

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 75 as follows:

6 (210 ILCS 9/75)

7 Sec. 75. Residency Requirements.

8 (a) No individual shall be accepted for residency or  
9 remain in residence if the establishment cannot provide or  
10 secure appropriate services, if the individual requires a  
11 level of service or type of service for which the  
12 establishment is not licensed or which the establishment does  
13 not provide, or if the establishment does not have the staff  
14 appropriate in numbers and with appropriate skill to provide  
15 such services.

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

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

18 (1) the person poses a serious threat to himself or  
19 herself or to others;

20 (2) the person is not able to communicate his or her  
21 needs and no resident representative residing in the  
22 establishment, and with a prior relationship to the  
23 person, has been appointed to direct the provision of

1 services;

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

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

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

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

22 (7) the person requires intravenous therapy or  
23 intravenous feedings unless self-administered or  
24 administered by a qualified, licensed health care  
25 professional;

26 (8) the person requires gastrostomy feedings unless

1 self-administered or administered by a licensed health  
2 care professional;

3 (9) the person requires insertion, sterile irrigation,  
4 and replacement of catheter, except for routine  
5 maintenance of urinary catheters, unless the catheter care  
6 is self-administered or administered by a licensed health  
7 care professional;

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

11 (11) (blank); ~~the person requires sliding scale~~  
12 ~~insulin administration unless self performed or~~  
13 ~~administered by a licensed health care professional;~~

14 (12) the person is a diabetic requiring routine  
15 insulin injections unless the injections are  
16 self-administered or administered by a licensed health  
17 care professional;

18 (13) the person requires treatment of stage 3 or stage  
19 4 decubitus ulcers or exfoliative dermatitis;

20 (14) the person requires 5 or more skilled nursing  
21 visits per week for conditions other than those listed in  
22 items (13) and (15) of this subsection for a period of 3  
23 consecutive weeks or more except when the course of  
24 treatment is expected to extend beyond a 3 week period for  
25 rehabilitative purposes and is certified as temporary by a  
26 physician; or

1           (15) other reasons prescribed by the Department by  
2           rule.

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

6           (e) Residency shall be terminated when services available  
7           to the resident in the establishment are no longer adequate to  
8           meet the needs of the resident. This provision shall not be  
9           interpreted as limiting the authority of the Department to  
10          require the residency termination of individuals.

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

18          (g) Items (3), (4), (5), and (9) of subsection (c) shall  
19          not apply to a quadriplegic, paraplegic, or individual with  
20          neuro-muscular diseases, such as muscular dystrophy and  
21          multiple sclerosis, or other chronic diseases and conditions  
22          as defined by rule if the individual is able to communicate his  
23          or her needs and does not require assistance with complex  
24          medical problems, and the establishment is able to accommodate  
25          the individual's needs. The Department shall prescribe rules  
26          pursuant to this Section that address special safety and

1 service needs of these individuals.

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

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

21 (Source: P.A. 99-143, eff. 7-27-15.)