association, 1994), where the individual is  
21 substantially disabled due to mental illness in the areas  
22 of self-maintenance, social functioning, activities of  
23 community living and work skills, and the disability  
24 specified is expected to be present for a period of not  
25 less than one year, but does not mean Alzheimer's disease  
26 and other forms of dementia based on organic or physical

1 disorders;

2 (7) the person requires intravenous therapy or  
3 intravenous feedings unless self-administered or  
4 administered by a qualified, licensed health care  
5 professional;

6 (8) the person requires gastrostomy feedings unless  
7 self-administered or administered by a licensed health  
8 care professional;

9 (9) the person requires insertion, sterile irrigation,  
10 and replacement of catheter, except for routine  
11 maintenance of urinary catheters, unless the catheter care  
12 is self-administered or administered by a licensed health  
13 care professional;

14 (10) the person requires sterile wound care unless care  
15 is self-administered or administered by a licensed health  
16 care professional;

17 (11) the person requires sliding scale insulin  
18 administration unless self-performed or administered by a  
19 licensed health care professional;

20 (12) the person is a diabetic requiring routine insulin  
21 injections unless the injections are self-administered or  
22 administered by a licensed health care professional;

23 (13) the person requires treatment of stage 3 or stage  
24 4 decubitus ulcers or exfoliative dermatitis;

25 (14) the person requires 5 or more skilled nursing  
26 visits per week for conditions other than those listed in



1 items (13) and (15) of this subsection for a period of 3  
2 consecutive weeks or more except when the course of  
3 treatment is expected to extend beyond a 3 week period for  
4 rehabilitative purposes and is certified as temporary by a  
5 physician; or

6 (15) other reasons prescribed by the Department by  
7 rule.

8 (d) A resident with a condition listed in items (1) through  
9 (15) of subsection (c) shall have his or her residency  
10 terminated.

11 (e) Residency shall be terminated when services available  
12 to the resident in the establishment are no longer adequate to  
13 meet the needs of the resident. This provision shall not be  
14 interpreted as limiting the authority of the Department to  
15 require the residency termination of individuals.

16 (f) Subsection (d) of this Section shall not apply to  
17 terminally ill residents who receive or would qualify for  
18 hospice care and such care is coordinated by a hospice program  
19 licensed under the Hospice Program Licensing Act or other  
20 licensed health care professional employed by a licensed home  
21 health agency and the establishment and all parties agree to  
22 the continued residency.

23 (g) Items (3), (4), (5), and (9) of subsection (c) shall  
24 not apply to a quadriplegic, paraplegic, or individual with  
25 neuro-muscular diseases, such as muscular dystrophy and  
26 multiple sclerosis, or other chronic diseases and conditions as

1 defined by rule if the individual is able to communicate his or  
2 her needs and does not require assistance with complex medical  
3 problems, and the establishment is able to accommodate the  
4 individual's needs. The Department shall prescribe rules  
5 pursuant to this Section that address special safety and  
6 service needs of these individuals.

7 (h) For the purposes of items (7) through (10) of  
8 subsection (c), a licensed health care professional may not be  
9 employed by the owner or operator of the establishment, its  
10 parent entity, or any other entity with ownership common to  
11 either the owner or operator of the establishment or parent  
12 entity, including but not limited to an affiliate of the owner  
13 or operator of the establishment. Nothing in this Section is  
14 meant to limit a resident's right to choose his or her health  
15 care provider.

16 (i) Subsection (h) is not applicable to residents admitted  
17 to an assisted living establishment under a life care contract  
18 as defined in the Life Care Facilities Act if the life care  
19 facility has both an assisted living establishment and a  
20 skilled nursing facility. A licensed health care professional  
21 providing health-related or supportive services at a life care  
22 assisted living or shared housing establishment must be  
23 employed by an entity licensed by the Department under the  
24 Nursing Home Care Act or the Home Health, Home Services, and  
25 Home Nursing Agency Licensing Act.

26 (Source: P.A. 94-256, eff. 7-19-05; 94-570, eff. 8-12-05;

1 95-216, eff. 8-16-07; 95-331, eff. 8-21-07.)

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